STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 1564. A bill to convey land to the University of Nevada at Las Vegas Research Foundation for a research park and technology center; read the first time.

Mr. REID. 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. 1564

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.—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 TO 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. 2347), 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

(3) identified in the agreement entitled ''Interim Cooperative Management Agreement Between the United States Department of the Interior—Bureau of Land Management and Clark County'', dated November 4, 1992.

By Mrs. FEINSTEIN (for herself, Mr. WYDEN, Mr. FEINGOLD, Mr. CORZINE, Mr. HARKIN, and Mr. LEAHY):

S. 1565. A bill relating to United States adherence to the ABM Treaty; to the Committee on Armed Services.

Mrs. FEINSTEIN, Mr. President, I rise today to introduce legislation regarding the testing, development, and possible deployment of a National Missile Defense system. This legislation is cosponsored by Senators WYDEN, FEINGOLD, CORZINE, HARKIN, and LEAHY.

I share the concern of many of my colleagues that, in the aftermath of the horrific events of September 11, this is not the appropriate time or place for a divisive debate on the Senate floor on missile defense.

That is why I did not offer this legislation as an amendment on the Defense authorization bill, do not intend to offer it as an amendment on other legislation before the Senate at this time, and do not intend to push this legislation for a vote at this point in time. This is not the time for Senate consideration of this legislation or for a divisive debate on this issue.

But I also believe that it is critical that at the appropriate time, and in the appropriate way, a full public and congressional debate on missile defense must occur. It is simply too an important a decision, and too important an issue, to be treated in any other way.

Indeed, National Missile Defense is one of the most serious foreign policy and national security issue that we will face in the coming decades. The administration's decisions on this issue should be made deliberately, in consultation with our allies, and, most importantly, in consultation with the United States Congress.

As one Senator, I myself have spent considerable time over the past several years in meetings, briefings, and discussions on this issue. Earlier this year I had the opportunity to discuss missile defense issues at length with former Secretary Perry.

He suggested to me that the proliferation of nuclear, chemical, and biological weapons of mass destruction, and the increasing availability to other nations as well as transnational groups such as terrorist organizations, of the technology and material necessary to develop and deliver WMD is perhaps the most serious threat to U.S. national security today.

Secretary Perry went on to argue, however, that National Missile Defense is not and should not be seen as a one-size-fits-all substitute for an effective non-proliferation strategy, and that the United States must have a balanced program to effectively safeguard our interests. This includes effective strategies for the prevention of proliferation, deterrence, homeland defense, and counter-proliferation, and clearly calibrating and allocating resources to meet the real challenges that face U.S. national security interests.

I believe that the approach suggested by Secretary Perry makes a good deal of sense.

Based on this approach, I believe that it is therefore important for Congress to ask a number of questions with regard to NMD. Questions such as:

Would missile defense have helped to prevent the events of September 11?

Are there more immediate security needs, such as homeland defense, which demand priority on our scarce national defense and national security resources?

Is NMD an appropriate to serve as the central axle around which U.S. national security rotates, given the nature of the threats we now face?

Would unilateral U.S. withdrawal from the ABM Treaty hurt U.S. efforts to get international cooperation in the battle against terrorism?

Will acquiring NMD make the United States, and the world, safer and more secure? Or will unilateral U.S. development and deployment of NMD, and unilateral violation, abrogation, or withdrawal from the Anti-Ballistic Missile Treaty, make us less safe and secure?

I am also concerned that with what appears to be a rush toward construction at Fort Greely, AK, the administration has already made a decision on deployment, without having yet answered these bottom line questions.

The legislation that I and my colleagues introduce today seeks to address these questions, and to suggest that the balanced approach suggested by Secretary Perry to safeguarding the United States from the threat of WMD attack might be a wiser policy for Congress to consider, rather than merely rubber-stamping the administration's missile defense policy.

This legislation would: express the Sense of the Senate that U.S. research and development of missile defense remain consistent with the ABM treaty, that the U.S. should pursue good faith negotiations with Russia to make such modifications to the ABM as may be necessary, but that the U.S. should not unilaterally opt-out of the treaty and not deploy a missile defense system that has not met the basic research, testing, and evaluation standards to prove its operational effectiveness.

Place a limitation on funding available for missile defense testing, evaluation, or deployment that would unilaterally abrogate or violate the ABM treaty.

Call on the Secretary of State to report to Congress, if a decision on deployment is made, regarding the nature of the threat that triggered the deployment decision and the likely impact that the deployment decision will have on U.S. national security interests.

Call on the Secretary of Defense to report to Congress, if a decision on deployment is made, on the operational effectiveness of the missile defense system.

Call on the President to make an annual report to Congress on the nature of the WMD threat faced by the U.S. and its allies, evaluate the threat posed by different means of delivery, ranging from ballistic missiles to suitcase bombs, provide an estimation for the total cost of development and deployment of missile defense, and make a determination whether missile defense spending adversely impacts other priority national security programs of the Department of Defense.

I have previously stated that my concerns about NMD revolve largely around four issues: The nature of the threat; the implications for arms control and the international security environment; the feasibility of the technology; and the cost. I would like to address each of these in turn.

The bottom line of these concerns is simply this: Will a unilateralist missile defense deployment decision become the basis for a new arms race, leading to a world with more ballistic missiles and WMD pointed at the United States, not less? Would the United States be more secure, or less?

We also must ask where does the long range missile threat to the U.S. stand?

Russia for all its problems, remains the only nation possessing enough Intercontinental Ballistic Missiles, ICBMs, and submarine launched ballistic missiles, SLBMs, to overwhelm the proposed U.S. defensive umbrella. China has only a small number of ICBMs. No other nation has operational ICBMs and only two, France and the United Kingdom, have SLBMs.

Other countries, such as North Korea, Iran, Iraq, do not today have ballistic missile capabilities that are a threat to the United States. We should not act in ways to encourage them to develop these capabilities or, just as troubling, to develop alternate means to attack the United States which NMD is powerless to counter.

Looking ahead, however, George Tenet, Director of the Central Intelligence Agency, testified before Congress last year that ''over the next 15 years, our cities will face ballistic missile threats from a variety of actors.'' He pointed to North Korea which, he said, could further develop its Taepo Dong 2 missile, noting that it ''might be capable of delivering a nuclear payload to the United States.''

Other nations which have or are pursuing ballistic missile programs include Iran and Iraq. Neither of these countries have succeeded in developing ballistic missile capabilities, however, and unless they make a concerted effort to do so, neither appears likely to develop capabilities within the next 10 years.

As we consider U.S. missile defense policy, I believe it is a fair question to ask what sort of developments in the international security environment might lead them, or others, to make that sort of concerted effort?

As the past two weeks have too well illustrated, the world is not a static place. International security relationships are fluid and dynamic. The United States today is the world's sole superpower, and although that gives us great strategic flexibility and maneuverability, it would be naive for us to believe that other nations and transnational groups do not and will not react to the strategic choices the United States makes, and how they perceive those choices affecting their own interests.

In other words, how might the rest of the world react to a unilateral U.S. decision to deploy NMD? What would other countries do to protect what they perceive as their national security interests in the face of a U.S. NMD?

The National Intelligence Estimate prepared last year, ''Foreign Responses to U.S. National Missile Deployment,'' suggests that in reaction to U.S. NMD deployment:

Russia could opt to deploy shorter-range missiles along its borders and resume adding multiple warheads to its ballistic missiles.

China would most likely seek to deploy additional missiles with MIRVed warheads if the U.S. went ahead with NMD. This would mean that China may attempt a strategy of ''breaking out,'' giving them the capability to ''overwhelm'' a U.S. NMD system.

North Korea could resume its missile flight test program and cooperate with other countries, such as Iran or Iraq, in helping them develop missile capabilities.

Iran and Iraq might well redouble their efforts to develop their own missile programs, including decoys and countermeasures that would allow them to bypass a U.S. missile shield.

The NIE report also concluded that if China sought to deploy additional missiles and warheads in response to NMD, this might prompt India to respond by building up its own nuclear arsenals and missile arsenal, which would in turn prompt Pakistan to seek to develop additional nuclear weapons and advanced missiles, unleashing a South Asian nuclear arms race.

I do not believe I need to comment further, given recent events, just how dangerous that would be.

Such a destabilized environment, with Russia, China, North Korea, India, Pakistan, Iran, Iraq, and possibly others adding to their nuclear arsenals or missile capabilities does not strike me as a more stable world, or one in which the U.S. is more secure from the threat of WMD or missile attack.

In addition, many analysts believe that if the United States were to go ahead with NMD, rogue states and terrorists groups would simply shift their focus from developing missile technology to delivering weapons of mass destruction by ship, plane, or cruise missile, methods that are both more reliable, provide no ''return address,'' and can't be countered by NMD.

I do not even want to contemplate what September 11 would have been like had one or more of those hijacked planes contained even a small, primitive, ''dirty'' nuclear device.

The second issue I would like to address today is the implication of a rush to deploy NMD for the Anti-Ballistic Missile Treaty.

Today the ABM Treaty is the keystone of a number of interlinked nuclear arms control agreements, including the START I and START II treaties with Russia. Although the ABM Treaty may require some modifications to take into account the realities of the new security environment, and this legislation urges the Administration to pursue such negotiations, to just cast it aside risks undermining the very foundations of strategic stability and U.S. national security.

The United States has long been at the forefront of the international community in trying to inculcate respect for international law and treaty obligations.

In fact, one of the ways in which the United States identifies so-called rogue states is that these are states that do not respect their obligations to other members of the international community; states who walk away from, ignore, or cheat on their treaty obligations.

And so it is deeply troubling to me that the United States may now be telling the rest of the world, through its own actions, that it is accepted behavior to break your treaty obligations.

Indeed, with this approach I am particularly concerned that the United States may, in fact, be sending precisely the wrong message on international arms control to China: That only the weak must respect other nations and international law. If you are strong enough, you can do as you please.

If the United States seeks to unilaterally abrogate the Anti-Ballistic Missile Treaty, and in general treat international treaty commitments as mere pieces of paper to be disregarded if they prove inconvenient, how can we expect to hold China accountable to live up to its international agreements, or to the commitment it has made to the Missile Technology Control Regime?

As reported in the press accounts earlier this summer, the Department of Defense ABM Compliance Review Group, the Pentagon lawyers tasked to identify potential ABM Treaty issues raised by the testing schedule, have determined that some elements of the administration's plan for developing missile defenses may conflict with the ABM Treaty by 2002.

Indeed, a July 30, 2001 letter from Undersecretary Paul Wolfowitz to me stated that the ''Department has neither designed the missile defense program to intentionally impact the ABM treaty sooner rather than later, nor have we designed it to avoid the treaty.'' That is good as far as it goes. But is also avoids the real question:

Has the Department of Defense made an effort to develop a missile defense testing program which is, by intent, consistent with the ABM? So long as the treaty is in force and is the supreme law of the land that seems to me to be a reasonable requirement.

Moreover, as Philip Coyle, the former director of Operational Test and Evaluation at the Pentagon, wrote in a recent issue of The Defense Monitor, the ABM treaty ''is not holding back the design and development of the technology needed for National Missile Defense, NMD, nor is the treaty slowing the tests of an NMD system. Development of NMD will take a decade or

more for technical and budgetary reasons, but not due to the impediments caused by the ABM treaty.''

In other words, the United States can continue with an aggressive NMD development and testing program for the foreseeable future, should the Administration and Congress choose to, without the need to abandon the ABM.

I do not believe that arms control treaties and agreements are a panacea that, by themselves, secure U.S. national security interests or those of our friends and allies.

But surely the constraints that these treaties and agreements impose can play a valuable role in constricting the development of weapons of mass destruction and their proliferation around the globe.

They are a useful tool in a fully articulated foreign policy and national security toolbox, and it is short-sighted, to say the least, to throw the tool out. Especially if one does not replace it with something of equal or greater value.

Although the technical challenges of developing missile defense technology are great, I believe that the United States, if we choose to pursue it, is equal to the task.

But that we can develop a missile defense system should not be confused by anyone to mean that we have the capabilities now, or will possess them, even with an aggressive testing and development program, anytime soon.

Effective missile defense is an enormous technical challenge. Commonly compared to ''hitting a bullet with a bullet,'' missile defense requires interceptors to find and hit the warheads of long-range missiles traveling at speeds of 15,000 mph or more. Although two of the four tests thus far have failed, and serious questions have been raised about the degree of success of the other two, these tests have indicated that it may indeed be possible to ''hit a bullet with a bullet.''

But it is still far from clear if it can be done reliably in a real-world setting, where decoys and countermeasures will complicate the system's ability to determine what targets need to be hit. A global system of satellites, radars, communications relays, booster rockets and interceptors all must work with each other almost perfectly for the defense to have a chance of success.

There are also concerns, first raised by the November 1999 Welch Report, that political pressure to deploy a system regardless of whether the science works or not may lead to a ''rush to failure.'' However, it must be a scientific determination, not a political determination, that decides how far and how fast we go forward with missile defense.

If the United States goes forward with development and deployment of a missile defense system, it must be one that is fully tested and deemed operationally effective in a real world setting. Anything less would be an invitation to disaster.

My final concern about missile defense relates to the potential costs of development and deployment.

As Congress considers this issue it is critical that it is able to clearly prioritize missile defense programs and spending, within the context of our larger national security needs. Funds that are spent on national missile defense are, in effect, funds that can not be spent on other priority programs, such as homeland defense. I do not propose that the United States spends all on one or the other. Rather, Congress must play a responsible role in making sure that sufficient funds are available to meet the threats to national security that exist today, while planning prudently for threats that will emerge tomorrow.

To allocate a disproportionate share of defense spending on a threat that does not exist at all, or which will not be real until much further off in the future creates a very real risk to those programs that need to be funded today. This means that immediate and concrete threats we face today may not be addressed with potentially disastrous results.

There has never been a consensus cost figure for deploying an NMD system. For several years, the Clinton administration estimated that a limited NMD system would cost $9 to $11 billion to develop, test, and deploy. In January 1999, the administration estimated that an initial system of 20 interceptors would cost about $10.6 billion. In February 2000, the administration provided a ''life-cycle'' cost estimate of $26.6 billion for an initial system of 100 ground-based interceptors in Alaska.

An April 2000 study by the Congressional Budget Office (CBO), however, estimated that it would cost about $29.5 billion to develop, build, and operate an initial NMD system through 2015. CBO estimates it will cost another $19 billion through 2015 to expand the initial system of 100 interceptors and build what was called a Capability 2 and Capability 3 system designed for greater numbers of more sophisticated potential missile threats. According to CBO, additional space-based sensors would bring the total costs for NMD to around $60 billion through 2015.

Several reports issued by outside groups, however, suggest that the real costs of missile defense deployment could be much higher, perhaps as $300 billion if such elements as space-based and naval-based NMD interceptors are included.

Trying to put a price tag on missile defense costs is all the more difficult at present because the current administration has not yet determined what sort of missile defense architecture they want to develop. Put simply, they have asked for the credit card to go to the store, but have not told us if they will be buying jeans or a tuxedo, or anything in between.

The question of cost should not be a determining factor in and of itself. If the international security environment demands development and deployment of missile defenses, the U.S. must go forward regardless of the cost.

But as Congress considers the elements of U.S. national security strategy in the years ahead, it must do so mindful that devoting resources to one area likely means depriving them from another. We must be careful, therefore, to make sure that our national security needs are properly prioritized. To move forward with missile defense, if it is not at the top of the list or immediately needed, and in so doing place in jeopardy other higher and more immediate needs and priorities, such as homeland defense, risks creating an unbalanced and ineffective national security strategy.

The administration's current plans, of what we know about them, seem to suggest that the United States will abandon the Anti-Ballistic Missile treaty before we even know if the deployment of NMD is even feasible. And that it would abandon the ABM in pursuit of what can only be considered ''unbalanced'' national security strategy, one that places too much weight on the development of missile defense, and too little on the other areas, such as prevention, intelligence, rollback, and management, that are equally, or more, important.

The United States must respond to new threats, and defenses can play an important role. But the question is not whether we deploy defenses, as missile defense advocates like to paint it, but what, when, and, most importantly, how.

As I stated earlier, the threat of the proliferation of WMD is real and growing, and how the United States manages this threat should be an overriding security priority. Management requires a comprehensive approach that strikes the right balance between prevention, deterrence, and defense, and the emphasis placed on missile defense must be balanced against other national security priorities. An effective WMD national security strategy must emphasize:

Prevention, through preventive defense and preventive diplomacy, including export controls, regional security commitments, on-going threat reduction programs, and arms control regimes;

Intelligence, including those efforts that show promise for penetrating transnational and terrorist groups that may be planning attacks against the United States or our allies and that illuminate the nature of the proliferation threat;

Rollback of WMD and missile programs that have been developed by other countries, such as the intense diplomacy such as has met with some success on the Korean Peninsula, and a mixture of economic and political incentives; and,

Management of the consequences of proliferation by better protecting our forces, holding open the possibility of pre-emption, and active defenses.

And our defensive programs must also recognize that as the horrific events of September 11 too well illustrated, missile defense is a response to but one of the WMD threats that the United States faces in today's world— and perhaps the least of these threats at that.

Indeed, a breakdown of the ''threat spectrum'' produced by the Joint Chiefs of Staff earlier this year lists a missile attack as having the lowest ''probability of occurrence'' in the threat spectrum.

In fact, as a member of the Senate Committee on Intelligence, I have had an opportunity to discuss WMD threat assessments with members of our intelligence community. Although the threat of a ballistic missile attack from a rogue nation is certainly a concern, they are far more concerned about the threat that a ''suitcase'' bomb or a bomb hidden on a ship may pose. Needless to say, NMD does nothing to address these threats.

A balanced approach to national security therefore suggests that it is only prudent for the United States to conduct a limited testing program to develop missile defense technology so that if, at some point in the future, it is necessary we will have appropriate options. And yes, the ABM Treaty may need to be modified or amended to enable us to respond to new threats.

But it would be folly to place too much of an emphasis on missile defense, to simply and unilaterally develop and deploy NMD, and to abandon the treaty, before we even know what defensive systems are feasible, which systems best meet our needs, and well before any sensible development or testing program needs to bump up to treaty limits.

The unilateral U.S. pursuit of NMD is likely to create a less stable world, with more nations pursuing weapons of mass destruction, and without the constraints of international arms control agreement.

It strikes me as a big gamble to develop a national security strategy on one hand which seems intent on cultivating a missile defense system of unknown effectiveness, and a less stable and less secure world on the other.

I look forward to the opportunity to debate these issues on the floor with my colleagues at an appropriate time.

By Mr. ENZI (for himself, Mr. DORGAN, Mrs. HUTCHISON, Mr. KERRY, Mr. THOMAS, Mr. GRAHAM, Mr. VOINOVICH, and Mr. HUTCHINSON):

S. 1567. A bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

Mr. ENZI. 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. 1567

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 ''Internet Tax Moratorium and Equity Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The moratorium of the Internet Tax Freedom Act on new taxes on Internet access and on multiple and discriminatory taxes on electronic commerce should be extended.

(2) States should be encouraged to simplify their sales and use tax systems.

(3) As a matter of economic policy and basic fairness, similar sales transactions should be treated equally, without regard to the manner in which sales are transacted, whether in person, through the mails, over the telephone, on the Internet, or by other means.

(4) Congress may facilitate such equal taxation consistent with the United States Supreme Court's decision in Quill Corp. v. North Dakota.

(5) States that adequately simplify their tax systems should be authorized to correct the present inequities in taxation through requiring sellers to collect taxes on sales of goods or services delivered in-state, without regard to the location of the seller.

(6) The States have experience, expertise, and a vital interest in the collection of sales and use taxes, and thus should take the lead in developing and implementing sales and use tax collection systems that are fair, efficient, and non-discriminatory in their application and that will simplify the process for both sellers and buyers.

(7) Online consumer privacy is of paramount importance to the growth of electronic commerce and must be protected.

SEC. 3. EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

''(a) MORATORIUM.—No State or political subdivision thereof shall impose—

''(1) any taxes on Internet access during the period beginning after September 30, 1998, unless such a tax was generally imposed and actually enforced prior to October 1, 1998; and

''(2) multiple or discriminatory taxes on electronic commerce during the period beginning on October 1, 1998, and ending on December 31, 2005.''.

SEC. 4. INTERNET TAX FREEDOM ACT DEFINITIONS.

(a) INTERNET ACCESS SERVICES.—Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following new paragraph:

''(11) INTERNET ACCESS SERVICES.—The term 'Internet access services' means services that combine computer processing, information storage, protocol conversion, and routing with transmission to enable users to access Internet content and services. Such term does not include receipt of such content or services.''.

(b) INTERNET ACCESS.—Section 1104(5) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''telecommunications services.' and inserting ''telecommunications services generally, but does include wireless web access services used to enable users to access content, information, electronic mail, or other services offered over the Internet, including any comparable package of services offered to users.''.

(c) TELECOMMUNICATIONS SERVICES.—Section 1104(9) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986)''.

(d) WIRELESS WEB ACCESS SERVICES.—Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(12) WIRELESS WEB ACCESS SERVICES.—The term 'wireless web access services' means commercial mobile services (as defined in section 332(d)(1) of Communications Act of 1934 (47 U.S.C. 332(d)(1)), multi-channel, multi-point distribution services, or any wireless telecommunications services used to access the Internet.''.

SEC. 5. STREAMLINED SALES AND USE TAX SYSTEM.

(a) DEVELOPMENT OF STREAMLINED SYSTEM.—It is the sense of Congress that States and localities should work together to develop a streamlined sales and use tax system that addresses the following in the context of remote sales:

(1) A centralized, one-stop, multi-state reporting, submission, and payment system for sellers.

(2) Uniform definitions for goods or services, the sale of which may, by State action, be included in the tax base.

(3) Uniform rules for attributing transactions to particular taxing jurisdictions.

(4) Uniform procedures for—

(A) the treatment of purchasers exempt from sales and use taxes; and

(B) relief from liability for sellers that rely on such State procedures.

(5) Uniform procedures for the certification of software that sellers rely on to determine sales and use tax rates and taxability.

(6) A uniform format for tax returns and remittance forms.

(7) Consistent electronic filing and remittance methods.

(8) State administration of all State and local sales and use taxes.

(9) Uniform audit procedures, including a provision giving a seller the option to be subject to no more than a single audit per year using those procedures; except that if the seller does not comply with the procedures to elect a single audit, any State can conduct an audit using those procedures.

(10) Reasonable compensation for tax collection by sellers.

(11) Exemption from use tax collection requirements for remote sellers falling below a de minimis threshold of $5,000,000 in gross annual sales.

(12) Appropriate protections for consumer privacy.

(13) Such other features that the States deem warranted to promote simplicity, uniformity, neutrality, efficiency, and fairness.

(b) STUDY.—It is the sense of Congress that a joint, comprehensive study should be commissioned by State and local governments and the business community to determine the cost to all sellers of collecting and remitting State and local sales and use taxes on sales made by sellers under the law as in effect on the date of enactment of this Act and under the system described in subsection (a) to assist in determining what constitutes reasonable compensation.

SEC. 6. INTERSTATE SALES AND USE TAX COMPACT.

(a) AUTHORIZATION.—In general, the States are authorized to enter into an Interstate Sales and Use Tax Compact. The Compact shall describe a uniform, streamlined sales and use tax system consistent with section 5(a), and shall provide that States joining the Compact must adopt that system.

(b) EXPIRATION.—The authorization in subsection (a) shall expire if the Compact has not been formed before January 1, 2005.

(c) CONGRESSIONAL APPROVAL OF COMPACT.—

(1) ADOPTING STATES TO TRANSMIT.—Upon the 20th State becoming a signatory to the Compact, the adopting States shall transmit a copy of the Compact to Congress.

(2) CONGRESSIONAL ACTION.—

(A) IN GENERAL.—If a joint resolution described in subparagraph (B) is enacted into law within 120 calendar days, excluding congressional recess period days, of Congress receiving the Compact under paragraph (1), then sections 7 and 8 shall apply to the adopting States, and any other State that subsequently adopts the Compact.

(B) JOINT RESOLUTION.—A joint resolution described in this subparagraph is a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: ''That Congress—

''(1) agrees that the uniform, streamlined sales and use tax system described in the Compact transmitted to Congress by the States pursuant to section 6(c)(1) of the Internet Tax Moratorium and Equity Act does not create an undue burden on interstate commerce; and

''(2) authorizes any State that adopts such Compact to require remote sellers to collect and remit sales and use taxes in accordance with such system .''

(C) EXPEDITED PROCEDURE FOR APPROVAL.—

(i) RULES OF HOUSE AND SENATE.—This paragraph is enacted—

(I) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of the joint resolution described in subparagraph (B), and they supersede other rules only to the extent that they are inconsistent therewith, and

(II) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(ii) APPLICABLE PROCEDURAL PROVISIONS.—Except as otherwise provided in this paragraph, the procedures set forth in section 152 (other than subsection (a) thereof) of the Trade Act of 1974 (19 U.S.C. 2192) shall apply to the joint resolution described in subparagraph (B) by substituting the ''Committee on the Judiciary'' for the ''Committee on Ways and Means'' and the ''Committee on Commerce, Science, and Transportation'' for the ''Committee on Finance'' in subsection (b) thereof.

(iii) INTRODUCTION OF JOINT RESOLUTION AFTER COMPACT RECEIVED.—Until Congress receives the Compact described in paragraph (1), it shall not be in order in either House to introduce the joint resolution described in subparagraph (B).

(iv) CONSIDERATION OF JOINT RESOLUTION.—No amendment to the joint resolution described in subparagraph (B) shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this clause shall be in order in either House. Within 120 calendar days, excluding congressional recess period days, after the date on which a joint resolution described in subparagraph (B) is introduced in either House, that House shall proceed to a final vote on the joint resolution without intervening action. If either House approves the resolution, it shall be placed on the calendar in the other House, which shall proceed immediately to a final vote on the joint resolution without intervening action.

SEC. 7. AUTHORIZATION TO SIMPLIFY STATE USE-TAX RATES THROUGH AVERAGING.

(a) IN GENERAL.—Subject to the exception in subsection (c), a State that adopts the Compact authorized and approved under section 6 and that levies a use tax shall impose a single, uniform State-wide use-tax rate on all remote sales on which it assesses a use tax for any calendar year for which the State meets the requirements of subsection (b).

(b) AVERAGING REQUIREMENT.—A State meets the requirements of this subsection for any calendar year in which the single, uniform State-wide use-tax rate is in effect if such rate is no greater than the weighted average of the sales tax rates actually imposed by the State and its local jurisdictions during the 12-month period ending on June 30 prior to such calendar year.

(c) ANNUAL OPTION TO COLLECT ACTUAL TAX.—Notwithstanding subsection (a), a remote seller may elect annually to collect the actual applicable State and local use taxes on each sale made in the State.

(d) ALTERNATIVE SYSTEM.—A State that adopts the uniform, streamlined sales and use tax system described in the Compact authorized and approved under section 6 so that remote sellers can use information provided by the State to identify the single applicable rate for each sale, may require a remote seller to collect the actual applicable State and local sales or use tax due on each sale made in the State if the State provides such seller relief from liability to the State for relying on such information provided by the State.

SEC. 8. AUTHORIZATION TO REQUIRE COLLECTION OF USE TAXES.

(a) GRANT OF AUTHORITY.—

(1) STATES THAT ADOPT THE SYSTEM MAY REQUIRE COLLECTION.—Any State that has adopted the system described in the Compact authorized and approved under section 6 is authorized, notwithstanding any other provision of law, to require all sellers not qualifying for the de minimis exception to collect and remit sales and use taxes on remote sales to purchasers located in such State.

(2) STATES THAT DO NOT ADOPT THE SYSTEM MAY NOT REQUIRE COLLECTION.—Paragraph (1) does not extend to any State that does not adopt the system described in the Compact.

(b) NO EFFECT ON NEXUS, ETC.—No obligation imposed by virtue of authority granted by subsection (a)(1) or denied by subsection (a)(2) shall be considered in determining whether a seller has a nexus with any State for any other tax purpose. Except as provided in subsection (a), nothing in this Act permits or prohibits a State—

(1) to license or regulate any person;

(2) to require any person to qualify to transact intrastate business; or

(3) to subject any person to State taxes not related to the sale of goods or services.

SEC. 9. NEXUS FOR STATE BUSINESS ACTIVITY TAXES.

It is the sense of Congress that before the conclusion of the 107th Congress, legislation should be enacted to determine the appropriate factors to be considered in establishing whether nexus exists for State business activity tax purposes.

SEC. 10. LIMITATION.

In general, nothing in this Act shall be construed as subjecting sellers to franchise taxes, income taxes, or licensing requirements of a State or political subdivision thereof, nor shall anything in this Act be construed as affecting the application of such taxes or requirements or enlarging or reducing the authority of any State or political subdivision to impose such taxes or requirements.

SEC. 11. DEFINITIONS.

In this Act:

(1) STATE.—The term ''State'' means any State of the United States of America and includes the District of Columbia.

(2) GOODS OR SERVICES.—The term ''goods or services'' includes tangible and intangible personal property and services.

(3) REMOTE SALE.—The term ''remote sale'' means a sale in interstate commerce of goods or services attributed, under the rules established pursuant to section 5(a)(3), to a particular taxing jurisdiction that could not, except for the authority granted by this Act, require that the seller of such goods or services collect and remit sales or use taxes on such sale.

(4) LOCUS OF REMOTE SALE.—The term ''particular taxing jurisdiction'', when used with respect to the location of a remote sale, means a remote sale of goods or services attributed, under the rules established pursuant to section 5(a)(3), to a particular taxing jurisdiction.

By Mr. REID (for himself and Mr. SMITH of Oregon):

S. 1566. A bill to amend the Internal Revenue Code of 1986 to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, perhaps at no other time in our history is the energy security of the United States more vital to this nation's well being.

We all agree that the United States needs to reduce its dependence on fossil fuels that pollute the environment and undermine our national security interests and balance of trade. Nevadans understand that any responsible energy strategy must encompass conservation, efficiency, and an expanded generating capacity. Developing renewable energy resources represents a responsible way to expand our power capacity without compromising air or water quality. These renewable energy sources can enhance America's energy supply on a time scale of 1–3 years, considerably shorter than times required for fossil-fuel power plants.

I rise today to introduce a bill that expands the existing production tax credit for renewable energy technologies to cover all renewable energy technologies. I want to thank Senator GORDON SMITH for joining me in the introduction of this bill, which sets America on a steady path toward energy independence.

Our legislation will renew the wind power production tax credit and expand the credit to additional renewable resources, including solar power, open-loop biomass, poultry and animal waste, landfill gas, geothermal, incremental geothermal, and incremental hydropower facilities.

The proposed production tax credit for all these renewable energy sources would be made permanent to signal America's long-term commitment to renewable energy resources.

One example that illustrates the need for a permanent tax credit is what I recently learned about a major wind farm project at the Nevada Test Site. It is experiencing delays. The production of electricity in rapidly growing Nevada and the whole western part of the country is important. We need to do something to develop new sources of electricity.

But I found that this project, which is set to go on line, is having difficulty

because in the law we have an expiring tax credit for wind. Not only that, but to do it for 1 year really doesn't help that much. People are unwilling to lend money on a 1-year tax credit. It is possible this project may be canceled due to the uncertain nature of the production tax credit for wind energy. This would be a terrible disappointment. Within 3 to 5 years they can produce enough electricity by wind to supply energy to 260,000 people. That is a lot of people. That would be that much less coal we would have to burn, or natural gas, or fuel oil.

The Department of Energy estimates that we could increase our geothermal energy production almost ten fold, supplying ten percent of the energy needs of the West, and expand wind energy production to serve the electricity needs of ten million homes.

The Nevada Public Utilities Commission estimates 500 megawatts of wind energy and 500 megawatts of geothermal should be online in the state by 2013, supplying the energy needs of one million Nevadans. That is 1,000 megawatts.

But we need a permanent production tax credit to make these estimates a reality.

The bill Senator SMITH and I have introduced this afternoon allows for coproduction credits to encourage blending of renewable energy with traditional fuels and provides a credit for renewable facilities on native American and native Alaskan lands.

It also provides production incentives to not-for-profit public power utilities and rural electric cooperatives, which serve 25 percent of the nation's power customers, by allowing them to transfer of their credits to taxable entities.

Fossil fuel plants pump over 11 million tons of pollutants into our air each year. Eleven million tons—it is hard to comprehend that—every year. What we are doing is building more powerplants to pump more pollution into the air. By including landfill gas in this legislation, we systematically reduce the largest single human source of methane emissions in the United States, effectively eliminating the greenhouse gas equivalent of 233 million tons of carbon dioxide. These figures are staggering, but they are realistic.

There is a compelling need for our legislation because the existing production tax credit for electricity produced from wind energy and closed-loop biomass renewable resources expires at the end of this year.

In the past year alone, $1.3 billion in capital investment in wind energy projects has been made in the U.S.

As I indicated, at the Nevada Test Site, a new wind farm will provide 260 megawatts to meet the needs of 260,000 people.

Growing renewable energy industries in the U.S. will also help provide growing employment opportunities in the U.S., and help U.S. renewable technologies compete in world markets.

In States like Nevada, expanded renewable energy production will provide jobs in rural areas—areas that have been largely left out of America's recent economic boom during the past several years. Rural Nevada hasn't done well at all. Renewable energy is poised to make major contributions to our Nation's energy needs over the next decade.

As fantastic as it sounds, enough sunlight falls on a 100-mile-by-100-mile area of southern Nevada that, if covered with solar panels, could power the entire Nation.

I am proud to say that Nevada has adopted the most aggressive Renewable Portfolio Standard in the nation, requiring that 5 percent of the state's electricity needs be met by renewable energy resources in 2003, which then grows to 15 percent by 2013.

We are mandating in the State of Nevada that 15 percent of the energy resources must be produced by alternative energy. That is really a step forward, and I applaud the Nevada State Legislature.

The citizens of Nevada deserve a national energy strategy that ensures their economic well being and security, and provides for a secure quality of life. That should also apply to the whole United States.

Our legislation encourages the use of renewable energy and signals America's long-term commitment to clean energy, a healthy environment, and energy independence.

Renewable energy—as an alternative and successor to traditional energy sources—is a common sense way to ensure the American people have a reliable source of power at an affordable price.

The United States needs to move away from its dependence on fossil fuels that pollute the environment and undermine our national security interests and balance of trade.

We must accept this commitment for the energy security of the U.S., for the protection of our environment, and for the health and security of the American people.

I hope this legislation is allowed to move forward as quickly as possible.

By Mr. HATCH:

S. 1568. A bill to prevent cyberterrorism; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Cyberterrorism Prevention Act of 2001, an important piece of legislation to prevent terrorists from hijacking our computer system to wreak havoc with our essential infrastructure.

This bill provides law enforcement with critical tools to combat cyberterrorism. I urge my colleagues to support this important piece of legislation.

By Ms. COLLINS (for herself, Mr. GREGG, Mr. REED, Mr. JOHNSON, Mr. SESSIONS, and Mr. WARNER):

S. 1570. A bill to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, every American is struggling to cope with the terrorist attacks of September 11 and subsequent events. Among those on the front lines in addressing these disasters are our military Reservists and members of our National Guard. Not only are these men and women grappling with the consequences of the catastrophe and the rigors of being mobilized for active duty, but many of them are also forced to worry about leaving college in the middle of their courses and making continued payments on their student loans. Will their tuition be reimbursed for courses that are interrupted? How will they keep up with their student loan payments while they are on active duty?

In my State of Maine, more than 10 percent of our National Guard members are making payments on their student loans and are faced with these very questions. As these Guard members and Reservists prepare to serve their country, the least we can do is alleviate their concerns about making payments on their student loans while they are on active duty.

Some of the families directly affected by the tragedies of September 11 are facing similar dilemmas. The dislocation in New York City and elsewhere caused by the terrorist attacks has jeopardized the ability of some individuals to meet their payment schedules on their student loans.

Lending institutions located in New York City are encountering yet another set of difficulties. A number of lenders are headquartered within a few blocks of ground zero. They, understandably, have been unable to meet the due diligence requirements set forth by the Department of Education. Several firms, in fact, were not even able to access their office buildings for many days after the attacks, let alone meet filing deadlines.

With those Guard members, Reservists, affected families, and lending institutions in mind, I am pleased today to introduce the Higher Education Relief Opportunities for Students Act of 2001. My colleagues, Senators GREGG, REED, WARNER, and SESSIONS, as well as the Presiding Officer, Senator JOHNSON, whose support and leadership I value greatly, have signed on as original cosponsors. The HEROS Act grants the Secretary of Education specific waiver authority under the Higher Education Act to provide relief to those affected by the recent attacks on America. The Secretary would be empowered to assist Reservists and Guard members who are being called up for active duty as well as others directly affected by the attacks.

The Secretary's new authority would be limited to ensuring that military

personnel and civilians are in the same financial position as they were prior to the terrorist attacks with respect to their student loans. And it has been drafted so as to not impair the integrity of the student loan programs.

The Secretary of Education is given some discretion under the Higher Education Act to defer payments on student loans. But this authority does not go far enough. The HEROS Act would empower the Secretary to take several additional steps to provide needed relief to help those directly affected by the terrorist attacks.

Specifically, the Higher Education Relief Opportunities for Students Act authorizes the Secretary of Education to relax repayment obligations for Guard members and Reservists called up to active duty, to provide a period of time during which the victims and their families may reduce or delay monthly student loan payments, and to assist educational institutions and lenders with reporting requirements.

All of these steps can be taken while still ensuring the integrity of our student loan programs.

This legislation is modeled on a previous law that was enacted during the Gulf War to provide relief for our men and women in the military. In short, there is precedent for authorizing the Secretary of Education to provide these kinds of relief.

I am pleased to be joined by five of my colleagues in introducing this bill, and I thank them all for their support. I also commend Representative McKEON for his leadership on the House version of the HEROS Act. His initiative will help ensure that we provide adequate student loan relief to Reservists, Guard members, and victims' families.

I look forward to the swift passage of this legislation.

Mr. President, I send the bill to the desk and ask it be appropriately referred at this time.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 172—EXPRESSING THE SENSE OF THE SENATE REGARDING THE URGENT NEED TO PROVIDE EMERGENCY HUMANITARIAN ASSISTANCE AND DEVELOPMENT ASSISTANCE TO CIVILIANS IN AFGHANISTAN, INCLUDING AFGHAN REFUGEES IN SURROUNDING COUNTRIES

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

S. RES. 172

Whereas, well before the terrorist attacks on September 11, 2001, Afghanistan was the site of the greatest crisis of hunger and displacement in the world;

Whereas, after more than 20 years of conflict, 3 years of severe drought, and the repressive policies of the Taliban regime, 4,000,000 Afghans had sought refuge in neighboring countries, and Afghan women have one of the highest maternal mortality rates in the world, and one in four children dies before the child's fifth birthday;

Whereas the United Nations High Commissioner for Refugees estimates that 1,500,000 additional Afghans could seek to flee the country in coming months due to the ongoing military conflict;

Whereas all 6 countries neighboring Afghanistan have closed their borders to refugees both on security grounds and citing an inability to economically provide for more refugees, and thousands have been trapped at borders with no food, shelter, water, or medical care;

Whereas 7,500,000 people inside Afghanistan face critical food shortages or risk starvation by winter's end, and are partially or fully dependent on outside assistance for survival, and of these people, 70 percent are women and children;

Whereas the United Nations World Food Program (WFP), which distributes most of the food within Afghanistan, estimates that food stocks in the country are critically short, and WFP overland food shipments inside and outside the border of Afghanistan have been disrupted due to security concerns over United States military strikes;

Whereas airdrops of food by the United States military cannot by itself meet the enormous humanitarian needs of the Afghan people, and cannot replace the most effective delivery method of overland truck convoys of food, nor can it replace access to affected populations by humanitarian agencies;

Whereas the President has announced a $320,000,000 initiative to respond to the humanitarian needs in Afghanistan and for Afghan refugees in neighboring countries, and much more international assistance is clearly needed; and

Whereas the United States is the single largest donor of humanitarian assistance to the Afghan people, totaling more than $185,000,000 in fiscal year 2001: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE ON HUMANITARIAN AND DEVELOPMENT ASSISTANCE FOR THE PEOPLE OF AFGHANISTAN.

It is the sense of the Senate that—

(1) Afghanistan's neighbors should reopen their borders to allow for the safe passage of refugees, and the international community must be prepared to contribute to the economic costs incurred by the flight of desperate Afghan civilians;

(2) as the United States engages in military action in Afghanistan, it must work to deliver assistance, particularly through overland truck convoys, and safe humanitarian access to affected populations, in partnership with humanitarian agencies in quantities sufficient to alleviate a large scale humanitarian catastrophe; and

(3) the United States should contribute to efforts by the international community to provide long-term, sustainable reconstruction and development assistance for the people of Afghanistan, including efforts to protect the basic human rights of women and children.

Mr. WELLSTONE. Mr. President, even before the world focused on it as a sanctuary for Osama bin Laden and other terrorists, Afghanistan was on the brink of a humanitarian catastrophe, the site of the greatest crisis in hunger and refugee displacement in the world. Now the worsening situation on the ground is almost unimaginable. After 4 years of relentless drought, the worst in three decades, and the total failure of the Taliban government in administering the country, 4 million people have abandoned their homes in search of food in Pakistan, Iran, Tajikistan, and elsewhere, while those left behind eat meals of locusts and animal fodder.

Mr. President, 7.5 million people inside the country are threatened by famine or severe hunger as cold weather approaches, according to the United Nations.

As President Bush made clear, we are waging a campaign against terrorists, not ordinary Afghans, who are some of the poorest and most beleaguered people on the planet and were our allies during the cold war.

Yet, the current military air strikes and the disintegration of security is worsening the humanitarian situation on the ground.

Aid organizations are increasingly concerned about their ability to deliver aid to Afghanistan while the United States continues its bombing campaign. Several aid organizations have been accidentally bombed by the United States in the last week. In addition to these accidental bombings, law and order are breaking down inside Afghanistan. Reports indicate that thieves have broken into several aid organization offices, beat up the Afghan staff and stolen vehicles, spare parts, and other equipment.

Warehouses of the International Red Cross in Kabul were bombed yesterday. The ICRC says that the warehouses were clearly marked white with a large red cross visible from the air. One worker was wounded and is now in stable condition. One warehouse suffered a direct hit, which destroyed tarpaulins, plastic sheeting, and blankets, while another containing food caught on fire and was partially destroyed. The Pentagon claimed responsibility for the bombing later in the day, adding that they "regret any innocent casualties," and that the ICRC warehouses were part of a series of warehouses that the United States believed were used to store military equipment. "There are huge needs for the civilian population, and definitely it will hamper our operations," Robert Monin, head of the International Red Cross' Afghanistan delegation, said on Islamabad, Pakistan.

Another missile struck near a World Food Program warehouse in Afsotar, wounding one laborer. The missile struck as trucks were being loaded for an Oxfam convoy to the Hazarajat region, where winter will begin closing off the passes in the next two weeks. Loading was suspended and the warehouse remains closed today.

Last week, four U.N. workers for a demining operation were accidentally killed when a bomb struck their office in Kabul.

In response to the dangers threatening humanitarian operations, the