

not prevented from accessing this technology.

By Mr. SMITH of New Hampshire
(for himself, Mr. JEFFORDS, Mr.
GRAHAM, and Mr. CRAPO):

S. 1608. A bill to establish a program to provide grants to drinking water and wastewater facilities to meet immediate security needs; to the Committee on Environment and Public Works.

Mr. SMITH of New Hampshire. Madam 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. 1608

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

SECTION 1. WATER SECURITY GRANTS.

(a) DEFINITIONS.—In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a publicly- or privately-owned drinking water or wastewater facility.

(3) ELIGIBLE PROJECT OR ACTIVITY.—

(A) IN GENERAL.—The term “eligible project or activity” means a project or activity carried out by an eligible entity to address an immediate physical security need.

(B) INCLUSIONS.—The term “eligible project or activity” includes a project or activity relating to—

(i) security staffing;

(ii) detection of intruders;

(iii) installation and maintenance of fencing, gating, or lighting;

(iv) installation of and monitoring on closed-circuit television;

(v) rekeying of doors and locks;

(vi) site maintenance, such as maintenance to increase visibility around facilities, windows, and doorways;

(vii) development, acquisition, or use of guidance manuals, educational videos, or training programs; and

(viii) a program established by a State to provide technical assistance or training to water and wastewater facility managers, especially such a program that emphasizes small or rural eligible entities.

(C) EXCLUSIONS.—The term “eligible project or activity” does not include any large-scale or system-wide project that includes a large capital improvement or vulnerability assessment.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program to allocate to States, in accordance with paragraph (2), funds for use in awarding grants to eligible entities under subsection (c).

(2) ALLOCATION TO STATES.—Not later than 30 days after the date on which funds are made available to carry out this section, the Administrator shall allocate the funds to States in accordance with the formula for the distribution of funds described in section 1452(a)(1)(D) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(1)(D)).

(3) NOTICE.—Not later than 30 days after the date described in paragraph (2), each State shall provide to each eligible entity in the State a notice that funds are available to assist the eligible entity in addressing immediate physical security needs.

(c) AWARD OF GRANTS.—

(1) APPLICATION.—An eligible entity that seeks to receive a grant under this section

shall submit to the State in which the eligible entity is located an application for the grant in such form and containing such information as the State may prescribe.

(2) CONDITION FOR RECEIPT OF GRANT.—An eligible entity that receives a grant under this section shall agree to expend all funds provided by the grant not later than September 30, 2002.

(3) DISADVANTAGED, SMALL, AND RURAL ELIGIBLE ENTITIES.—A State that awards a grant under this section shall ensure, to the maximum extent practicable in accordance with the income and population distribution of the State, that a sufficient percentage of the funds allocated to the State under subsection (b)(2) are available for disadvantaged, small, and rural eligible entities in the State.

(d) ELIGIBLE PROJECTS AND ACTIVITIES.—

(1) IN GENERAL.—A grant awarded by a State under subsection (c) shall be used by an eligible entity to carry out 1 or more eligible projects or activities.

(2) COORDINATION WITH EXISTING TRAINING PROGRAMS.—In awarding a grant for an eligible project or activity described in subsection (a)(3)(B)(vii), a State shall, to the maximum extent practicable, coordinate with training programs of rural water associations of the State that are in effect as of the date on which the grant is awarded.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2002.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2040. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 2041. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2042. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, supra.

SA 2043. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2044. Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. TORRICELLI, Mr. CORZINE, Mrs. CLINTON, and Mr. WELLSTONE) proposed an amendment to the bill H.R. 3061, supra.

SA 2045. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, supra.

SA 2046. Mr. SESSIONS (for himself and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2047. Mr. HATCH (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2048. Mr. HARKIN proposed an amendment to the bill H.R. 3061, supra.

SA 2049. Mr. HARKIN (for Mr. WYDEN) proposed an amendment to the bill H.R. 3061, supra.

SA 2050. Mr. HARKIN (for Ms. COLLINS (for himself and Mr. REED)) proposed an amendment to the bill H.R. 3061, supra.

SA 2051. Mr. HARKIN (for Mr. HATCH) proposed an amendment to the bill H.R. 3061, supra.

SA 2052. Mr. HARKIN (for Mr. INOUYE) proposed an amendment to the bill H.R. 3061, supra.

SA 2053. Mr. HARKIN (for Mr. BAYH) proposed an amendment to the bill H.R. 3061, supra.

SA 2054. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, supra.

SA 2055. Mr. GRAMM proposed an amendment to amendment SA 2044 proposed by Mr. DASCHLE to the bill (H.R. 3061) supra.

TEXT OF AMENDMENTS

SA 2040. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 7, strike “\$361,524,000” and insert “\$291,524,000”.

On page 43, line 23, strike “\$305,000,000” and insert “\$375,000,000”.

SA 2041. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, line 23, strike “\$305,000,000” and insert “\$375,000,000, except that the amounts appropriated in this Act for administrative expenditures shall be reduced on a pro rata basis by \$70,000,000”.

SA 2042. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. _____. (a) FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR INPATIENT HOSPITAL SERVICES.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by inserting “(i) IN GENERAL.—” before “The Secretary”, and adjusting the margin two ems to the right;

(2) by striking “The Secretary” and inserting “Subject to clause (ii), the Secretary”; and

(3) by adding at the end the following new clause:

“(ii) FLOOR ON AREA WAGE ADJUSTMENT FACTOR.—Notwithstanding clause (i), in determining payments under this subsection for discharges occurring on or after October 1, 2001, the Secretary shall substitute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing—

“(I) the application of the last sentence of clause (i) to any substitution made pursuant to this clause, or

“(II) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(t)) to which the factors established under clause (i) apply.”

(b) FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR OUTPATIENT HOSPITAL SERVICES.—Section

1833(t)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following: “For purposes of subparagraph (D) for items and services furnished on or after October 1, 2001, if the factors established under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (ii) of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including waiving the applicability of the requirement for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886.”.

SA 2043. Mr. BROWNBACk submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ PROHIBITION ON MIXING HUMAN AND ANIMAL GAMETES.

(a) **DEFINITIONS.**—In this section:

(1) **GAMETE.**—The term “gamete” means a haploid germ cell that is an egg or a sperm.

(2) **SOMATIC CELL.**—The term “somatic cell” means a diploid cell whose nucleus contains the full set of chromosomes of a human or an animal.

(b) **PROHIBITION.**—It shall be unlawful for any person to knowingly attempt to create a human-animal hybrid by—

(1) combine a human gamete and an animal gamete; or

(2) conducting nuclear transfer cloning using a human egg or a human somatic cell nucleus.

(c) **SANCTIONS.**—

(1) **IN GENERAL.**—Any person who violates subsection (b) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 10 years, or both.

(2) **CIVIL PENALTIES.**—The Secretary of Health and Human Services shall promulgate regulations providing for the application of civil penalties to persons who violate subsection (b).

SA 2044. Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. TORRICElli, Mr. CORZINE, Mrs. CLINTON, and Mr. WELLSTONE) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____ PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION

SEC. ____ 01. SHORT TITLE.

This title may be cited as the “Public Safety Employer-Employee Cooperation Act of 2001”.

SEC. ____ 02. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared account-

ability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intra-state commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent work stoppages and industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. ____ 03. DEFINITIONS.

In this title:

(1) **AUTHORITY.**—The term “Authority” means the Federal Labor Relations Authority.

(2) **EMERGENCY MEDICAL SERVICES PERSONNEL.**—The term “emergency medical services personnel” means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) **EMPLOYER; PUBLIC SAFETY AGENCY.**—The terms “employer” and “public safety agency” mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) **FIREFIGHTER.**—The term “firefighter” has the meaning given the term “employee engaged in fire protection activities” in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) **LABOR ORGANIZATION.**—The term “labor organization” means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) **MANAGEMENT EMPLOYEE.**—The term “management employee” has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate or determine the policies of the employer.

(8) **PUBLIC SAFETY OFFICER.**—The term “public safety officer”—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) **SUBSTANTIALLY PROVIDES.**—The term “substantially provides” means that the State provides rights and responsibilities that are comparable to or greater than the essential requirements of this title, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) **SUPERVISORY EMPLOYEE.**—The term “supervisory employee” has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. ____ 04. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) **DETERMINATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) **SUBSEQUENT DETERMINATIONS.**—

(A) **IN GENERAL.**—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) **PROCEDURES FOR SUBSEQUENT DETERMINATIONS.**—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) **JUDICIAL REVIEW.**—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) **RIGHTS AND RESPONSIBILITIES.**—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized

as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(C) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 05.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 05. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 04(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 04(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this title and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this title, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section,

and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 06. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. 07. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 08. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this title shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are comparable to or greater than the rights provided under this title;

(2) to prevent a State from prohibiting bargaining over issues which are traditional and customary management functions, except as provided in section 04(b)(3);

(3) to prevent a State from enforcing a right-to-work law which prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(4) to invalidate any State law in effect on the date of enactment of this Act that substantially provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear in his or her own behalf with respect to his or her employment relations with the public safety agency involved; or

(5) to prohibit a State from exempting from coverage under this title a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full time employees.

For purposes of paragraph (5), the term "employees" includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this title shall be construed to require a State to

rescind or preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights provided under this title.

(2) ACTIONS OF THE AUTHORITY.—Nothing in this title shall be construed to require that the Authority preempt the laws or ordinances of any political subdivision of a State if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights provided under this title.

SEC. 09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SA 2045. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(3) recent reports from the Associated Press highlight the use of Federal AIDS prevention money to conduct sexually explicit workshops for homosexual men and women;

(4) such sexually explicit workshops teach homosexual men and women how to write erotic love stories and how to use sex toys for solo and partner sex; and

(5) Federal AIDS prevention funds should not be used to promote sexual activity and behavior and potentially transmit the disease that such funds were allocated to fight.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress concerning programs offering sexually explicit workshops using such dollars.

SA 2046. Mr. SESSIONS (for himself and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(5) Federal AIDS prevention funds should not be used to promote sexual activity that could potentially transmit the disease that such funds were allocated to fight.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress concerning the use of all AIDS funds and explicit descriptions of programs and workshops for AIDS prevention purposes.

SA 2047. Mr. HATCH (for himself, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. _____. Of the funds provided to the Office of the General Counsel, not less than \$500,000 shall be used to provide legal support for enforcement of the labeling provisions of the Dietary Supplement Health and Education Act of 1994.

SEC. _____. Expressing the sense of the Senate that the Department of Health and Human Services publish a Notice regarding Good Manufacturing Practices for dietary supplements.

Whereas over 100,000,000 Americans regularly use dietary supplements to maintain and improve their health status;

Whereas Congress has established a strong regulatory framework to ensure that consumers have access to safe dietary supplement products and information about those products;

Whereas Good Manufacturing Practice (GMP) regulations are the primary enforcement tool whereby government inspectors ensure that all food products (including dietary supplements) are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping;

Whereas the Dietary Supplement Health and Education Act of 1994 authorized development of Good Manufacturing Practice guidelines for dietary supplements;

Whereas the Good Manufacturing practice guidelines will be instrumental in assuring the American public that dietary supplements are properly manufactured and labeled; and

Whereas those guidelines have been in development by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget, for over 5 years; Now, therefore, be it

Resolved, That the Senate expresses a sense of the Senate that the Department of Health and Human Services or its operating divisions publish a Notice of Proposed Rulemaking with respect to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

SA 2048. Mr. HARKIN proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for

the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 33, line 22, strike all after the word “Center” through the word “vivarium” on line 23.

On page 33, line 25, strike all after the word “related” through the word “project” on page 34, line 2, and insert, in lieu thereof, “contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center”.

SA 2049. Mr. HARKIN (for Mr. WYDEN) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 515. Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note) is amended by adding at the end the following:

“(f) STATE CONTRIBUTIONS.—

“(1) SUPPLEMENT, NOT SUPPLANT.—

“(A) IN GENERAL.—Effective October 1, 2002, the portion of the funds made available to a State to carry out this section for a fiscal year that exceeds the baseline funding for the State shall be used to supplement and not supplant State (including local) public funds expended to provide free public education.

“(B) DEFINITIONS.—In this paragraph:

“(i) BASELINE FUNDING.—The term ‘baseline funding’, used with respect to a State, means the funds made available to the State to carry out this section for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

“(ii) FREE PUBLIC EDUCATION.—The term ‘free public education’ has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(2) MAINTENANCE OF EFFORT.—

“(A) IN GENERAL.—Effective October 1, 2002, a State may receive funds under this section for a fiscal year only if the Secretary of Education finds that the aggregate expenditure of the State with respect to the provision of free public education by such State for the preceding fiscal year was not less than 100 percent of the baseline expenditure for the State.

“(B) USE OF FUNDS.—If a State fails to receive funds under this section for a fiscal year in accordance with subparagraph (A), the Secretary of the Treasury shall use the funds to make payments to the other States, in proportion to the amounts already received by the other States under this section for the fiscal year.

“(C) WAIVER.—The Secretary of the Treasury may waive the requirements of this paragraph if the Secretary determines that such a waiver would be equitable due to—

“(i) exceptional or uncontrollable circumstances such as a natural disaster; or

“(ii) a precipitous decline in the financial resources of the State.

“(D) DEFINITIONS.—In this paragraph:

“(i) AGGREGATE EXPENDITURE.—The term ‘aggregate expenditure’, used with respect to a State, shall not include any funds received by the State under this Act.

“(ii) BASELINE EXPENDITURE.—The term ‘baseline expenditure’, used with respect to a State, means the aggregate expenditure of the State with respect to the provision of free public education by such State for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

“(iii) FREE PUBLIC EDUCATION.—The term ‘free public education’ has the meaning given the term in paragraph (1).”

SA 2050. Mr. HARKIN (for Ms. COLLINS (for herself and Mr. REED)) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. 516. (a) FINDINGS.—The Senate finds the following:

(1) The Low-Income Home Energy Assistance Program (referred to in this section as “LIHEAP”) is the primary Federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) Congress provided \$300,000,000 in emergency funding for LIHEAP in the Supplemental Appropriations Act, 2001 because regular appropriations were insufficient to help States offset the increase in high utility bills during the winter of 2000-2001.

(3) Congress expected that half of the emergency funding would be made available for targeted assistance to States with the most critical needs, and half would be given to help States address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels and residential natural gas, experienced during the winter of 2000-2001.

(4) In the winter of 2000-2001, there was a 30 percent increase in households receiving LIHEAP assistance in large part due to the high price of home energy and severe weather.

(5) In the winter of 2000-2001, the LIHEAP program was only able to serve 17 percent of the 29,000,000 households eligible for LIHEAP assistance.

(6) In the winter of 2000-2001—

(A) heating oil prices were 36 percent higher than in the winter of 1999-2000, and residential natural gas cost 42 percent more per cubic foot than in the winter of 1999-2000; and

(B) the weather was 10 percent colder than in the winter of 1999-2000.

(7) In the winter of 2000-2001, record cold weather and high home energy bills took a financial toll on low-income families and the elderly who spend, on average, 19.5 percent of their annual income on energy bills, as compared to 3.7 percent for all other households.

(8) Families in the United States need emergency LIHEAP funding to pay home energy bills from the winter of 2000-2001 and restore heat as the succeeding winter approaches.

(9) More citizens will need LIHEAP assistance in fiscal year 2002 due to the recent increase in unemployment and the slowing economy.

(10) States are being forced to draw down fiscal year 2002 LIHEAP funds in order to address unmet needs from fiscal year 2001 and help low-income households pay overdue home energy bills.

(11) Emergency LIHEAP funding will provide States with critical resources to help provide assistance to residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately release the \$300,000,000 in emergency funding for LIHEAP provided by the Supplemental Appropriations Act, 2001.

SA 2051. Mr. HARKIN (for Mr. HATCH) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, after the period on line 15, add the following:

SEC. 218. Of the funds provided to the Office of the General Counsel, not less than \$500,000 shall be used to provide legal support for enforcement of the labeling provisions of the Dietary Supplement Health and Education Act of 1994.

SEC. 219. Expressing the sense of the Senate that the Department of Health and Human Services publish a Notice regarding Good Manufacturing Practices for dietary supplements.

Whereas over 100,000,000 Americans regularly use dietary supplements to maintain and improve their health status;

Whereas Congress has established a strong regulatory framework to ensure that consumers have access to safe dietary supplement products and information about those products;

Whereas Good Manufacturing Practice (GMP) regulations are the primary enforcement tool whereby government inspectors ensure that all food products (including dietary supplements) are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping;

Whereas the Dietary Supplement Health and Education Act of 1994 authorized development of Good Manufacturing Practice guidelines for dietary supplements;

Whereas the Good Manufacturing practice guidelines will be instrumental in assuring the American public that dietary supplements are properly manufactured and labeled; and

Whereas those guidelines have been in development by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget, for over 5 years; Now, therefore, be it

Resolved, That the Senate expresses a sense of the Senate that the Department of Health and Human Services or its operating divisions publish a Notice of Proposed Rulemaking with respect to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

SA 2052. Mr. HARKIN (for Mr. INOUYE) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, on page 93, after line 12, insert the following:

SEC. 517. (a) Section 10 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Kamehameha School/Bishop Estate” and inserting “Papa Ola Lokahi”; and

(2) in subsection (b)(1)(C), by striking “Kamehameha School/Bishop Estate” and inserting “Papa Ola Lokahi”.

(b) Section 338K(a) of the Public Health Service Act (42 U.S.C. 254s(a)) is amended by striking “Kamehameha School/Bishop Estate” and inserting “Papa Ola Lokahi”.

SA 2053. Mr. HARKIN (for Mr. BAYH) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 93, after line 12, insert the following:

SEC. 518. (a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives on the matters described in subsection (b) with respect to the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2021) and programs administered by State and local units of government.

(b) MATTERS STUDIES.—For purposes of subsection (a), the matters described in this subsection include the following:

(1) An assessment of Federal programs administered by State and local units of government, including local educational agencies, explicitly required to implement the administrative simplification requirements under provisions of the Health Insurance Portability and Accountability Act of 1996.

(2) An assessment of other Federal and non-Federal programs administered by State and local units of government, including local educational agencies, that will be required to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in order to exchange electronic health data with private sector providers and insurers.

(3) An analysis of the costs that will be incurred by State and local units of government, including local educational agencies, to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(4) An analysis of Federal resources available to units of State and local government, including local educational agencies, for implementing the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(5) An assessment of guidance provided to State and local units of government, including local educational agencies, by the Centers for Medicare and Medicaid Services and the Department of Health and Human Services on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(6) An assessment of the coordination between the Centers for Medicare and Medicaid Services, the Department of Health and Human Services, and other Federal agencies on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in Federal programs administered by State and local units of government, includ-

ing local educational agencies, in programs described in paragraph (1) or (2).

(c) DEFINITION.—In this section, the term “administrative simplification requirements” means all standards for transactions, data elements for such transactions, unique health identifiers, code sets, security, and privacy issued pursuant to sections 262 and 264 of the Health Insurance Portability and Accountability Act of 1996.

SA 2054. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end, add the following:

SEC. ____. STUDY AND REPORT.

(a) FINDINGS.—Congress makes the following findings:

(1) The number of students applying for loans and claiming to attend foreign institutions has risen from 4,594 students in 1993 to over 12,000 students in the 1998-1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them, and did not attend the foreign institution.

(3) Tighter disbursement controls are necessary to reduce the number of students fraudulently applying for loans under title IV of the Higher Education Act of 1965 and claiming they are going to attend foreign institutions. Funds should not be disbursed for attendance at a foreign institution unless the foreign institution can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) STUDY.—The Comptroller General shall conduct a study regarding—

(A) Federal student loan disbursements to students attending foreign schools; and

(B) fraud, waste, and abuse in the Federal Family Education Loan Program as the fraud, waste, and abuse relates to students receiving funding in order to attend a foreign school.

(2) REPORT.—The Comptroller General shall report to Congress regarding the results of the study.

(3) REPORT CONTENTS.—The report described in paragraph (2) shall—

(A) include information on whether or not there are standards that a foreign school must meet for an American student to attend and receive a federally guaranteed student loan;

(B) compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions;

(C) examine the default rates at foreign schools that enroll American students receiving federally guaranteed student loans and determine the number of students that are receiving loans in multiple years; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Family Education Loan Program.

SA 2055. Mr. GRAMM proposed an amendment to amendment SA 2044 proposed by Mr. DASCHLE to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

After line 7 on page 9, insert the following:

“(6) Protecting the constitutional right of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization in connection with their decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families.”

NOTICES OF HEARINGS/MEETINGS
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on October 31, 2001, in SR-328A at 2:30 p.m. The purpose of this business meeting will be to confirm the organization of the Agriculture Committee Subcommittee membership, mark up the credit title of the new Federal farm bill, and consider S. 1519, a bill to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

AUTHORITY FOR COMMITTEES TO MEET
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a business meeting during the session of the Senate on Wednesday, October 31, 2001. The purpose of this business meeting will be to confirm the organization of the Agriculture Committee subcommittee membership, mark up the credit title of the new Federal farm bill, and consider S. 1519, a bill to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 31, 2001, at 2 p.m. to hold a nomination hearing.

Agenda

Nominees: Mr. George Argyros, Sr., of California, to be Ambassador to Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra; Mr. Robert Beecroft, of Maryland, for the rank of Ambassador during his tenure of service as Head of Mission, Organization for Security and Cooperation in Europe (OSCE), Bosnia and Herzegovina; and Mr. Lyons Brown, Jr., of Kentucky, to be Ambassador to the Republic of Austria; to be introduced by: the Honorable MITCH McCONNELL.

Mr. Stephan Minikes, of the District of Columbia, to be U.S. Representative

to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, to be introduced by: the Honorable ARLEN SPECTER.

Mr. William Montgomery, of Pennsylvania, to be Ambassador to the Federal Republic of Yugoslavia; Mr. Melvin Sembler, of Florida, to be Ambassador to Italy; and Mr. Ronald Weiser, of Michigan, to be Ambassador to the Slovak Republic, to be introduced by: the Honorable CARL LEVIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate Select Committee on Intelligence be authorized to hold a closed hearing on intelligence matters on Wednesday, October 31, 2001, at 2:30 p.m., in room S-407 in the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Fisheries, Wildlife, and Water, be authorized to meet on Wednesday, October 31, 2001, at 9:30 a.m. to conduct a hearing on innovative financing mechanisms related to the drinking water and clean water State revolving fund. The hearing will be held in the room SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs and the Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Wednesday, October 31, 2001, at 9:30 a.m. to hold a joint hearing entitled “Terrorism Through the Mail: Protecting Postal Workers and the Public.”

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT H.R. 3061

Mr. REID. Madam President, I ask unanimous consent that at 10 a.m. tomorrow morning, Thursday, November 1, when the Senate resumes consideration of H.R. 3061, the Labor-HHS Appropriations Act, Senator GREGG be recognized to offer an amendment regarding school construction; that there be 60 minutes for debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form; that upon the use or yielding back of time, the Gregg amendment be laid aside and Senator LANDRIEU be recognized to offer an amendment regarding Title I targeting on which there will be 60 minutes for debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form;

that no second-degree amendments be in order to either amendment prior to the vote, nor to the language which may be stricken; that upon the use of time, the Senate resume consideration of the Gregg amendment, and then proceed to vote in relation to the Gregg amendment; that regardless of the outcome of the vote, there be 2 minutes for debate that in relation to the Landrieu amendment; that upon the use of that time, the Senate proceed to vote in relation to the Landrieu amendment, with no further intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, having had that consent agreement entered, I reiterate what the majority leader said a couple of hours ago that we are going to finish this bill this week, hopefully tomorrow. It would be really good if we could. Otherwise, we will have to work until Friday.

The leader is also extremely interested in completing the DC appropriations bill. The manager of that bill, the chairman of the subcommittee, Senator LANDRIEU, has indicated she is in conversations with the Senator on the other side regarding bringing the bill forward. Hopefully, that can be done and disposed of in a relatively short period of time.

Even though there were no recorded votes today, nor were there recorded votes yesterday, significant progress has been made on this bill. The managers have accepted six or eight amendments. A couple have been accepted by voice vote. The staff committee has been working with a number of Senators during the day, making progress on some very significant amendments. Hopefully, when these amendments are completed tomorrow, the Gregg and Landrieu amendments, we will be ready to complete work on this bill tomorrow afternoon.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 504 through 510; that the nominations be confirmed, the motions to reconsider be laid on the table, any statements thereon appear at the appropriate place in the RECORD, the President be immediately notified of the Senate action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general
Brigadier General James P. Czekanski, 0000