(Mrs. LINCOLN) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1346

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1346, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 1408

At the request of Mr. ROCKETT, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1742

At the request of Ms. CANTWELL, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1742, a bill to prevent the crime of identity theft, mitigate the harm to individuals victimized by identity theft, and for other purposes.

S. 2038

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 2039

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2038, a bill to provide for homeland security block grants.

S. 2039

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. 2051

At the request of Mr. REID, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans’ disability compensation from taking effect, and for other purposes.

S. 2055

At the request of Ms. CANTWELL, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2055, a bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of evidence from crime scenes, and for other purposes.

S. 2084

At the request of Mr. BOND, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing end Syria’s myopic role for its role in the Middle East, and for other purposes.

S. 2216

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2216, a bill to suspend temporarily the duty on fixed-ratio gear changers for truck-mounted concrete mixers.

S. 2231

At the request of Mr. ROCKETT, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicare program.

S. 2232

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2242, a bill to amend title 23, United States Code, to prohibit the collection of tolls from vehicles or military equipment under the actual physical control of a uniformed member of the Armed Forces, and for other purposes.

S. 2244

At the request of Mr. DOEGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2224, a bill to permit commercial importation of prescription drugs from Canada, and for other purposes.

S. RES. 249

At the request of Mr. HATCH, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Missouri (Mrs. CARNahan), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. RES. 249, a resolution designating April 30, 2002, as “Dia de los Ninos: Celebrating Young Americans,” and for other purposes.

AMENDMENT NO. 3230

At the request of Mr. DYDEN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 3230 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.

AMENDMENT NO. 3239

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 3239 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.

AMENDMENT NO. 3256

At the request of Mr. VOINovich, his name was added as a cosponsor of amendment No. 3256 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.

AMENDMENT NO. 3311

At the request of Mr. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 3311 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.

AMENDMENT NO. 3355

At the request of Mr. TORRICELLI, his name was added as a cosponsor of amendment No. 3355 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.

AMENDMENT NO. 3360

At the request of Mr. TORRICELLI, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 3360 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.

STATMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE:

S. 2250. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55; to the Committee on Armed Services.

Mr. CORZINE. Mr. President, I rise today to introduce a bill that would reduce the retirement age for members of the National Guard and Reserve from 60 to 55. This change would allow 93,000 reservists currently aged 50 to 55 to retire with full benefits and would restore parity between the retirement systems for Federal civilian employees and reservists.

In the interests of fairness, the United States must act quickly to reduce the retirement age for civilian Federal employees and their reserve counterparts. When the reserve retirement system was created
in 1947, the retirement age for reservists was identical to the age for civilian employees. At age 60, reservists and Government employees could hang up their uniforms and retire with full benefits. However, since 1947, the retirement age for civilian retirees has been lowered, while the reserve retirement age has not changed.

The disparate treatment of Federal employees and reservists would have been serious enough had the nature of the work performed by the reserves not changed dramatically over the past five decades. But America has never placed greater demands on its ready reserve than it does now. Today, some 80,000 reservists are serving their country in the war on terrorism, both at home and abroad. America’s dependency on our ready reserve has never been more obvious, as reservists are now providing security at our nation’s airports and air patrols over our major cities.

With call-ups that last several months and take reservists far from home, serving the Nation as a reservist has taken on more of the trappings of active duty service than ever before. Before the war on terrorism began, reservists were averaging about 1.3 million man-days per year, more than a 10-fold increase over the 1 million man-days each year, more than a dramatic increase in the number of man-days for 2001 and 2002. In my view, with additional responsibilities, reservists should be rewarded with additional benefits.

The Department of Defense typically has not supported initiatives like this. The Department has expressed concern over the proposal’s cost, which is estimated to be approximately $20 billion over the first 10 years, although CBO figures are not yet available. However, I am concerned that the Department’s position may be shortsighted.

At a time when there is a patriotic fervor and a renewed enthusiasm for national service, it is easy to forget that not long ago, the U.S. military was struggling to meet its recruitment and retention goals. In the aftermath of September 11, defense-wide recruitment and retention rates have improved, but there is no guarantee that this trend will continue. Unless the overall package of incentives is enhanced, there is little reason to believe that we will be able to attract and retain highly-trained personnel.

Active duty military personnel have often looked to the reserves as a way of continuing to serve their country while being closer to family. With thousands of dollars invested in training active duty officers and enlisted soldiers, the United States benefits tremendously when reservists are able to continue with the reserves. But with reserve deployments increasing in frequency and duration, pulling reservists away from their families and civilian life for longer periods, the benefit of joining the reserves instead of active duty has been severely reduced. The more we depend on the reserves, the greater chance we have of losing highly trained former active duty servicemen and women. The added incentive of full retirement at 55 might provide an important inducement for some of them to stay on despite the surge in deployments.

Enacting this legislation will send the clear message that the United States values the increased sacrifice of our reservists during these trying times. The legislation has been endorsed by key members of the Military Coalition, including the Veterans of Foreign Wars, the Air Force Sergeants Association, the Air Force Association, the Retired Enlisted Association, the Fleet Reserve Association, the Naval Reserve Association, and the National Guard Association. The bill would restructure the reserve retirement system and the civilian retirement system, acknowledge the increased workload of reserve service, and provide essential personnel with an inducement to join and stay in the reserves until retirement.

By Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, and Mr. ENSIGN):

S. 2271. A bill to provide for research on, and coverage for, individuals with post-abortion depression and psychosis; to the Committee on Health, Education, Labor and Pensions.

• Mr. SMITH of New Hampshire. Mr. President, I rise today, along with Senators INHOFE and ENSIGN, to introduce the Post-Abortion Support and Services Act.

On November 1, 2001, the Senate unanimously passed an amendment I introduced to the Labor-HHS Appropriations bill recognizing the existence of post-abortion syndrome. The amendment encouraged the National Institute of Mental Health (NIMH) to “expand and intensify research and related activities” regarding this issue, and it is the first time that the United States Senate is on record acknowledging that post-abortion syndrome is a serious problem for American women.

This bill is an extension of what has already passed the Senate, and provides the National Institutes of Health with Federal resources to research the emotional impact of abortion on women. The bill also creates a $1.5 million grant program to fund the development of treatment programs for women who suffer from post-abortion syndrome.

What is post-abortion syndrome? Many people have never heard of it. Many others deny its existence.

Post-abortion syndrome is characterized by one or more of the following symptoms: severe depression, guilt, eating disorders, anxiety and panic attacks, addictions, anniversary grief, nightmares, lower self-esteem, intense anger, suicidal urges, sexual problems or promiscuity, difficulty with relationships, and unexplained sadness.

A new study from the prestigious British Medical Journal reports that women who abort a first pregnancy are at greater risk of subsequent long-term depression compared to women who carry an unintended first pregnancy to term.

Among the key findings: the association between abortion and subsequent depression persists over at least 8 years. Many other studies show similar findings, and more.

Post-abortion syndrome is a treatable disorder if promptly diagnosed by a trained provider and attended to with a personalized regimen of care including social support, counseling, therapy, medication, and if necessary, hospitalization.

A number of women who have undergone abortions also experience debilitating physical health problems such as cervical tearing, infertility, excess bleeding, and death. Thus, the bill also seeks to study the physical repercussions of abortion as well.

After 29 years of legalized abortion, it is time that we recognize the suffering that so many women have undergone by carefully examining the women’s emotional and physical health following her abortion decision. We have a responsibility to understand what they are going through and how we can appropriately diagnose and treat them.

It is my sincere hope that we can pass this bill and give our support to potentially millions of women across the country who suffer alone with their private and profound guilt and depression. Many women who choose abortion have previously aborted. If we are ever going to end abortion in America, we must reach out with love and compassion to women who deeply regret their decision to abort their children, not only to encourage them through their present struggles, but also to help them so they will not choose abortion for themselves again in the future.

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. 2271

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 “Post-Abortion Support and Services Act”.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) About 3,000,000 women per year in the United States have an unplanned or unwanted pregnancy, approximately 1,186,000 of these pregnancies end in elective abortion.

(2) Abortion can have severe and long-term effects on the mental and emotional well-being of women. Women often experience sadness and guilt following abortions with...
no one to console them. They may have difficulty in bonding with new babies, become overprotective parents, or develop problems in their relationships with their spouses. Problems relating to eating disorders, depression, and suicide attempts have also been traced to past abortions.

(3) Negative emotional reactions associated with abortion include depression, anxiety, fear, guilt, anger, shame, regret, feeling of crying, guilt, intense grief or sadness, emotional numbness, eating disorders, drug and alcohol abuse, suicidal urges, anxiety, and post-traumatic stress disorder. Problems like promiscuity, lowered self-esteem, nightmares and sleep disturbances, flashbacks, and difficulty with relationships.

(4) It is estimated that first pregnancies are four times more likely to report postabortion abuse compared to those who suffered a natural loss of their first pregnancy, and are five times more likely to report subsequent substance abuse than women who carried to term.

(5) Research shows that the more women attempt to cope with abortion using means of avoidance, mental disengagement, or denial, the more likely are the women to report post-abortion distress, intrusive thoughts, and distress.

(6) Women who experience a lack of social support and strong feelings of ambivalence are statistically more likely to suffer severe negative reactions to any abortion.

(7) Depression and other maladjustments to abortion can be prolonged by the failure of the medical community, loved ones, and society to recognize the complexity of post-abortion reactions.

(8) Many women submit to an abortion in violation of their own moral beliefs or maternal desires in order to satisfy the demands of others.

(9) Women who submit to an abortion because of social pressure are more likely to suffer from psychological distress in subsequent years.

(10) Post-abortion depression is a treatable disorder if promptly diagnosed by a trained provider and attended to with a personalized regimen of care including social support, therapy, medication, and when necessary, hospitalization.

(11) While there have been many studies regarding the emotional aftermath of abortion, very little research has been sponsored by the National Institutes of Health.

TITLE I—RESEARCH ON POST-ABORTION DEPRESSION AND PSYCHOSIS

SEC. 101. EXPANSION AND INTENSIFICATION OF ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH.

(a) In General.—The Director of the National Institutes of Health shall conduct or support research on post-abortion conditions.

(b) Programs for Post-abortion Conditions.—In carrying out subsection (a), the Director of the Institute shall conduct or support the following:

(1) Basic research concerning the etiology of the conditions.

(2) Epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions.

(3) The development of improved diagnostic techniques.

(4) Clinical research for the development and evaluation of new treatments, including new pharmaceutical agents.

(5) Information and education programs for health care professionals and the public.

(c) Longitudinal Study.—

(1) In General.—The Director of the Institute shall conduct additional longitudinal study to determine the incidence and prevalence of cases of post-abortion conditions, and the symptoms, severity, and duration of such cases. The study will be fully identifying the characteristics of such cases and developing diagnostic techniques.

(2) Report.—Beginning not later than 3 years after the date of enactment of this Act, and periodically thereafter for the duration of the study under paragraph (1), the Director of the Institute shall prepare and submit to the Congress reports on the findings of the study.

(d) Authorization of Appropriations.—For the purpose of this section, there is authorized to be appropriated $3,000,000 for each of the fiscal years 2002 through 2006.

TITLE II—DELIVERY OF SERVICES REGARDING POST-ABORTION DEPRESSION AND PSYCHOSIS

SEC. 201. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) In General.—The Secretary of Health and Human Services (in this title referred to as the “Secretary”) shall, in accordance with this title, make grants to provide for the diagnosis, treatment, prevention, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with post-abortion depression or psychosis referred to in this section as a “post-abortion condition” and their families.

(b) Recipients of Grants.—A grant under subsection (a) may be made to an entity only if the entity—

(1) is a public or nonprofit private entity that may include a State or local government entity, a community-based organization, a hospice, an ambulatory care facility, a community health center, a migrant health center, a homeless health center, or another appropriate public or nonprofit private entity; and

(2) has experience in providing the services described in subsection (a) before the date of enactment of this Act.

(c) Certain Activities.—To the extent practicable and appropriate, the Secretary shall ensure that projects under subsection (a) provide the following services for the diagnosis and management of post-abortion conditions.

(1) Identifying and referring to competent outpatient and home-based health and support services, including case management, screening and comprehensive treatment services for individuals with or at risk for post-abortion conditions, and delivering or enhancing support services for their families.

(2) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, day or respite care, and programs under any grant program included under any State compensation program) for individuals with post-abortion conditions and support services for their families.

(d) Integration With Other Programs.—To the extent practicable and appropriate, the Secretary shall integrate the program under this title with other grant programs conducted by the Secretary, including the program under section 339 of the Public Health Service Act.

(e) Limitation on Amount of Grants.—A grant under subsection (a) for any fiscal year may not be made in an amount exceeding $100,000.

SEC. 202. CERTAIN REQUIREMENTS.

A grant may be made under section 201 only if the applicant makes the following agreements:

(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

(2) The grant will be used to supplement and not supplant funds from other sources toward the treatment of post-abortion conditions.

(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

(4) The grant will not be expended to make payments for services authorized under section 202 to the extent that such payment has been made, or can reasonably be expected to be made, with respect to such services—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(5) The applicant will, at each site at which the applicant provides services under section 201, develop a comprehensive program of services for the Federal employees and all other eligible employees, that includes an employee assistance program.

SEC. 203. TECHNICAL ASSISTANCE.

The Secretary may provide technical assistance to assist entities in complying with the requirements of this title in order to make such entities eligible to receive grants under section 201.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there is authorized to be appropriated $300,000 for each of fiscal years 2002 through 2006. 

By Mr. CORZINE:

S. 2313. A bill to suspend temporarily the duty on europium oxide; to the Committee on Finance.

By Mr. CORZINE:

S. 2314. A bill to suspend temporarily the duty on yttrium oxide; to the Committee on Finance.

By Mr. CORZINE:

S. 2315. A bill to suspend temporarily the duty on 3-sulfonbenzoic acid; to the Committee on Finance.
Mr. CORZINE. Mr. President, I rise today to introduce three bills to temporarily suspend duties on the importation of certain chemicals used by manufacturers in my State. According to informational provided to my office, manufacturers of these chemicals are provided in the United States. Therefore, the suspension of the duties will not hurt any domestic chemical companies. In addition, suspension of these duties will not cost the US government more than $500,000 in revenue annually.

It is my understanding that the Commerce Department and the International Trade Commission will verify that each of the chemicals for which I am requesting duty suspension meets these standards.

Mr. President, it makes little sense to impose duties on chemicals that are needed by American producers and that are not available from domestic sources. Such duties only hurt American businesses and consumers. In the case of some chemicals, companies in my State of New Jersey rely on these chemicals, and employ many New Jerseyans. The suspension of duties should strengthen these New Jersey businesses and the State's economy, and promote growth.

I hope my colleagues will support the legislation.

By Ms. LANDRIEU:

S. 2316. A bill to make technical and conforming changes to provide for the enactment of the Independence of the Chief Financial Officer Establishment Act of 2001, to establish a reporting event notification system to assist Congress and the District of Columbia in maintaining the financial stability of the District government, and to avoid the initiation of a control period, to provide the District of Columbia with autonomy over its budgets, and for other purposes; to the Committee on Governmental Affairs.

Ms. LANDRIEU. Mr. President, today, I am introducing legislation to help the District of Columbia's fiscal resurgence. The District of Columbia Fiscal Integrity Act will give the District's Chief Financial Officer, CFO, authority to manage personnel, procurement practices, and to maintain independent control over the budget of the Office of the Chief Financial Officer. This bill was introduced in the House by Congresswoman ELEANOR HOLMES NORTON and Congresswoman CONNIE MORELLA. I appreciate their leadership on this issue and I am pleased to join with them in introducing this legislation here in the Senate.

As my colleagues know, from 1995 to 2000, a Control Board oversaw management of the District of Columbia in an attempt to reform the city's finances and administration. One of the key features of that reform was the establishment of a strong Chief Financial Officer for the District with wide-ranging authority over the fiscal management of the city. That model worked. The city balanced its budget, restored its investment bond rating, and improved many city services. As a result, the District met the requirements set forth by the Control Board Act and today the elected representatives of the District of Columbia are conducting a great job. They do not want the Control Board to come back on their watch and neither do I.

It is critical that the Senate work its will by enacting into law this legislation as quickly as possible. When the Control Board went out of business, some of the Chief Financial Officer's authorities lapsed, but his responsibility for the District's financial management was not put on hold. The Congress provided temporary authority for the CFO in the FY 2002 District of Columbia Appropriations Act to continue the smooth operation of the City, but this temporary authority will expire at the end of June this year. Congress must fulfill its responsibility to the District of Columbia by ensuring that local leaders have the authority and resources to maintain and promote the city's growth.

The control tool will ensure accountability in how the District manages its finances. Mr. President, the most recent year for which we have statistics regarding cigarette-related fires is 2004. The local budget would become effective once it has been approved by the City Council and signed by the Mayor. The Congress will have to hold hearings, but this bill will ensure that Congress' schedule will not hamstring the smooth operation of the District.

Mr. President, the Mayor and the City Council have worked very hard to restore fiscal integrity to the District Government, as well as the people's faith in that government. The District is enjoying a renaissance. Once a fiscal and management nightmare, the city is proof positive of its comeback. When once the city was ruled by the Control Board, today the accountable authority is vested in officials elected by the District's citizens. A rampant crime rate chased citizens from District neighborhoods into the suburbs, new people are coming back. Property values are rising, new businesses are opening, and the city is working to beautify the Anacostia waterfront.

In addition to restoring some of the authorities the CFO previously exercised during the Control Board era, this bill establishes an early warning system, implemented by the CFO, to examine the city's financial management and the surrounding economic environment and determine whether the city's fiscal integrity is at risk. The supervision program will demonstrate the city's confidence in the District's elected leaders and its citizens by giving them greater control over their local budget. I urge my colleagues to support this legislation. The Congress has a Constitutional responsibility to the District of Columbia, now is the time to support the city and ensure that locally-elected leaders have the necessary tools for success.

By Mr. DURBIN (for himself, Mr. BROWNBACK, Mr. KENNEDY, and Mr. KERRY):

S. 2317. A bill to provide for fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, I am honored to rise today to introduce the Joseph Moakley Memorial Fire Safe Cigarette Act of 2002. Joe Moakley started his effort to require less fire-prone cigarettes in 1979 and championed this issue until his death this past May. It is time to finish what he started.

Mr. President, the leading cause of civilian deaths in the United States is fire. According to the National Fire Protection Association, one out of every four personal property from not having a fire-resistant cigarette. The Consumer Product Safety Commission estimates that the cost of the loss of human life and personal property from not having a fire-safe cigarette standard is approximately $4.5 billion per year.

In my State of Illinois, the number of fires reported is due to a fire caused by a cigarette. According to the National Fire Protection Association, one out of every four fire deaths in the United States are attributed to tobacco products. In the final report of its investigation, the Consumer Product Safety Commission estimates that the cost of the loss of human life and personal property from not having a fire-safe cigarette standard is approximately $4.5 billion per year.
data, there were more than 1,700 cigarette-related fires, of which more than 900 were in people's homes. These fires led to 109 injuries and 8 deaths. Property losses resulting from those fires were estimated at $10.4 million.

To address this problem, billions of dollars were spent on marketing and learning how to make cigarettes appealing to kids. It is not unreasonable to ask those same companies to invest in safer cigarette paper to make their products less likely to burn down your home.

A Technical Study Group, TSG, was created by the Federal Cigarette Safety Act in 1984 to investigate the technological and commercial feasibility of creating a self-extinguishing cigarette. This group was made up of representatives of government agencies, the cigarette industry, the furniture industry, public health organizations and fire safety organizations. The TSG produced two reports that concluded that it is technically feasible to reduce the ignitability of cigarettes.

The technology is in place now to begin developing a performance standard for less fire prone cigarettes. The manufacture of less fire-prone cigarettes may require some advances in cigarette design and manufacturing technology, but the cigarette companies have demonstrated their capability to make cigarettes of reduced ignition propensity with no increase in tar, nicotine or carbon monoxide in the smoke. Six current commercial cigarettes have been tested which already have reduced ignition propensity. Furthermore, the overall impact on other aspects of the United States Society and economy will be minimal. Thus, it may be possible to solve this problem at costs that are much less than the potential benefits, which are saving lives and avoiding injuries and property damage.

The Joseph Moakley Memorial Fire Safe Cigarette Act required the Consumer Product Safety Commission to promulgate a fire safety standard, specified in the legislation, for cigarettes. Eighteen months after the legislation is enacted, the Consumer Product Safety Commission, CPSC, would issue a rule creating a safety standard for cigarettes. Thirty months after the legislation is enacted, the standards would become effective for the manufacture and importation of cigarettes. The CPSC would also have the authority to regulate the ignition propensity of cigarette paper for roll-your-own tobacco products.

The standard may be modified if new testing methodology enhances the fire-safety standard. It may also be modified for cigarettes with unique characteristics that cannot be tested using the specified methodology if the Commission determines that the proposed testing methodology and acceptance criterion predict an ignition strength for such cigarettes.

The Act gives the Consumer Product Safety Commission authority over cigarettes only for purposes of implementing and enforcing compliance with this Act and with the standard promulgated under the Act. It also allows states to pass more stringent fire-safety standards for cigarettes.

The Joseph Moakley Memorial Fire Safe Cigarette Act is supported by such public health groups including the American Cancer Society, the Campaign for Tobacco Free Kids and the American Academy of Pediatrics. It has been endorsed by the Congressional Fire Services Institute and its 42 member organizations. Tobacco giant Philip Morris is also supporting the bill.

While the number of people killed each year by fires is dropping because of safety improvements and other factors, too many Americans are dying because of a cause that could be less likely to catch fire if simple changes were made. Cigarettes may be less likely to cause fire if they were thinner, more porous or the tobacco was less dense. These common-sense changes could help prevent an all-too-common cause of fires.

When Joe Moakley set out more than two decades ago to ensure that the tragic cigarette-caused fire that killed five children and their parents in Westwood, Massachusetts was not repeated, he made a difference. He introduced three bills and passed two of them. One commissioned a study that concluded it was technically feasible to produce a cigarette with a reduced propensity to start fires. The second required that the National Institute of Standards and Technology develop a test method for cigarette fire safety, and the last and final bill, the Fire-Safe Cigarette Act of 1999, mandates that the Consumer Product Safety Commission use this knowledge to regulate cigarettes with regard to fire-safety.

Today we are here to reintroduce Moakley’s bill and to accomplish what he set out to do. I hope that the Commerce Committee will consider this legislation expeditiously and that my colleagues will join me in supporting this effort. Joe waited long enough. He didn’t have more time. Let’s get this done for him.

By Mr. HARKIN (for himself, Mr. KENNEDY, Ms. MIKULSKI, and Mr. DODD):

S. 2328. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become pregnant, expand public health prevention, education and outreach, and to develop improved and more accurate data collection, related to maternal morbidity and mortality; to the Committee on Health, Education, Labor, and Pensions.

● Mr. HARKIN. Mr. President, over the last decade there has been a significant recognition of the importance and increasing funding of women’s health research, including the establishment of Offices of Women’s Health throughout various government agencies. Women’s health issues and women, as participants, are now routinely included in research studies. Despite this progress, many gaps still exist. In particular, there is a troubling lack of research on pregnancy-related health issues. Too often we take pregnancy for granted; we do not view pregnancy as a woman’s health issue with short and long term health consequences.

Safe motherhood is a woman’s ability to have a safe and healthy pregnancy and delivery. Of the 4 million women who give birth in the U.S. each year, one in three—or one out of every 3—have a pregnancy-related complication before, during, or after delivery. These complications may cause long-term health problems or even death. Unfortunately, the causes and treatments of pregnancy-related complications are largely unknown and understudied.

If fact, the United States ranks only 20th in maternal mortality rates out of 49 developed countries—that is barely better than the 50th percentile, behind Cyprus, Singapore and Malta. Every day, two to there women die from pregnancy-related complications. And despite the fact that maternal mortality was targeted in 1987 as part of Healthy People 2000, the maternal mortality rate in this country has not decreased in twenty years.

The scariest part of this problem is that we can’t answer the most basic questions—what causes the complications, what can we do to prevent them, and how can we treat them? One example of this problem is preeclampsia, or high blood pressure. Yes, we know some indicators that place some women at greater risk than others for this complication. And yes, we know some steps that can be taken to reduce a women’s risk. But we know shamefully little, with the exception of inducing labor, of how to really prevent or treat this problem. Yet 5 percent of all pregnancies are affected by this complication, which can cause blindness or even death and there has been a 40% increase in the incidence of preeclampsia over the last 10 years.

Likewise, we know almost nothing about which prescription drugs are safe for the fetus and effective for the mother. Most prescription drugs women take during pregnancy are necessary to maintain health. But only 1% of FDA approved drugs have been shown in controlled studies to show no risk to pregnant women and their babies. And 90% of FDA approved drugs lack adequate scientific evidence about use in pregnancy. That means that pregnant women are essentially forced
to take these medications with little or no knowledge about their impact on the fetus.

Of course, we don’t want pregnant women placed at risk by putting them in early stage clinical trials. But the fact is that pregnant women with chronic diseases such as diabetes, asthma, or epilepsy, need to take medication to maintain their health and support the growth of the fetus. And even pregnant women who don’t have chronic health conditions need access to support for medication prescription options.

And while people in Washington tend to throw around statistics to make a point, it is important to remember that behind each of these statistics is a real person and family. And yesterday, I had the opportunity to talk to a group of moms from my State of Iowa.

Without exception, these moms talked about their frustration with a health care system that continues to fail to meet some of the most basic needs of pregnant women. They all rely on a group call Sidelines, that provides support and guidance to pregnant women on bed rest. While it is great that a group like Sidelines is there for our mom’s, sisters, and daughters, it is shameful that there isn’t more accurate and more widely available information to women and their providers.

That is why earlier today, I, along with some of my colleagues, introduced the Safe Motherhood Act for Research and Treatment, or SMART Mom Act. The SMART Mom Act will address these concerns by: Increasing research and data collection to learn how to prevent, treat, and cure pregnancy related complications; providing comprehensive information to pregnant women, practitioners, and the public; and, improving information about medication and medical device for pregnant women.

Pregnancy is a natural and wonderful occurrence in a woman’s life. The SMART Mom Act makes a critical step towards ensuring pregnancies and healthy outcomes for America’s women.

By Mr. BREAUTX (for himself, Mr. SMITH of Oregon, Mr. HOLLOWS, and Mr. MCCAIN):

S. 2329. A bill to improve seaport security; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUTX. Mr. President, I am pleased to rise today to introduce the Ship, Seafarer and Container Security Act, along with my ranking subcommittee member, Senator GORDON, Senators HOLLOWS and MCCAIN. This legislation makes a critical step in ensuring the protection of our maritime transportation system and respective arteries of business. To this end, I was disappointed the President’s budget request did not include any funds to help our State port authorities and private ports secure the type of infrastructure and security equipment necessary to protect this Nation. Not providing funding to our seaports is clearly an unfunded mandate for States that have seaports, such as my home State of Oregon. This legislation is a national security effort to secure all of our borders, including our maritime borders. This issue simply has to be addressed, and a Federal commitment is required to help secure our maritime boundaries, and secure our international trade.

As I mentioned, seaport security is simply too important to disregard. While visiting the Port Everglades in Miami, the Port of New Orleans, Houston and Charleston, SC, during my subcommittee hearings, I became aware of the incredible role that information plays in security strategy at our seaports. Given the scope of trade and security, it is necessary that we know more about ships, the seafarers on those ships that enter the United States, the systems that we use to secure cargo so it is not tampered with or used for illegal purposes, and also the system we use to analyze the risks of shipping and to secure our marine environment.

The Ship, Seafarer, and Container Security Act requires certain vessels to carry transponders to allow their position to be transmitted and ensure the Coast Guard can track United States and foreign vessels. When an aircraft leaves a U.S. airport we track it wherever it goes, however, when huge oil tankers and hazardous material ships carrying tons and tons of explosive cargo come to our U.S. ports, we do not. This is not right, and not prudent.

My bill will also require the Department of Transportation, DOT, to negotiate international agreements in 2 years, or if the agreement has not been negotiated within 2 years to submit legislation to Congress, to: One, identify foreign seafarers; two, to provide greater transparency of the ownership of ship registration, so that we can track vessel ownership; and, three, mandate stronger standards for marine containers, and for anti-tampering and locking systems for marine containers. Importantly, the bill would also require DOT to better assess the risks posed by certain areas they designate as secure zones, and require recommendations to better secure them.

Last year, the U.S. Coast Guard, identified over 1,000 Panamanian seamen, operating with licenses they fraudulently obtained for a couple of hundred dollars. At the time, it did not create that much of a ruckus, although perhaps it should have, because the primary focus was on the safe operation of vessels. In the aftermath of September 11, it gives rise to the potential use of the system of maritime licensing to disguise entry into the United States. The system of registration and identification of vessels is equally obtuse. In the aftermath of the bombing of the U.S. Embassies in Mombassa and Dar-EI-Salem, we attempted to track the shipping assets of Asama Bin Laden that were used to convey explosives. NATO experts reportedly indicated that tracking banking assets was far easier than identifying the shipping assets owned by the terrorists. I would also mention that, a recent report in Lloyd’s List, a business publication
specializing in ocean shipping and international trade, indicated that the Coast Guard interdicted at sea a container ship, with an improperly sealed container filled with nuclear warheads. According to the article, the cargo manifest, indicated that it was carrying explosives. However, at the other end of the spectrum, is being so excessively obsessed with security that we cause the suffocation of trade and business. The States we had in place prior to 9-11 was insufficient. I believe that S. 1214 created a spectrum, is being so excessively obsessed with security that we cause the suffocation of trade and business. The States we had in place prior to 9-11 was insufficient. I believe that S. 1214 created a

The issues facing our Nation in seaport security are very serious issues. The consequences of relying on our current systems of openness, and with our focus on efficiency could be disastrous. However, at the other end of the spectrum, is being so excessively obsessed with security that we cause the suffocation of trade and business. System.

This legislation is another critical step in addressing some of the many crucial requirements to ensure our Nation has a secure system of international trade, allow us to protect and foster our transportation chain, and provide public safety.

The issues facing our Nation in seaport security are very serious issues. The consequences of relying on our current systems of openness, and with our focus on efficiency could be disastrous. However, at the other end of the spectrum, is being so excessively obsessed with security that we cause the suffocation of trade and business. System.

SEC. 2. AUTOMATIC IDENTIFICATION SYSTEM.

(a) IN GENERAL.—When operating in navigable waters of the United States (as defined in section 1213 of the United States Code), the following vessels shall be equipped with an automatic identification system:

(1) Any vessel subject to the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201 et seq.).

(2) Any small passenger vessel carrying more than a number of passengers determined in the Secretary of Transportation.

(3) Any commercial towing vessel while towing astern or pushing ahead or alongside, except commercial assistance towing vessels rendering assistance to disabled vessels.

(4) Any other vessel for which the Secretary of Transportation determines that an automatic identification system is necessary for the safe navigation of the vessel.

(b) REGULATIONS; EFFECTIVE DATE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall initiate a rulemaking to implement subsection (a).

(2) CONTENT.—Regulations promulgated pursuant to this section: (A) may, subject to subparagraph (B), include effective dates for the application of subsection (a) to different vessels at different times;

(B) shall require all vessels to which subsection (a) applies to comply with the requirements of subsection (a) no later than December 31, 2004; and

(C) shall be issued in final form before December 31, 2004.

(3) EFFECTIVE DATE NOT DEPENDENT UPON FINAL RULE.—If regulations have not been promulgated in final form under this subsection before December 31, 2004, then subsection (a) shall apply to vessels described in paragraph (1) or (3) of that subsection on and after that date; and

(B) other vessels described in subsection (a) as may be provided in regulations promulgated thereafter.

SEC. 3. UNIQUE SEAFARER IDENTIFICATION.

(a) TREATY INITIATIVE.—The Secretary of Transportation, or such other country, shall require all vessels to which an international agreement, or amendments to an international agreement that provides for a uniform, comprehensive, amendment of an international agreement, seafarers that will enable the United States and other countries to establish authoritatively the identity of any seafarer aboard a vessel within its jurisdiction, including the territorial waters of the United States or such other country.

(b) LEGISLATIVE ALTERNATIVE.—If the Secretary fails to complete the international agreement negotiation or amendment process undertaken under subsection (a) within 24 months after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a draft of legislation that, if enacted, would establish a uniform, comprehensive system of identification for seafarers.

SEC. 4. GREATER TRANSPARENCY OF SHIP REGISTRATION.

(a) TREATY INITIATIVE.—The Secretary of Transportation should undertake the negotiation of an international agreement, or the amendment of an international agreement, to provide greater transparency with respect to the registration and ownership vessels entering or operating in the territorial waters of the United States; and

(b) LEGISLATIVE ALTERNATIVE.—If the Secretary fails to complete the international agreement negotiation or amendment process undertaken under subsection (a) within 24 months after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report that includes:

(A) a description of the methodology employed in evaluating risks to security;

(B) a list of security zones; and

(C) recommendations as to how protection of such vessels and security zones might be further improved.

(2) REPORT ON ALTERNATIVES.—Within 12 months after the enactment of this Act, the Commandant of the Coast Guard shall transmit, in a form that does not compromise security, to the Senate Committee on Commerce, Science, and Transportation and the House of Representative Committee on Transportation and Infrastructure a report that includes:

(a) a description of the methodology employed in evaluating risks to security;

(b) a list of security zones; and

(c) recommendations as to how protection of such vessels and security zones might be further improved.

(e) AUTHORIZATION OF APPROPRIATIONS.—Transfers of authority made to the Secretary of the Department in which the Coast Guard is operating for the use of the Coast Guard, $1,000,000 for fiscal year 2003 to make grants under subsection (c).
Nevada will benefit significantly from this bill. As you may know, Las Vegas is the fastest-growing city in the United States. The University of Nevada at Las Vegas needs space to grow. Building this type of research park will also attract the high-tech industry in the State of Nevada. This is just the kind of thoughtful land planning and development that the Las Vegas Valley needs to ensure that Nevadans are able to maintain the high quality of life that they deserve.

Mr. BURNS. 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. 2333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. FINDINGS AND PURPOSES. 

(a) FINDINGS. The Congress finds that—

(1) the University of Nevada, Las Vegas, needs land in the greater Las Vegas area to provide for the future growth of the university;

(2) the proposal by the University of Nevada, Las Vegas, for construction of a research park and technology center in the greater Las Vegas area would enhance the high tech industry and entrepreneurship in the State of Nevada; and

(3) the land transferred to the Clark County Department of Aviation under section 4(g) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) is the best location for the research park and technology center;

(b) PURPOSES. The purposes of this Act are—

(1) to provide a suitable location for the construction of a research park and technology center in the greater Las Vegas area;

(2) to provide the public with opportunities for education and research in the field of high technology; and

(3) to provide the State of Nevada with opportunities for competition and economic development in the field of high technology.

SEC. 2. CONVEYANCE OF THE UNIVERSITY OF NEVADA AT LAS VEGAS RESEARCH FOUNDATION.

(a) CONVEYANCE.—Notwithstanding section 4(g)(4) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346), the Clark County Department of Aviation may convey, without consideration, all right, title, and interest in and to the parcel of land described in subsection (b) to the University of Nevada at Las Vegas Research Foundation for the development of a technology research center.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the parcel of Clark County Department of Aviation land—

(1) consisting of approximately 115 acres;

(2) located in the SW ¼ of section 33, T. 21 S., R. 60 E., Mount Diablo Base and Meridian; and


By Mr. BURNS:

S. 2334. A bill to authorize the Secretary of Agriculture to accept the donation of certain land in the Mineral Hill-Crevise Mountain Mining District in the State of Montana, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BURNS. I am pleased to announce the introduction of the Mineral Hill Historic Mining District Preservation Act of 2002. The purpose of this Act is for the Forest Service to accept a donation from TVX Mineral Hill, Inc., an inhaling of approximately 570 acres of private land in the Gallatin National Forest. This inhaling overlaps the boundaries of Yellowstone National Park and is within well known elk habitat. The donation also includes 194 acres of mineral right underlying federal lands.

This bill provides a win-win situation with benefits for the community, for wildlife, for the company, and for the environment. After a rich and storied history, the Mineral Hill mine is played out and the opportunity to extract minerals and land is available to the public.

The property is in very good condition and is being reclaimed in accordance with a reclamation plan approved by the Montana Department of Environmental Quality. The Forest Service has been closely involved during the reclamation planning and implementation processes to make certain that the property will remain in the excellent environmental state it is in today.

As an added assurance, the United States will also be the beneficiary of a $10 million insurance policy provided by TVX to clean up the site in the unlikely event that hazardous materials are discovered in the future.

The Mineral Hill mine is located in the historic Jardine Mining District which was established during the 1860s. Many of the buildings at the site go back to that time period. Some of the buildings will be preserved for interpretation purposes and will be available to the public. In addition, the site will be used in cooperation with Montana Tech of the University of Montana for mining and geologic education.

The Millsite property is being donated by TVX to the government without the necessity of a payment. There will be ongoing permits issued by the State of Montana and by EPA for monitoring of water discharge. This bill allows for those permits to be upheld and for the water processes to be maintained. In a letter to my office dated June 25, 2001, the Greater Yellowstone Coalition observed that “we believe that there would be no adverse impact, the agency and it would be a benefit to the public that this donated land is conveyed with the obligation to maintain the NPDES permit already in force.” This is exactly what the bill provides in Section 11.

I am pleased to note, this is a bill with the support of all key parties. The Forest Service has agreed to the transfer and management of the land and has been actively involved in this process.

The Gardiner Chamber of Commerce supports the project, as do the Commissioners of Park County. The Greater Yellowstone Coalition also supports the donor.

Simply put, this legislation is in the public interest. On behalf of the people of Montana, I look forward to its passage.

By Mr. JOHNSON (for himself, Ms. CANTWELL, Mr. WELLSTONE, Mr. DASCHEL, Mr. BAUCUS, Ms. INOUYE, Mr. BINGAMAN, Ms. STABENOW, and Mrs. CLINTON):

S. 2335. A bill to establish the Office of Native American Affairs within the Small Business Administration, to create the Native American Small Business Development Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. BURNS. I proudly join with Senator KERRY to introduce the Native American Small Business Development Act of 2002. This important legislation is designed to help American Indians, Alaska Natives, and Native Hawaiian barri ders which inhibit business development and job creation. We greatly appreciate the support of the distinguished Senators who join us in sponsoring the legislation including Senators CANTWELL, WYDEN, BAUCUS, INOUYE, BINGAMAN, STABENOW, and CLINTON. I encourage my colleagues to support this critical legislation.

The communities served by this initiative represent some of the most traditionally isolated, disadvantaged, and underserved populations in our country. Despite the unique and persistent challenges to business development in these areas, many of the supportive services the Federal Government provides to entrepreneurs are not available in these distressed regions. The Native American Small Business Development Act endorses to develop and disseminate culturally tailored business assistance to assure Native American businesses can secure and sustain long-term success.

Among the achievements included in the bill is the establishment of a statutory office within the U.S. Small Business Administration to focus on concerns specific to Native American populations. The Office of Native American Affairs will serve as an advocate in the SBA for the interests of Native Americans. In addition to administering the Native American Development Program, the administrator will consult with Tribal Colleges, Tribal Governments, Alaska Native Corporations and Native Hawaiian Organizations to enhance the development and implementation of culturally specific approaches to support the growth and prosperity of Native American small businesses.

Furthermore, the Act creates the Native American Development Program to provide necessary business development assistance. These services are vital in establishing and supporting small businesses. The Federal Government currently invests to provide these services in communities throughout the
country. It is past time for these services to be integrated into our efforts to promote self-sufficiency and economic development in Indian Country.

In addition, we recognize that in order to remain competitive, businesses and entrepreneurs must be innovative and flexible to change. This legislation reflects the needs of businesses, tribes, and regional interests to pursue unique approaches that will complement local needs and improve the overall quality of services. Pilot programs are integrated in this approach to promote new and creative solutions to assist American Indians to awaken economic opportunities in their communities.

We must strive to eliminate the impediments that stifle Native American entrepreneurs. By providing business planning services and technical assistance to potential and existing small businesses, we can unlock the capacity for individuals and families to pursue their economic self-sufficiency. Not only will these efforts combat poverty and unemployment, but they will bring new services and opportunities to communities that enhance the quality of life for local families.

We must also seek to improve access to investment capital to support economic and community development for Native Americans. As the chairman of the Senate Banking Financial Institutions Subcommittee, I am conducting hearings to identify opportunities and techniques which may foster greater access to capital markets for Tribal and Native American entities.

Together, these initiatives will help to turn an important corner as we endeavor to enhance the livelihood of the first Americans.

I would like to thank Congressman Udall for his leadership in the U.S. House of Representatives in bringing these issues to the forefront and for his cooperation on this historic legislation. I would like to thank Senator Kerry, chairman of the Senate Small Business and Entrepreneurship Committee, for his hard work on this legislation and his serious commitment to these critical issues. In addition, I would like to express my sincere appreciation for the strong support of the many cosponsors who join us in introducing the bill today.

I encourage the Senate to fully consider this legislation and to work expeditiously to enact it into law. The Native American Small Business Development Act will forge a more hopeful and prosperous future for Native American families and communities. By investing in adequate infrastructure and by making the appropriate tools available, we can empower individuals to pursue, achieve, and sustain economic opportunities that enrich their lives and their communities. The American dream will be fulfilled again when it becomes a reality for all Americans. This legislation is critical to ensuring that economic growth and economic opportunity permeate the lives of Native American families.

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:

SEC. 1. SHORT TITLE.
This Act may be cited as the ‘‘Native American Small Business Development Act of 2002’’.

SEC. 2. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.
The Small business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesigning section 36 as section 37; and

(2) by inserting after section 35 the following:

SEC. 36. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

(a) DEFINITIONS—
...
...the financial and resource assistance provided under this subsection shall be used to overcome obstacles impeding the creation, development, and expansion of small business concerns, in accordance with this section, by—

(i) reservation-based American Indians;

(ii) Alaska Natives; and

(iii) Native Hawaiians.

(2) 5-YEAR PROJECTS.—

(A) IN GENERAL.—Each Native American business center that receives assistance under paragraph (1)(A) shall conduct 5-year projects that offer culturally tailored business development assistance in the form of—

(i) Education, including training and counseling in—

(I) applying for and securing business credit and investment capital;

(II) preparing and presenting financial statements; and

(III) managing cash flow and other financial operations of a business concern;

(ii) education, including training and counseling in planning, organizing, staffing, directing, and controlling each major activity and function of a small business concern; and

(iii) marketing education, including training and counseling in—

(I) identifying and segmenting domestic and international market opportunities;

(II) preparing and executing marketing plans;

(III) developing pricing strategies;

(IV) locating contract opportunities;

(V) negotiating contracts; and

(VI) utilizing varying public relations and advertising techniques.

(B) BUSINESS DEVELOPMENT ASSISTANCE RECIPIENTS.—The business development assistance under subparagraph (A) shall be offered to prospective and current owners of small business concerns that are owned by—

(i) American Indians or tribal governments, and located on or near tribal lands;

(ii) Alaska Natives or Alaska Native corporations; or

(iii) Native Hawaiians or Native Hawaiian organizations.

(3) FORM OF FEDERAL FINANCIAL ASSISTANCE.—

(A) DOCUMENTATION.—Each Native American business center authorized under this subsection may be made by grant, contract, or cooperative agreement.

(B) FINANCIAL ASSISTANCE.—Financial assistance under this subsection to Alaska Native corporate or Native Hawaiian organizations may only be by grant.

(4) PAYMENTS.—

(i) TIMING.—Payments made under this subsection may be disbursed—

(I) in a single lump sum or in periodic installments; and

(ii) in advance or after costs are incurred.

(ii) ADVANCE.—The Administration may disburse not more than 25 percent of the annual amount of Federal financial assistance awarded to a Native American small business center after notice of the award has been issued.

(iii) NO MATCHING REQUIREMENT.—The Administration shall not require a grant recipient to match grant funding received under this subsection with non-Federal resources as a condition for accepting the grant.

(5) CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—A Native American business center may enter into a contract or cooperative agreement with a Federal department or agency to provide specific assistance to Native American and other under-served small business concerns located on or near tribal lands, to the extent that such contract or cooperative agreement is consistent with the terms of any assistance received by the Native American business center from the Administration.

(6) APPLICATION PROCESS.—

(i) SUBMISSION OF AN APPLICATION.—Each application submitted under paragraph (1) shall identify a 5-year plan to the Administration on proposed assistance and training activities.

(ii) CRITERIA.—

(I) IN GENERAL.—The Administration shall conduct a competitive examination of the relevant information provided under paragraph (1) and shall rank applicants in accordance with the following criteria:—

(a) extent to which assistance is consistent with programmatic and financial examination of the center;

(b) extent to which assistance is consistent with broad geographic dispersion of the centers.

(ii) PUBLIC NOTICE.—The criteria required by this paragraph and the relative importance shall be made publicly available, within a reasonable time, and stated in each solicitation for applications made by the Administration.

(iii) CONSIDERATIONS.—The criteria required by this paragraph shall include—

(I) the experience of the applicant in conducting projects or offering efforts designed to assist the business skills of current or potential owners of Native American small business concerns;

(II) the ability of the applicant to commence a project within a minimum amount of time;

(III) the ability of the applicant to provide training and services to a representative number of Native American small business concerns; and

(iv) the extent to which assistance is consistent with the programmatic and financial viability of the center.

(iii) MANAGEMENT REPORT.—

(A) IN GENERAL.—Each Native American business center established pursuant to this subsection shall annually provide the Administration with an itemized cost breakdown of actual expenditures incurred during the preceding year.

(B) ADMINISTRATION ACTION.—Based on information received under subparagraph (A), the Administration shall—

(i) develop and implement an annual programmatic and financial examination of each Native American business center assisted pursuant to this subsection; and

(ii) analyze the results of each examination conducted under clause (i) to determine the programmatic and financial viability of each Native American business center.

(iv) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant, contract, or cooperative agreement with a Native American business center, the Administration—

(I) shall consider the results of the most recent examination of the center under subparagraph (B), and, to a lesser extent, previous examinations; and

(II) may withhold such renewal, if the Administration determines that—

(a) the center has failed to provide any information required to be provided under paragraph (A), or the information provided by the center is incomplete in such respects as the Administration determines are inadequate.

(b) the center has failed to provide any information required to be provided by the center for purposes of the report of the Administration under subparagraph (B); or

(c) the information required to be provided by the center is incomplete.

(v) CONTINUING CONTRACT AND COOPERATIVE AGREEMENT.—

(A) IN GENERAL.—The authority of the Administrator to enter into contracts or cooperative agreements in accordance with this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

(ii) RENEWAL.—After the Administrator has entered into a contract or cooperative agreement with any Native American business center under this subsection, the Administrator shall not suspend, terminate, or fail to renew or extend any such contract or cooperative agreement unless the Administrator provides the center with written notification setting forth the reasons therefore and affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

(E) MANAGEMENT REPORT.—

(i) IN GENERAL.—The Administration shall prepare and submit to the Committee on Small Business of the House of Representatives and the Committee on Indian Affairs of the Senate an annual report on the effectiveness of all projects conducted by Native American business centers under this subsection and any pilot programs administered by the Office of Native American Affairs.

(ii) CONTENTS.—Each report submitted under clause (i) shall include, with respect to each Native American business center receiving financial assistance under this subsection—

(I) the number of individuals receiving assistance from the Native American business center;

(II) the number of startup business concerns formed;

(III) the gross receipts of assisted concerns;

(IV) the employment increases or decreases of Native American small business concerns assisted by the center since receiving funding under this Act; and

(V) the maximum extent practicable, increases or decreases in profits of Native American small business concerns assisted by the center since receiving funding under this Act; and

(VI) the most recent examination, as required under subparagraph (B), and the subsequent determination made by the Administration under that subparagraph.

(F) ANNUAL REPORT.—Each entity receiving financial assistance under this subsection shall annually provide to the Administration on the services provided with such financial assistance, including—

(A) the number of individuals assisted, categorized by ethnicity;

(B) the number of hours spent providing counseling and training for those individuals;

(C) the number of startup small business concerns formed, maintained, and lost;

(D) the gross receipts of assisted small business concerns;

(E) the number of jobs created, maintained, or lost at assisted small business concerns; and

(F) the number of Native American jobs created, maintained, or lost at assisted small business concerns.

(G) RECORD RETENTION.—

(A) APPLICATIONS.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 10 years.

(B) ANNUAL REPORTS.—The Administration shall maintain copies of the information collected under paragraph (6)(A) indefinitely.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2003 through 2007, to carry out the Native American Small Business Development Program, authorized under subsection (c).
SEC. 3. PILOT PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) INCORPORATION BY REFERENCE.—The terms defined in section 36(a) of the Small Business Act (as added by this Act) have the same meanings as in that section 36(a) when used in this section.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Small Business Administration.

(3) JOINT PROJECT.—The term “joint project” means the combined resources and expertise of 2 or more distinct entities at a physical location dedicated to assisting the Native American community; 

(NATIVE AMERICAN DEVELOPMENT GRANT PILOT PROGRAM.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—There is established a 4-year pilot project under which the Administrator is authorized to award Native American development grants to provide culturally-tailored business development training and related services to Native Americans and Native American small business concerns.

(B) ELIGIBLE ORGANIZATIONS.—The grants authorized under subparagraph (A) may be awarded to—

(i) any small business development center; 

(ii) any private, nonprofit organization that—

(I) has tribal government members, or their designees, comprising a majority of its board of directors; 

(II) is a Native Hawaiian organization; or 

(III) is an Alaska Native corporation.

(C) ADMINISTRATOR.—The Administrator shall not award a grant under this subsection in an amount which exceeds $100,000 for each year of the project.

(D) GRANT DURATION.—Each grant under this subsection shall be awarded for not more than 2 years after submission.

(E) REVIEW OF APPLICATIONS.—The Administration shall evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance.

(F) ANNUAL REPORTS.—The Administration shall submit an annual report to the Congress on the impact of the grant, including—

(i) the number of Native Americans and Native American small business concerns; and 

(ii) the number of hours of counseling, training, and workshops to be provided; 

(G) ANNUAL REPORTS.—The Administration shall annually report to the Congress on the impact of the grant, including—

(i) conducting financial, management, and marketing assistance programs, as described in paragraph (4), that the grant will provide; 

(ii) the extent to which the Native American business owners benefit from the grant; and 

(iii) the impact the grant will have on the Native American business community.

(b) CONDITIONS FOR PARTICIPATION.—Each entity desiring a grant under this subsection shall submit an application to the Administrator that contains—

(A) a certification that the applicant—

(i) is a small business development center or a private, nonprofit organization under paragraph (2)(B)(i); and 

(ii) employs a full-time executive director or program manager to manage the center; and 

(B) includes—

(i) a site visit as part of the final selection process; 

(ii) an annual programmatic and financial report; 

(iii) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination; 

(iv) information demonstrating the effective experience of the applicant in—

(i) providing training services to a representative number of Native Americans; 

(ii) conducting financial, management, and marketing assistance programs designed to impart or upgrade the business skills of current or prospective Native American business concerns; and 

(v) the prudent management of finances and staffing.

(c) ADMINISTRATOR.—The Administration shall award each joint project in—

(I) the location where the applicant will provide training and services to Native American business concerns; 

(II) a multiyear plan, corresponding to the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant; 

(ii) in the continental United States, the number of Native Americans to be served by the grant; and 

(iii) the training and services to be provided to a representative number of Native American business concerns; 

(d) REVIEW OF APPLICATIONS.—The Administration shall—

(A) approve or disapprove each completed application submitted under this subsection not more than 60 days after submission. 

(1) the number of Native Americans and Native American small business concerns; 

(2) the number of hours spent providing counseling and training for those individuals; 

(3) the number of startup small business concerns formed, maintained, and lost; 

(4) the gross receipts of assisted small business concerns; 

(5) the number of jobs created, maintained, or lost at assisted small business concerns; 

(B) ANNUAL REPORTS.—The Administration shall submit an annual report to the Congress on the impact of the grant, including—

(i) conducting financial, management, and marketing assistance programs, as described in paragraph (4), that the grant will provide; 

(ii) the extent to which the Native American business owners benefit from the grant; and 

(iii) the impact the grant will have on the Native American business community.

(d) ANNUAL REPORT.—Each recipient of an American Indian Tribal Assistance Center grant under this subsection shall annually report to the Administration on the impact of the grant, including—

(A) a plan for the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant; and 

(ii) the number of hours of counseling, training, and workshops to be provided; 

(E) information demonstrating the effective experience of each participant of the joint application in—

(i) conducting financial, management, and marketing assistance programs, as described in paragraph (4), that the grant will provide; 

(ii) the extent to which the Native American business owners benefit from the grant; and 

(iii) the impact the grant will have on the Native American business community.

(e) REVIEW OF APPLICATIONS.—The Administration shall—

(A) evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance; 

(B) include such criteria in each solicitation under this subsection and make such information available to the public; and 

(C) approve or disapprove each completed application submitted under this subsection not more than 60 days after submission. 

(1) operating a small business concern on or near tribal lands; or 

(ii) operating a small business concern on or near tribal lands; 

(C) joint application; 

(D) joint application; 

(F) plan for the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant; and 

(ii) the number of hours of counseling, training, and workshops to be provided; 

(E) information demonstrating the effective experience of each participant of the joint application in—

(i) conducting financial, management, and marketing assistance programs, as described in paragraph (4), that the grant will provide; 

(ii) the extent to which the Native American business owners benefit from the grant; and 

(iii) the impact the grant will have on the Native American business community.

(f) REVIEW OF APPLICATIONS.—The Administration shall—

(A) evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance; 

(B) include such criteria in each solicitation under this subsection and make such information available to the public; and 

(C) approve or disapprove each completed application submitted under this subsection not more than 60 days after submission. 

(1) operating a small business concern on or near tribal lands; or 

(ii) operating a small business concern on or near tribal lands; 

(C) joint application; 

(D) joint application; 

(F) plan for the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant; and 

(ii) the number of hours of counseling, training, and workshops to be provided; 

(E) information demonstrating the effective experience of each participant of the joint application in—

(i) conducting financial, management, and marketing assistance programs, as described in paragraph (4), that the grant will provide; 

(ii) the extent to which the Native American business owners benefit from the grant; and 

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(g) REVIEW OF APPLICATIONS.—The Administration shall—

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(C) approve or disapprove each completed application submitted under this subsection not more than 60 days after submission. 

(1) operating a small business concern on or near tribal lands; or 

(ii) operating a small business concern on or near tribal lands; 

(C) joint application; 

(D) joint application; 

(F) plan for the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant; and 

(ii) the number of hours of counseling, training, and workshops to be provided; 

(E) information demonstrating the effective experience of each participant of the joint application in—

(i) conducting financial, management, and marketing assistance programs, as described in paragraph (4), that the grant will provide; 

(ii) the extent to which the Native American business owners benefit from the grant; and 

(iii) the impact the grant will have on the Native American business community.

(h) REVIEW OF APPLICATIONS.—The Administration shall—

(A) evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance; 

(B) include such criteria in each solicitation under this subsection and make such information available to the public; and 

(C) approve or disapprove each completed application submitted under this subsection not more than 60 days after submission. 

(1) operating a small business concern on or near tribal lands; or 

(ii) operating a small business concern on or near tribal lands; 

(C) joint application; 

(D) joint application; 

(F) plan for the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant; and 

(ii) the number of hours of counseling, training, and workshops to be provided; 

(E) information demonstrating the effective experience of each participant of the joint application in—

(i) conducting financial, management, and marketing assistance programs, as described in paragraph (4), that the grant will provide; 

(ii) the extent to which the Native American business owners benefit from the grant; and 

(iii) the impact the grant will have on the Native American business community.

(i) REVIEW OF APPLICATIONS.—The Administration shall—

(A) evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance; 

(B) include such criteria in each solicitation under this subsection and make such information available to the public; and 

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(C) joint application; 

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(F) plan for the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant; and 

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(E) information demonstrating the effective experience of each participant of the joint application in—

(i) conducting financial, management, and marketing assistance programs, as described in paragraph (4), that the grant will provide; 

(ii) the extent to which the Native American business owners benefit from the grant; and 

(iii) the impact the grant will have on the Native American business community.
sought funding for the SBA’s Tribal Business Information Center (TBIC) program, started under the Clinton Administration and designed to address the unique conditions faced by American Indians when they seek to start or expand small businesses.

I do not believe that anyone in this Congress would dispute that economic development in Indian Country has often been difficult to achieve and that one important way to help American Indians is to provide them with assistance to open and run their own small businesses. Helping Native Americans open and run small businesses not only instills a sense of pride in the owner and his or her community, it also provides much-needed job opportunities, as well as other economic benefits.

Although underfunded, the TBIC program has provided assistance to a number of small businesses on Indian reservations. TBICs have the support of the American Indian communities they serve because they provide desperately needed, culturally tailored business development assistance in those communities. The administration should be seeking to strengthen its commitment to providing TBIC program assistance to American Indian communities. Unfortunately, the SBA cut off TBIC funding on March 31, 2002, and has not met a request by a bipartisan group of Senators to begin the reprogramming process in order to keep the TBIC open for the remainder of the fiscal year.

The Native American Small Business Development Act will ensure that the SBA’s programs to assist Native American businesses under the Native American Development program are designed to be the SBA’s primary program for providing business development assistance to Native American communities. To offer this support, the SBA will provide financial and resource assistance to establish and keep Native American Business Centers (NABC) in operation. Financial assistance under the Native American Development program would be available to Tribal Governments and Tribal Colleges. Unlike the SBA’s TBIC program, however, ANCs and NHOs would also be eligible for the grants.

The ONABC would address the unique conditions faced by reservation-based American Indians, as well as Native Hawaiians and Native Alaskans, in their efforts to create, develop and expand small business concerns. Grant funding would be used by the ONABCs to provide culturally tailored financial education assistance, management education assistance, and marketing education assistance.

The first pilot program under the legislation establishes a Native American development grant. This grant is modeled after the Udall legislation and designed to bring the expertise of SBA’s Small Business Development Centers (SBDC) to Native American communities. Additionally, any private nonprofit organization, whose board of directors consists of a majority of Tribal Government members or their designees, is an NHO or an ANC, may also apply for the grant. Nonprofits were included in the Senate version thanks to the thoughtful input of Senator Cantwell. Many American Indian communities in Washington State are served by an organization called ONABEN, which provides SBDC-like services to Native American communities in Washington, Oregon, Idaho, and California. Organizations like ONABEN should be encouraged to provide resources to Native American communities, and including them in the grant program available to SBDCs was an important addition to the legislation.

Finally, our legislation establishes a second pilot program to try a unique experiment in Indian Country. Grant funding would be made available to establish American Indian Tribal Assistance Centers. These centers will consist of joint entities, such as a partnership between an NABC, a Native American development center (which receive grants from the Department of Commerce) and possibly an SBDC. The purpose of this grant would be to bring together experts from various entities to provide culturally tailored business development assistance to prospective and
current owners of small business concerns on or near Tribal Lands. I would again like to thank Senator Johnson and all of the cosponsors of this important legislation to assist our Native American communities. I would also, again, like to thank Congressman Udall for leading in the effort to provide critical assistance for small businesses in Native American communities. I would urge all of my colleagues to cosponsor this legislation to help us fulfill our commitment to Native American communities.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 252—EXPRESSING THESENSE OF THESENATE REGARDING HUMAN RIGHTS VIOLATIONS IN TIBET, THE PANCHEN LAMA, AND THE NEED FOR DIALOGUE BETWEEN THE CHINESE LEADERSHIP AND THE DALAI LAMA OR HIS REPRESENTATIVES

Mr. WELLSTONE submitted the following resolution: which was referred to the Committee on Foreign Relations:

S. Res. 252

Whereas Hu Jintao, Vice President of the People’s Republic of China and former Party Secretary of the Tibet Autonomous Region, will visit the United States in April and May of 2002;

Whereas Gedhun Choekyi Nyima was taken from his home by Chinese authorities on May 17, 1995, at the age of 6, shortly after being recognized as the 11th incarnation of the Panchen Lama by the Dalai Lama;

Whereas the forced disappearance of the Panchen Lama violates fundamental freedoms enshrined in international human rights covenants to which the People’s Republic of China is a party, including the Convention on the Rights of the Child;

Whereas the use of religious belief as the primary criteria for repression against Tibetans reflects a continuing pattern of grave human rights violations that have occurred since the invasion of Tibet in 1949–50;

Whereas the State Department Country Reports on Human Rights Practices for 2001 states that repressive social and political controls continue to limit the fundamental freedoms of Tibetans and risk undermining Tibet’s unique cultural, religious, and linguistic heritage, and that repeated requests for access to the Panchen Lama to confirm his well-being and whereabouts have been denied; and

Whereas the Government of the People’s Republic of China has failed to respond positively to efforts by the Dalai Lama to enter into dialogue based on his proposal for genuine autonomy within the People’s Republic of China with a view to safeguarding the distinct identity of Tibet and protecting the human rights of the Tibetan people: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(A) release the Panchen Lama and allow him to pursue his traditional role at Tashi Lhunpo monastery in Tibet; and

(B) enter into dialogue with the Dalai Lama on non-preconditioned terms in order to find a negotiated solution for genuine autonomy that respects the rights of all Tibetans.

● Mr. WELLSTONE. Mr. President, I rise today to acknowledge and celebrate the 15th birthday of Gedhun Choekyi Nyima, the 11th reincarnation of the Panchen Lama, Tibet’s second highest spiritual leader.

As you may know, shortly after the Dalai Lama’s visit in 1995, Gedhun Choekyi Nyima as the Panchen Lama in 1995, the Chinese government abducted him with his family. He was 6 years old at the time. Today, the Panchen Lama remains in detention, and the exertion of power on Tibetans in order to find a negotiated solution for genuine autonomy that respects the rights of all Tibetans.

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