Mr. BYRD, Mr. MCCAIN, Mr. LIEBERMAN, Mr. SMITH of New Hampshire, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. SANTORUM, Mr. REED, Mr. ROBERTS, Mr. AKAKA, Mr. ALLARD, Mr. NELSON of Florida, Mr. HUTCHINSON, Mr. NELSON of Nebraska, Mr. SESSIONS, Mrs. CARNAHAN, Ms. COLLINS, Mr. DAYTON, Mr. BUNNING, Mr. BINGAMAN, Mr. DASCHLE, Mr. LOTT, Mr. LEAHY, Mr. BOND, and Mr. ROCKEFELLER):

S. Con. Res. 93. A concurrent resolution recognizing and honoring the National Guard on the occasion of the 365th anniversary of its historic beginning with the founding of the militia of the Massachusetts Bay Colony; considered and agreed to.

ADDITIONAL COSPONSORS

S. 724

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1214

At the request of Mr. HOLLINGS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1329

At the request of Mr. JEFFORDS, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1415

At the request of Mr. HATCH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1415, a bill to amend the Internal Revenue Code of 1986 to enhance book donations and literacy.

S. 1430

At the request of Mr. JOHNSON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1430, a bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1745

At the request of Mrs. LINCOLN, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1745, a bill to delay until at least January 1, 2003, any changes in medicaid regulations that modify the medicaid upper payment limit for non-State Government-owned or operated hospitals.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Iowa (Mr. GRASSLEY) , the Senator from Texas (Mr. GRAMM), the Senator from Indiana (Mr . BAYH), the Senator from Washington (Ms. CANTWELL), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1762

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1762, a bill to amend the Higher Education Act of 1965 to establish fixed interest rates for student and parent borrowers, to extend current law with respect to special allowances for lenders, and for other purposes.

S. 1767

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1767, a bill to amend title 38, United States Code, to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veteran's Affairs, and for other purposes.

S. 1785

At the request of Mr. CLELAND, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 1793

At the request of Ms. COLLINS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1793, 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.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S.Con.Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

AMENDMENT NO. 2152

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of amendment No. 2152 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1816. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, the University of Alaska, the University, is Alaska's oldest post-secondary school. The University was chartered prior to statehood and has played a vital role in educating Alaskans as well as students from around the world. But the University of Alaska is also an important asset for our Nation. Today it provides a leadership role in Arctic Science and Arctic Engineering Research. Bringing Arctic energy to the Nation has required new breakthroughs in technology and engineering and our need to better understand global climate change has placed a high value of studying the Arctic where climate changes are most easily detected.

Additionally, the University has served as an important cornerstone in Alaska's history. For example, the University housed the Alaska Constitutional Convention where the fathers of statehood carved out the rights and privilege guaranteed to Alaska's citizens. Further, the University of Alaska is proud of the fact that it began life as the Alaska Agricultural and Mining College. However, what makes the University of Alaska truly unique is the fact that it is the only land grant college in the Nation that is virtually landless.

As my colleagues know, one of the oldest and most respected ways of financing America's educational system has been the land grant system. Established in 1785, this practice gives land to schools and universities for their use in supporting their educational endeavors. In 1862, Congress passed the Morrill Act which created the land grant colleges and universities as a way to underwrite the cost of higher education to more and more Americans. These colleges and universities received land from the Federal Government for facility location and, more importantly, as

a way to provide sustaining revenues to these educational institutions.

The University of Alaska received the smallest amount of land of any State, with the exception of Delaware, that has a land grant college. Even the land grant college in Rhode Island received more land from the Federal Government than has the University of Alaska. In a state the size of Alaska, we should logically have one of the best and most fully funded land grant colleges in the country. Unfortunately, without the land promised under the land grant allocation system and earlier legislation, the University is unable to share as one of the premier land grant colleges in the country.

Previous efforts in Congress were made to fix this problem. These efforts date back to 1915, less than 50 years after the passage of the Morrill Act, when Alaska's Delegate James Wickersham shepherded a measure through Congress that set aside potentially more than a quarter of a million acres, in the Tanana Valley outside of Fairbanks, for the support of an agricultural college and school of mines. Following the practice established in the lower 48 for other land grant colleges, Wickersham's bill set aside every Section 33 of the unsurveyed Tanana Valley for the Alaska Agricultural College and School of Mines. Alaska's educational future looked very bright.

Many Alaskans saw the opportunity to set up an endowment system similar to that established by the University of Washington in the downtown center of Seattle, where valuable University lands are leased and provide funding for the University of Washington which uses those revenues in turn to provide for its programs and facilities.

Before that land could be transferred to the Alaska Agricultural College and School of Mines, renamed the University of Alaska in 1935, the land had to be surveyed in order to establish the exact acreage included in the reserved land. The sections reserved for education could not be transferred to the College until they had been delineated. According to records of the time, it was unlikely, given the incredibly slow speed of surveying, that the land could be completely surveyed before the 21st century. Surveying was and is an extraordinarily slow process in Alaska's remote and unpopulated terrain. In all, only 19 sections of land, approximately 11,211 acres, were ever transferred to the University. Of this amount, 2,250 were used for the original campus and the remainder was left to support educational opportunities.

Recognizing the difficulties of surveying in Alaska, subsequent legislation was passed in 1929 that simply granted land for the benefit of the University. This grant totaled approximately 100,000 acres and to this day comprises the bulk of the University's roughly 112,000 acres of land, less than one-third of what it was originally promised. In 1958, the Alaska Statehood Act was passed which extinguished the original land grants for all lands that remained unsurveyed. Thus, the University was left with little land with which to support itself and thus is unable to completely fulfill its mission as a land grant college.

The legislation I am introducing today would redeem the promises made to the University in 1915 and put it on an even footing with the other land grant colleges in the United States. The bill provides the University with the land needed to support itself financially and offers it the chance to grow and continue to act as a responsible steward of the land and educator of our young people. The legislation also provides a concrete timetable under which the University must select its lands and the Secretary of the Interior must act upon those selections.

This legislation also contains significant restrictions on the land the University can select. The University cannot select land located within a Conservation System Unit. The University cannot select old growth timber lands in the Tongass National Forest. Finally, the University cannot select land validly conveyed to the State or an ANCSA corporation, or land used in connection with federal or military institutions.

Additionally, under my bill the University must relinquish extremely valuable inholdings in Alaska once it receives its State/Federal selection awarded under Section 2 of this bill. Therefore, the result of this legislation will mean the relinquishment of prime University inholdings in such magnificent areas as the Alaska Peninsula & Maritime National Wildlife Refuge, The Kenai Fjords National Park, Wrangell St. Elias National Park and Preserve, and Glacier Bay National Park. So, not only does this bill uphold a decades old promise to the University of Alaska, it provides the Secretary of the Interior the opportunity to acquire thousands of acres of inholdings that will further protect Alaska's parks and refuges.

Specifically, this Section 2 of the bill would grant to the University up to 250,000 acres of federal land. Additionally, Section 5 of the bill establishes a matching program so that the University would be eligible to receive up to an additional 250,000 acres on a matching basis, acre-for-acre, with the State. This, obviously, would be done through the state legislative process involving the Governor, the Legislature, and the University's Board of Regents. The State matching provision is an important component of this legislation. Most agree with the premise that the University was shorted land. However, some believe it is solely the responsibility of the State to grant the University land. The legislation I am introducing today offers a compromise giving both the State and the Federal Government the opportunity to contribute while at the same time providing the Federal Government with thousands of aces of valuable inholdings in parks and refuges.

Finally, this bill contains a provision that incorporates a concept put forth by the Governor of Alaska. This provision directs the Secretary of the Interior to attempt to conclude an agreement with the University and the Governor of Alaska providing for sharing NPRA leasing revenues in lieu of land selections to prevent the University from obtaining more than ten percent of such annual revenues or more than nine million dollars each fiscal year. If an agreement is reached and provides for disposition of some portion of NPRA mineral leasing revenues to the University, the Secretary shall submit the proposed agreement to Congress for ratification. If the Secretary fails to reach an agreement within two years of enactment, or if Congress fails to ratify such agreement within three years from enactment, the University may select up to 92,000 of its 250,000 initial land grant from lands within NPRA north of latitude 69.

Therefore, this bill has been substantially changed from versions introduced in previous Congresses in two dramatic ways. First, in response to concerns from the Administration and environmental organizations the old growth areas of the Tongass National Forest are off limits for selection by the University. The only areas of the Tongass that could be selected by the University are those areas previously harvested. It is important that the University be allowed to select lands in this area as having the ability to study and manage as such areas are important tools for the University's School of Forestry.

The second substantial change to the bill, which was previously noted, is the revenue sharing component. This aspect provides an alternative means of providing for the needs of the University. With the passage of this bill, the University of Alaska will finally be able to act fully as a land grant college. It will be able to select lands that can provide the University with a stable revenue source as well as provide responsible stewardship for the land.

This is an exciting time for the University of Alaska. The promise that was made more than 80 years ago could be fulfilled by passage of this legislation, and Alaskans could look forward to a very bright future for the University of Alaska and those seeking an education or to conduct research.

By Mr. DURBIN (for himself and Ms. MILULSKI):

S. 1818. A bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment has occurred; to the Committee on Government Affairs.

Mr. DURBIN. Mr. President, today I would like to discuss the financial burden faced by many of the men and women who serve in the military Reserves or National Guard and who are forced to take unpaid leave from their jobs when called to active duty. While these individuals receive pay for the time they are on active duty, it is often significantly less than what they receive in their normal jobs. It is unfair to ask the men and women who have volunteered to serve their country, often in dangerous situation, to also face a financial strain on their families.

A number of employers have wisely acted to remedy this hardship by establishing a financial compensation plan for their employees in the Reserves or National Guard. In response to the recent terrorist attacks of September 11, the Netherlands-based ABN AMRO Bank N.V., one of the world's largest banks, has set up a special pay differential program to provide their employees in the Reserves and National Guard compensation equaling the income they would normally have to forfeit when called to active duty. LaSalle Bank, a subsidiary of ABN AMRO in Chicago, has already seen this program help 12 reservists in its ranks. The spokesperson for LaSalle described the program as something the company wanted to do ''to be supportive of the country's efforts''.

Let us take similar action in Washington and set an example for employers throughout the country. Today, I am introducing with my colleague from Maryland Senator BARBARA MIKULSKI, the Reservist Pay Security Act of 2001, legislation that will help alleviate the financial problems faced by many Federal employees who serve in the Reserves and must take time off from their jobs when called to active duty. This bill would allow these employees to maintain their normal salary when called to active service by requiring Federal agencies to make up the difference between their military pay and what they would have earned on their Federal job.

As the symbol of American values and ideals, the Federal Government should give these special employees of our government more than just words of support. We should not encourage Americans to protect their country and then punish those who enlist in the armed forces by taking away a large segment of the salary. We must provide our reservist employees with financial support so that they can leave their civilian lives to serve in the military without worrying about the financial well-being of their families.

By Mr. BIDEN (for himself, Mr. SESSIONS, Mr. CLELAND, Mr. COCHRAN, and Mr. DAYTON):

S. 1819. A bill to provide that members of the Armed Forces performing services in the Republic of Korea shall be entitled to tax benefits in same manner as if such services were performed in a combat zone, and for other purposes; to the Committee on Finance.

Mr. BIDEN. Mr. President, today I am introducing legislation, along with Senators SESSIONS, CLELAND, COCHRAN, and DAYTON that simply ensures that personnel serving in Korea get the same tax benefits as personnel serving in other forward deployed areas of the world such as Kuwait and the Balkans. I am hoping that this legislation can be added to the economic stimulus package, but if not, I want to make other Senators aware of the need to take this action for the brave men and women serving in Korea.

We cannot fix all of the quality of life problems in Korea overnight, but we can at least provide basic equity in the tax treatment of military personnel who serve there so that they get the same benefits those in Kuwait and the Balkans get.

Let me share with my colleagues some of the facts that led us to decide that this tax equity is needed and is needed now.

While we have representatives of every service in Korea, the bulk of our force is from the Army. Seventeen percent of the entire Army is stationed in, on orders to, or returning from the Republic of Korea at any given time. That's about 37,000 soldiers.

Unlike most Army postings, which tend to be for six months, ninety-six percent of those stationed in Korea are there for at least one year of unaccompanied duty. In some Army specialities, personnel are asked to serve for far more than one unaccompanied, year-long tour in Korea, which encourages experienced personnel to leave the Army.

Duty tours in Korea involve longer separations from family, under worse quality of life conditions than almost any other overseas Army post, in a military zone that is clearly hostile, for less pay. This is a serious moral issue. Let me give you an example, a typical E–5 will make $5,136 less, $2,292 in Federal taxes that must be paid and not getting the $2,844 separation ration if sent to Korea rather than the Balkans. Our men and women in the military do not serve to become rich, but people notice and morale suffers when one assignment means working in poor conditions for a year and taking a $5,000 pay-cut.

When I say the conditions are poor, I want people to know that I am not exaggerating. The quality of life in Korea is recognized as substantially lower than other overseas posts and far lower than within the United States. Consider that orders for Korea have the highest command declination rate and the highest ''no show'' rate in the Army.

Even worse, look at the housing situation. Only ten percent of the command sponsored service members serving in Korea can be housed, and that housing is generally substandard. Compare this to seventy-two percent of forces deployed to Japan and seventy-four percent of forces in Europe having housing available.

Let me explain what I mean by substandard housing in Korea. The same Quonset huts built in the 1950s as temporary structures are still being used in 2001 to house troops today. Those huts are being shared by 4 or more personnel, often at a level of Sergeant or higher, which is well below standard quarters for such rank.

I visited those Quonset huts when I traveled to Korea in August. I saw the sand bags they have to put out when it rains to prevent major flooding. I witnessed the cramped living quarters; even worse than my freshman college dorm room. I have heard that when winter comes, and Korean winters are famous for their severity, these buildings are much like living in an igloo.

Our troops make the best of this deplorable situation, but they deserve some relief. These are the men and women on whom we rely to deter North Korean aggression on a peninsula that is still technically in a state of war.

Because the tour of duty is unaccompanied for ninety-six percent of the service members there, most of the approximately 21,000 married military personnel in Korea are forced to maintain 2 households. The substandard accommodations available force significant out-of-pocket expenses for basic items like food for both households, phone access, transportation, and other items basic to other posts. The Command estimates that $3,000 to $5,000 per year are spent by deployed personnel on these ''hidden costs.'' Any family that has had to budget knows that this is a significant economic burden at a time when these families are already enduring a year of separation.

It is no wonder that the Army has trouble filling billets in Korea. If you combine the tax disparity and the ''hidden costs'', a mid-level E–5 will make $8,000 to $10,000 less if deployed to Korea versus the Balkans or Kuwait. This is unacceptable, and it is something that we can fix now. The command estimates that granting pay equity would cost approximately $85 million a year. That is surely the least we owe the fine men and women serving in Korea today.

By Mr. CLELAND (for himself, Mr. ROCKEFELLER, and Mr. WYDEN):

S. 1820. A bill to enhance authorities relating to emergency preparedness grants; to the Committee on Commerce, Science, and Transportation.

Mr. CLELAND. Mr. President, the horrific events of September 11 underscore in red the heroism of the men and women who put their lives on the line every day, the courageous fire fighters and police officers of this Nation, the domestic defenders of America. Each and every day, fire fighters and police officers wake up knowing that they may have to run into burning buildings or respond to chemical or biological attacks. As thousands and thousands of

people were running for their lives out of the World Trade Center and the Pentagon, police officers and fire fighters were running in the opposite direction, into the danger and toward the people who could not save themselves. Tragically, many of those first responders did not come out. Sixty police officers and 344 fire fighters are missing or have been declared dead in the World Trade Center attacks. The majority of the fire fighters who responded to the first five alarms of the terrorist attacks, including the city's entire search and rescue fleet of five squad companies, were in the Twin Towers when they collapsed. They are, by any definition, heroes.

We ask for a tremendous amount of responsibility from a small group of people. Fire fighters and police officers are the first responders to almost every tragedy imaginable. From car accidents to plane crashes, from kitchen fires to towering infernos, from domestic disputes to hazardous material spills, we depend upon their service and training each and every day. This Nation's fire fighters and police officers stand ready to respond to the needs of America. The terrible tragedy of September 11 is a daily reminder of how critical it is that America respond to the needs of its first responders.

For the last three months our Nation has focused on how we may best increase the security of our borders. During this time, experts on terrorism have warned us to think outside the box, that if we fail to do so, this Nation will put itself in the vulnerable position of forever responding to the last terrorist attack. The number of anthrax cases is a warning in red that biological and chemical agents are available as weapons of mass destruction. Given this fact, the capacity of our police officers and fire fighter to respond quickly to emergencies involving hazardous materials becomes more important than ever.

The U.S. Department of Transportation administers the Emergency Preparedness Grants Program, which helps State local governments train police and fire fighters to respond to hazmat emergencies. Currently that program is funded at $14 million, and the money comes from registration fees paid by certain hazmat carriers and shippers. Given the growing need for expertise in handling hazardous materials, the $14 million pot of money is clearly inadequate. It is estimated that current funding can provide training to only about 120,000 emergency personnel a year out of a pool of almost 3 million. Grants to local governments are small, ranging from $100,000 to $300,000 on average. In fact, a recent Washington Post article stated that Washington, D.C. is supposed to have a fire department team to respond to a chemical or biological attack, but according to the article, its members rarely train, and are used instead for routine firefighting.

Because money has never been fully allocated for hazmat training grants, there is a current $15 million surplus in the Emergency Preparedness Grants Program. This is $15 million which could be going for critical first responder training. Today I am joined by Senators ROCKEFELLER and WYDEN in introducing the Heroic Emergency Response Operations Act, the HERO bill, which would allow the Department of Transportation to access the $15 million in surplus funds, at no cost to the taxpayer, and disperse the lion's share of this money to State and local governments for hazmat training of the men and women who are at ground zero during emergencies involving hazardous materials.

Under our legislation, $1 million of the $15 million surplus would be authorized to go to the International Association of Fire Fighters, IAFF, which provides specialized hazmat training free of charge to local fire departments. According to the IAFF, funding of $1 million per year would quadruple the number of fire fighters who receive the necessary training to safeguard their health and safety as well as that of the citizens they protect during emergency response at or along our Nation's transportation corridor. In addition, the HERO bill would also require the Department of Transportation to develop national standards for security training related to the deliberate release of hazardous materials used as weapons of mass destruction. These standards would be in addition to the existing standards which address emergency response to accidental hazmat spills which may occur during the transportation of hazardous materials.

In this era of potential chemical and biological attacks, we need to do everything we can to ensure that our local police officers and fire fighters receive the proper training to do the difficult job we ask them to do. We in Congress must do all we can to help the first responders of this Nation because they do everything they can to help us, including giving their lives in the line of duty, as we are painfully reminded by the tragic events of September 11. Our legislation is endorsed by the International Association of Fire Fighters, IAFF, and the International Brotherhood of Police Officers, IBPO. I ask unanimous consent that the text of the HERO bill be printed in the RECORD.

There being no objection, the bill was ordered to the printed in the RECORD, as follows.

S. 1820

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 ''Heroic Emergency Response Operations Act'' or ''HERO Act''.

SEC. 2. ENHANCEMENT OF EMERGENCY PREPAREDNESS GRANTS.

(a) SECURITY TRAINING FOR TRANSPORTATION OF HAZARDOUS MATERIAL.—Subsection (i) of section 5116 of title 49, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) to develop minimum national standards for, and to develop and conduct, security training relating to the transportation of hazardous material in commerce, except that not more than 5 percent of the amount in the account available in any fiscal year may be used for activities under this paragraph.''.

(b) AMOUNT AVAILABLE FOR SUPPLEMENTAL TRAINING GRANTS.—Subsection (j) of that section is amended by adding at the end the following new paragraph:

''(6) The amount made available each fiscal year from the account under subsection (i)(1) for grants under this subsection shall be $1,000,000.''.

(c) AVAILABILITY OF FUNDS GENERALLY.—Notwithstanding any limitation in section 5127 of title 49, United States Code, or in any appropriations Act (including any appropriations Act enacted after the date of the enactment of this Act), all fees collected pursuant to section 5108 of that title, including any fees collected before the date of the enactment of this Act that remain available for obligation, shall be available for obligation, without further appropriation in accordance with section 5116(i) of that title, as amended by subsection (a).

Mr. ROCKEFELLER. Mr. President, it is my distinct pleasure to join my friend from Georgia, Senator CLELAND, in cosponsoring the Heroic Emergency Response Operations, or HERO, Act. The legislation we introduce today honors individuals whom the tragic events of the past few months have truly shown to be heroes, our firefighters and police officers. The HERO Act honors these men and women by providing grants to State and local governments to allow there dedicated public servants to be trained in the proper handling of hazardous materials emergencies.

The HERO Act expands upon the existing Department of Transportation, DOT, Hazardous Materials Emergency Preparedness Grants, which are intended to provide financial and technical assistance to enhance State and local hazardous materials planning and training. The program is authorized to distribute up to $14 million in fees that have been collected from shippers and carriers of hazardous materials to emergency responders for hazmat training. Unfortunately, this money has never been fully allocated to this important endeavor, and there is now a $15 million surplus.

The HERO Act will allow the Secretary of Transportation to access this $15 million in surplus funds and use it for its intended purpose. Additionally, the HERO Act authorizes that $1 million of the surplus funds go to the International Association of Fire Fighters, (IAFF), which offers a specialized program of hazmat training, free of charge, to firefighters across the country. The IAFF is the only organization currently offering this specialized hazmat training, and the additional funding will quadruple the number of firefighters with access to it.

In the course of learning some important, but painful, lessons during the

past few months, our nation has had the opportunity to focus on some positives that we may have taken for granted. As surely as the epic tragedies of September 11 made us aware of the unspeakable evil in the world, it also gave us great pride in the heroes in our midst. When an anthrax-laden letter contaminated the offices of the Majority Leader and others, we came to understand our vulnerability to chemical and biological terrorism. At the same time, we came to more fully appreciate the dedication of the Capitol Police, and the highly trained biohazard units from several agencies of the Federal Government and the armed forces. I am among a group of displaced Senators and staff anxiously waiting for these experts to determine that the Hart Building is safe to re-enter, and I am confident that when we do go back in, the health of Senators and staff members will have been safeguarded by these brave men and women.

I believe it is our duty as members of Congress to see to it that when firefighters and police officers anywhere in the country respond to an accident, crime, or act of terrorism that has resulted in the release of hazardous materials, these heroes have the proper training to protect themselves and the general public. I further believe it is unconscionable that while hazmat teams in every State in the Union go without this much-needed training, this stockpile of money sits unused in the Treasury.

Even before the events of the past few months highlighted the need for enhanced and expanded hazardous materials training, DOT and the IAFF were training as many emergency personnel as possible. However, at its current level of funding, the Emergency Preparedness Grants Program can only provide hazmat training to approximately 120,000 of the nation's 3 million emergency workers each year. Given what has happened, it should be obvious that the need for specialized hazmat training has quickly outpaced the money currently available. This leaves emergency workers in big cities and small towns in the untenable situation of knowing the risks they face, but lacking the proper training to react appropriately.

The legislation I am cosponsoring with Senator CLELAND offers an excellent solution to this problem. At no cost to taxpayers, the HERO Act will allow many thousands of emergency personnel to receive hazardous materials training that they would not otherwise be able to receive. Further, it will require DOT to develop minimal national standards for providing security training to those who transport hazardous materials in commerce, which should reduce the likelihood that emergency personnel will have to put their lives at risk to protect us. I commend Senator CLELAND for his work on this issue, and I wholeheartedly recommend it to my colleagues. I believe the Congress should enact this bill at its earliest opportunity, and that the President should sign it into law.

By Mrs. BOXER (for herself, Mr. CRAIG, Mr. CRAPO, Mr. WYDEN, Mr. SMITH of Oregon, and Mrs. FEINSTEIN):

S. 1825. A bill to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho and tribes in the region for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I am very pleased to be introducing the Pacific Salmon Recovery Act to grant Federal funding for salmon recovery efforts in California, Idaho, Washington, Oregon, and Alaska. The Salmon Recovery Act authorizes the Secretary of Commerce to provide $350 million during each of the next six fiscal years to these five western States and the Tribes in that region.

In California, as in much of the West, wild salmon stocks have collapsed. Their precipitous decline is the result of habitat destruction, overfishing, pollution, and dams that block the passage of fish to and from their spawning areas. The results have been tragic. Fishermen have lost their jobs. Tribes have lost species that are their religious and cultural icons. And, the environment is suffering.

This bill would help to remedy these problems by investing in the restoration of these economic and culturally important fish. Specifically, it will provide funds to support projects in coastal waters and river habitats that will help restore and recover wild salmon. It directs that priority be given to the restoration of species listed as threatened or endangered under the Endangered Species Act. It establishes criteria to ensure that funds are not wasted on projects that will not benefit fish. It directs the Secretary of Commerce to develop a process for peer reviewing proposed projects to ensure that only scientifically sound projects receive funding. And, it requires States and Tribes to provide an annual spending plan to Congress as well as a one-time comprehensive plan for salmon restoration.

It is important to note that Idaho and the Tribes will finally be eligible for Pacific Salmon Recovery Fund dollars as a result of this bill. There is no justification for them to have been excluded in the past. Additionally, this bill requires that the funds be divided equally among the 5 States. This will ensure that the funding distribution is not distorted by political pressures.

I am particularly pleased that the supporters of this bill come from across the political spectrum. I am joined in the introduction of this bill by Senators CRAIG, R–ID, CRAPO, R–ID, WYDEN, D–OR, SMITH, R–OR, and FEINSTEIN, D–CA. We worked together for many months to craft this legislation. We were ultimately successful because we all share the same goal, saving wild salmon.

Finally, this bill illustrates clearly that our economy and our environment are linked. I have always said we cannot have a healthy economy without a healthy environment. In restoring the salmon, we will also be restoring the economy of many communities in the West that are, or were, dependent on healthy salmon runs.

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. 1825

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 ''Pacific Salmon Recovery Act''.

SEC. 2. SALMON CONSERVATION AND SALMON HABITAT RESTORATION ASSISTANCE.

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—Subject to the availability of appropriations, the Secretary shall provide financial assistance in accordance with this Act to eligible States and eligible tribal governments for conservation of salmon and salmon habitat restoration activities.

(b) ALLOCATION.—Subject to section 3(f), of the amounts available to provide assistance under this section each fiscal year, the Secretary—

(1) shall allocate 85 percent among eligible States, in equal amounts; and

(2) shall allocate 15 percent among eligible tribal governments, in amounts determined by the Secretary.

(c) TRANSFER.—

(1) IN GENERAL.—The Secretary shall promptly transfer—

(A) to an eligible State that has submitted and had approved an annual spending plan under section 3(a) and a Salmon Conservation and Salmon Habitat Restoration Plan approved under section 3(b), amounts allocated to the eligible State under subsection (b)(1); and

(B) to an eligible tribal government that has submitted and had approved an annual spending plan under section 3(a) and a memorandum of understanding under section 3(c), amounts allocated to the eligible tribal government under subsection (b)(2).

(2) TRANSFERS TO ELIGIBLE STATES.—The Secretary shall make the transfer under paragraph (1)(A)—

(A) to the Washington State Salmon Recovery Board, in the case of amounts allocated to Washington;

(B) to the Oregon State Watershed Enhancement Board, in the case of amounts allocated to Oregon;

(C) to the California Department of Fish and Game for the California Coastal Salmon Recovery Program, in the case of amounts allocated to California;

(D) to the Governor of Alaska, in the case of amounts allocated to Alaska; and

(E) to the Office of Species Conservation, in the case of amounts allocated to Idaho.

(d) REALLOCATION.—

(1) AMOUNTS ALLOCATED TO ELIGIBLE STATES.—Amounts that are allocated to an eligible State for a fiscal year shall be reallocated under subsection (b)(1) among the other eligible States, if—

(A) the eligible State does not have an annual salmon spending plan approved under section 3(a);

(B) the eligible State does not have in effect at the end of the first fiscal year after the amounts have been allocated a Salmon Conservation and Salmon Habitat Restoration Plan approved under section 3(b); or

(C) the amounts allocated remain unobligated at the end of the year following the fiscal year for which the amounts were allocated.

(2) AMOUNTS ALLOCATED TO ELIGIBLE TRIBAL GOVERNMENTS.—Amounts that are allocated to an eligible tribal government for a fiscal year shall be reallocated under subsection (b)(2) to the other eligible tribal governments, if the eligible tribal government—

(A) does not have an annual salmon spending plan approved under section 3(a); or

(B) has not entered into a memorandum of understanding with the Secretary in accordance with section 3(c) at the end of the fiscal year following the fiscal year for which the amounts were allocated.

SEC. 3. RECEIPT AND USE OF ASSISTANCE.

(a) ANNUAL SALMON SPENDING PLAN.—In order to receive assistance under this Act, an eligible State or eligible tribe shall submit and have approved by the Secretary an annual salmon plan which shall include a description of the projects and programs that the State or tribe plans to implement with the funds allocated. The Secretary shall review a State or tribal plan within 90 days and provide a State or tribe an opportunity to resubmit the plan if necessary. Funds shall not be transferred to a State or tribe until an annual salmon plan is approved.

(b) ELIGIBLE STATE SALMON CONSERVATION AND RESTORATION PLAN.—

(1) IN GENERAL.—In order to receive assistance under this Act, an eligible State shall submit to the Secretary by the end of the first fiscal year after the amounts have been allocated, and, not later than 90 days after receipt of such a plan, the Secretary shall approve or deny, a Salmon Conservation and Salmon Habitat Restoration Plan that meets the requirements of paragraph (3).

(2) NEGATIVE DETERMINATION.—If the Secretary determines that a plan described in paragraph (1) submitted by an eligible State does not meet the requirements of paragraph (3), the Secretary shall inform the State of the deficiencies of the plan, and the State may resubmit the plan for review by the Secretary.

(3) CONTENTS.—Each Salmon Conservation and Salmon Habitat Restoration Plan shall, at a minimum—

(A) be consistent with all applicable Federal laws;

(B) promote the recovery of salmon;

(C) except as provided in subparagraph (D), give priority to use of assistance under this Act for projects that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve and restore habitat for—

(I) salmon that are listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the laws or regulations of the eligible State;

(D) in the case of a plan submitted by an eligible State in which, on the date of enactment of this Act, there is no area at which a salmon species referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in clauses (i) and (ii) of subparagraph (C) that contribute to programs that prevent the decline of unlisted species and that conserve species of salmon that intermingle with, or are otherwise related to, species referred to in subparagraph (C)(iii)(I), which may include (among other matters)—

(I) salmon habitat restoration;

(II) salmon supplementation and enhancement only for the purposes of restoring naturally reproducing salmon stocks and conserving salmon genetic diversity;

(III) salmon-related research, data collection, and monitoring; and

(IV) national and international cooperative habitat programs; and

(ii) provide for revision of the plan within 1 year after any date on which any salmon species that spawns in the eligible State—

(I) is listed as an endangered species or threatened species;

(II) is proposed for such listing; or

(III) becomes a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and time lines for activities funded with assistance under this Act;

(F) include measurable criteria by which such activities may be evaluated;

(G) require that activities carried out with such assistance shall—

(i) contribute to the conservation and recovery of salmon;

(ii) be scientifically based in accordance with the requirements prescribed by the Secretary under section 4;

(iii) be cost-effective; and

(iv) not be conducted on private land, except with the consent of the owner of the land; and

(H) consider whether activities funded under this Act will have long-term benefits based, in part, on consideration of upstream or downstream activities or activities occurring elsewhere in the watershed.

(4) SUBMISSION OF REGIONAL PLANS.—If the State is unable to complete a comprehensive statewide Salmon Conservation and Restoration Plan within the timeframe established in section 3(b) the State may submit 1 or more Plans covering distinct regions within the State. Funding shall only be available for States or regions within the State for which there is an approved Plan.

(c) MEMORANDUM OF UNDERSTANDING BETWEEN TRIBAL GOVERNMENT AND THE SECRETARY.—

(1) IN GENERAL.—To receive assistance under this Act, an eligible tribal government shall—

(A) have an approved annual spending plan; and

(B) enter into a memorandum of understanding with the Secretary regarding use of the assistance by the end of the second fiscal year after the amounts have been allocated.

(2) CONTENTS.—Each memorandum of understanding shall, at a minimum—

(A) be consistent with all applicable Federal laws;

(B) be consistent with the goal of recovering salmon;

(C) give priority to use of assistance under this Act for activities that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve and restore habitat for—

(I) salmon that are listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the resolutions, ordinances, or regulations of the eligible tribal government;

(D) in the case of a memorandum of understanding entered into by an eligible tribal government for an area in which, as of the date of enactment of this Act, there is no area at which a salmon species referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in clauses (i) and (ii) of subparagraph (C) that contribute to programs described in subsection (a)(3)(D)(i); and

(ii) include a requirement that the memorandum shall be revised within 1 year after any date on which any salmon species that spawns in the area—

(I) is listed as an endangered species or threatened species;

(II) is proposed for such listing; or

(III) becomes a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and time lines for activities funded with assistance under this Act;

(F) include measurable criteria by which such activities may be evaluated;

(G) establish specific requirements for reporting to the Secretary by the eligible tribal government; and

(H) require that activities carried out with such assistance shall—

(i) contribute to the conservation or recovery of salmon;

(ii) be scientifically based, in accordance with the requirements prescribed by the Secretary under section 4;

(iii) be cost-effective; and

(iv) not be conducted on private land, except with the consent of the owner of the land.

(d) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Assistance under section 2 may be used by an eligible State in accordance with a plan approved under section 3(b), or by an eligible tribal government in accordance with a memorandum of understanding entered into by the government under section 3(c), to carry out or make grants or provide loans to carry out, among other activities—

(A) protection and restoration of salmon habitat, including riparian areas;

(B) acquisition from willing sellers of conservation easements for riparian habitat protection;

(C) watershed evaluation, assessment, and planning necessary to develop a site-specific and clearly prioritized plan to implement watershed improvements, including for making multiyear grants;

(D) research and collection of data on salmon, and monitoring of salmon and salmon habitat;

(E) salmon supplementation and enhancement projects only for the purposes of restoring naturally reproducing salmon stocks and conserving salmon genetic diversity;

(F) maintenance and monitoring of projects completed with assistance under this Act;

(G) technical training and education projects, including teaching private landowners about practical means of improving land and water management practices to contribute to the conservation and restoration of salmon habitat; and

(H) other activities related to conservation of salmon and salmon habitat restoration.

(2) PEER REVIEW.—Eligible science-based activities in paragraph (1) shall be validated through a peer review process that satisfies the requirements prescribed by the Secretary under section 4.

(3) COLUMBIA RIVER BASIN.—Funds allocated to eligible States and tribal governments for projects or activities located within the Columbia River Basin shall be used in a manner consistent with the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program.

(e) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE JURISDICTION OF RECIPIENT.—

(1) ASSISTANCE TO STATES.—Assistance under this Act provided to an eligible State only may be used for activities within that State's borders.

(2) ASSISTANCE TO TRIBAL GOVERNMENTS.—Assistance under this Act provided to an eligible tribal government may be used for activities conducted within the borders of its resident State (or States).

(f) COST-SHARING BY ELIGIBLE STATES.—

(1) IN GENERAL.—An eligible State shall provide 25 percent non-Federal match, in the aggregate, of any financial assistance provided to the eligible State for a fiscal year under this Act. The non-Federal match may be in the form of monetary contributions or in-kind contributions of services for projects carried out with assistance under this Act. For purposes of this paragraph, monetary contributions by the State shall not be considered to include funds received from other Federal sources.

(2) LIMITATION ON REQUIREMENT FOR MATCHING FUNDS.—The Secretary may not require an eligible State to provide matching funds for each project carried out with assistance under this Act.

(3) TREATMENT OF MONETARY CONTRIBUTIONS.—For purposes of subsection (a)(3)(H), the amount of monetary contributions by an eligible State under this subsection shall be treated as expenditures from non-Federal sources for salmon conservation and salmon habitat restoration programs.

(4) BONNEVILLE POWER ADMINISTRATION FISH AND WILDLIFE FUNDING.—Funds collected by the Bonneville Power Administration from electricity ratepayers and allocated to eligible States and tribal governments for fish and wildlife activities shall not be considered to be funds from a Federal source under this Act.

(g) SUPPLEMENTATION OF STATE AND TRIBAL FUNDING.—An eligible State or tribal government shall maintain its aggregate expenditures of funds from non-Federal sources for salmon and salmon habitat restoration programs at or above the average annual level of such expenditures in the 2 fiscal years preceding the date of enactment of this Act or $10,000,000 for each fiscal year, whichever is less.

(h) COORDINATION OF ACTIVITIES.—Each eligible State and each eligible tribal government receiving assistance under this Act is encouraged to carefully coordinate the salmon conservation activities of that State or tribal government to—

(1) eliminate duplicative and overlapping activities; and

(2) provide consideration of upstream or downstream activities or activities occurring elsewhere in the watershed that may impact the efficacy of restoration efforts.

(i) LIMITATIONS ON USE OF FUNDS.—

(1) ADMINISTRATIVE EXPENSES.—

(A) FEDERAL ADMINISTRATIVE EXPENSES.—Of the amounts available to carry out this Act for a fiscal year, not more than 1 percent may be used by the Secretary for administrative expenses incurred in carrying out this Act.

(B) STATE AND TRIBAL ADMINISTRATIVE EXPENSES.—Of the amount allocated under this Act to an eligible State or eligible tribal government each fiscal year, not more than 3 percent may be used by the eligible State or eligible tribal government, respectively, for administrative expenses incurred in carrying out this Act.

(2) ACTIVITIES REQUIRED FOR ENVIRONMENTAL PERMIT.—No funds available to carry out this Act may be used by a private entity for activities that would otherwise be required as a condition or requirement of a Federal, State, or local environmental permit.

SEC. 4. PEER REVIEW REQUIREMENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe the requirements for expedited peer review of science-based activities contained in the annual spending plan for each eligible State or tribal government. In order to achieve salmon recovery throughout the coastal salmon's range, each plan shall be considered separately on its own merits.

(b) CONTENT.—The requirements for expedited peer review shall include the following:

(1) PANELS.—Establishment of sufficient peer review panels, as determined by the Secretary, to achieve timely peer review of activities contained in the annual spending plan. The of number of members, qualifications for membership, and procedure for selection of members for each panel shall be substantially in the same manner as the peer review panel provided for under section 4(h)(10)(D) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b(h)(10)(D)).

(2) NECESSARY INFORMATION.—A description of the information that must be provided to the peer review panel in order to evaluate the activities. Each State's Salmon Conservation and Salmon Habitat Restoration Plan and each tribal government's memorandum of understanding shall establish the mechanism for providing needed information to the peer review panel.

(3) REVIEW OF PROPOSED ACTIVITIES.—Review, by the panels, of activities proposed for funding with assistance under this Act, within the time prescribed by the Secretary.

(4) DETERMINATION AND RECOMMENDATIONS.—Submittal of the peer review panel's determinations and recommendations regarding the activities within each State's or tribe's annual spending plan to the Secretary, in order to be considered by the Secretary in approving or disapproving the annual spending plan, in accordance with the provisions of section 3(a). States or tribes shall be provided an opportunity to resubmit any plan, if necessary, or to propose alternative projects within their respective jurisdictions.

(c) INTERIM FUNDING.—An eligible State or tribal government may receive funding under this Act prior to the finalization by the Secretary of the peer review requirements under this section.

(d) PEER REVIEW FUNDING.—The Secretary shall pay the expenses incurred by peer review panels in an amount not to exceed $500,000 a year from the administrative costs described in section 3(i)(1)(A).

SEC. 5. PUBLIC PARTICIPATION.

(a) ELIGIBLE STATES.—Each eligible State seeking assistance under this Act shall establish a citizen advisory committee or provide a similar forum for local governments and the public to participate in obtaining and using the assistance, as well as in the development of the State Salmon Conservation and Restoration Plan. Each eligible State receiving assistance under this Act shall hold public meetings to receive recommendations on the use of the assistance.

(b) ELIGIBLE TRIBAL GOVERNMENTS.—Each eligible tribal government receiving assistance under this Act shall hold public meetings to receive recommendations on the use of the assistance.

SEC. 6. CONSULTATION NOT REQUIRED.

Consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) shall not be required based solely on the provision of financial assistance under this Act. Projects or activities that affect listed species shall remain subject to applicable provisions of the Endangered Species Act of 1973.

SEC. 7. REPORTS.

Each eligible State and tribal government shall, not later than December 31 of the second year in which amounts are available to carry out this Act, and every 2 years thereafter, submit to the Secretary a biennial report on the use of financial assistance received by the eligible State or tribal government under this Act. The report shall contain an evaluation of the success of that State or tribal government in meeting the criteria listed in section 3 (b) and (c), whichever is applicable.

SEC. 8. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) ELIGIBLE STATE.—The term ''eligible State'' means each of the States of Alaska, Washington, Oregon, California, and Idaho.

(3) ELIGIBLE TRIBAL GOVERNMENT.—The term ''eligible tribal government'' means—

(A) a federally recognized tribal government of an Indian tribe in Alaska, Washington, Oregon, California, or Idaho that the Secretary, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon management and recovery activities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act; or

(B) an Alaska Native village or regional or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or a federally recognized tribe in Alaska, that the Secretary, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon conservation and management; and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act.

(4) SALMON.—The term ''salmon'' means any naturally produced salmonid or naturally produced trout of the following species:

(A) Coho salmon (oncorhynchus kisutch).

(B) Chinook salmon (oncorhynchus tshawytscha).

(C) Chum salmon (oncorhynchus keta).

(D) Pink salmon (oncorhynchus gorbuscha).

(E) Sockeye salmon (oncorhynchus nerka).

(F) Steelhead trout (oncorhynchus mykiss).

(G) Sea-run cutthroat trout (oncorhynchus clarki clarki).

(H) For purposes of applying this Act to Oregon, the term ''salmon'' also includes—

(i) lahontan cutthroat trout (oncorhnychus clarki henshawi); and

(ii) bull trout (salvelinus confluentus).

(I) For purposes of applying this Act to Washington and Idaho, the term ''salmon'' also includes bull trout (salvelinus confluentus).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $350,000,000 for each of the fiscal years 2002 through 2007 to carry out the provisions of this Act. Any funds appropriated pursuant to this Act shall remain available until expended.

By Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. BAUCUS):

S. 1827. A bill to provide permanent authorization for International Labor Affairs Bureau to continue and enhance their work to alleviate child labor and improve respect for internationally recognized worker rights and core labor standards, and for other purposes; to the Committee on Foreign Relations.

Mr. HARKIN. Mr. President, laws are only as effective as their implementation and enforcement. That is why today I am introducing the Fair International Standards in Trade and Investment Act of 2001 along with my distinguished colleagues, Senator KENNEDY, chairman of the Senate Health, Education, Labor, and Pensions Committee, and Senator BAUCUS, chairman of the Senate Finance Committee.

This legislation will provide muchneeded policy direction to the U.S. Labor Department DOL, and enhance the standing and capacity of the International Labor Affairs Bureau, ILAB, within that Department in the formulation and conduct of our nation's international economic policies. With these tools, ILAB can better inform and equip U.S. policy-makers in all three branches of our Federal Government to assist and induce our foreign trading partners to enforce their own national laws against abusive child labor and to comply with thirteen U.S. laws that have been enacted since 1983 which link U.S. trade, investment, and aid policies to the elimination of abusive child labor and growing international respect for the other internationally-recognized worker rights and core labor standards.

Currently, ILAB does not have any underlying, permanent statutory authority for any of its international activities. It simply operates as an adjunct to the personal office of the Secretary of Labor. Practically speaking, this gives ILAB very little clout in inter-agency policy-making and no real voice to insist on better enforcement of the child labor provisions and other worker rights provisions in U.S. law, international law, or any of the bilateral trade and investment agreements that America has with more than 150 foreign countries.

The time has come for better equipping our government and the rest of the world with urgently-needed tools to constructively link compliance with child labor laws and other basic worker rights to the conduct of continued trade and investment liberalization. We need new thinking and new resolve to crackdown on abusive child labor throughout the global economy and to beef up protection of internationally-recognized worker rights and core labor standards. If enacted, this legislation will lay a solid statutory foundation underneath ILAB. It will empower ILAB to help ensure that as our Nation enters into additional trade and investmennt agreements, that those new agreements as well as all of our pre-existing agreements serve to raise the living standards and protect the rights of working people as well as corporate managers and investors.

I have spent more than a decade in this Senate leading the charge against the commercial exploitation of children in the workplace at home and abroad. Just last year, the Congress enacted provisions I authored in the Trade and Development Act of 2000 which prohibit trade preferences and duty-free access to the U.S. marketplace for any trading nation that is not meeting its international legal obligations to eliminate the worst forms of child labor. Now we have to make certain that these new provisions and our other trade-linked worker rights laws are practically enforced and that means improving ILAB's capacity to meet this increasingly-immportant responsibility.

In the final analysis, increased trade and investment are not ends in themselves. They are means for achieving more broad-based, sustainable development and greater economic and social justice in the global economy. Our real choice is not between free trade or protectionism. Our policy challenge is to identify new and constructive ways in which the power of government can be used to manage globalization in ways that curb abusive child labor and protect worker rights as much as property rights. A well-grounded and enhanced ILAB within the one Cabinet department in our government that was created to advance the needs and protect the fundamental rights of working people everywhere can help us meet this challenge for the 21st century and beyond.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 1828. A bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes; to the Committee on Governmental Affairs.

Mr. LEAHY. Mr. President, I rise to introduce, with my good friend Senator HATCH, the Federal Prosecutors' Retirement Benefit Equity Act of 2001. This bill would correct an inequity that exists under current law, whereby Federal prosecutors receive substantially less favorable retirement benefits than other nearly all other people involved in the Federal criminal justice system. The bill would increase the retirement benefits given to Assistant United States Attorneys by including them as ''law enforcement officers'' ''LEOs'', under the Federal Employees' Retirement System and the Civil Service Retirement System. The bill would also allow the Attorney General to designate other attorneys employed by the Department of Justice who act primarily as criminal prosecutors as LEO's for purposes of receiving these retirement benefits.

The primary reason for granting enhanced retirement benefits to LEOs is the often dangerous work of law enforcement. Currently, Assistant United States Attorneys, ''AUSAs'', and other Federal prosecutors are not eligible for these enhanced benefits, which are enjoyed by the vast majority of other employees in the criminal justice system. This exclusion is unjustified. The relevant provisions of the United States Code dealing with retirement benefits define an LEO as an employee whose duties are, ''primarily the investigation, apprehension, or detention'' of individuals suspected or convicted of violating Federal law. See 5 U.S.C. §§ 8331(20) and 8401(17). AUSAs and other Federal prosecutors participate in planning investigations, interviewing witnesses both inside and outside of the office setting, debriefing defendants, obtaining warrants, negotiating plea agreements and representing the government at trials and sentencings, all of which fall within the definition of the duties performed by law enforcement officers. Indeed, once a defendant is brought into the criminal justice system, the person with whom they have the most fact-to-face contact, and often in an extremely confrontational environment, is the Federal prosecutor.

Although prosecutors do not personally execute arrests, searches and other physically dangerous activities, LEO status is accorded to many criminal justice employees who do not perform such tasks, such as pretrial services officers and probation officers and accountants, cooks and secretaries of the Bureau of Prisons. Moreover, because they are often the most conspicuous representatives of the government in the criminal justice system, Federal prosecutors are natural targets for threats of reprisals by vengeful criminals. Indeed, there are numerous incidents in which assaults and serious death threats have been made against Federal prosecutors, sometimes resulting in significant disruption of their personal and family lives.

Only recently a veteran Federal prosecutor in the Western District of Washington was murdered in his home, and, although the crime remains unsolved, based upon the facts of the case the authorities have referred to the crime as a hit. In addition, I have received many other accounts from Federal prosecutors regarding specific threats to which they and their families have been subjected because of the performance of their duties. Federal prosecutors have written to me that they have been forced to relocate themselves and their families due to death threats; that they have been assaulted; that they and their families have been followed by members of criminal organizations; that have been forced to install security systems at their homes and to change their routes to and from the office to protect their safety and the safety of their families.

As our war against terrorism continues, Federal prosecutors will be on the front lines once again as the symbols of our criminal justice system, and

unfortunately therefore the targets of those who seek its downfall. Among other tasks, the Attorney General has designated AUSA's to play a major role working with police and Federal agents in forming each judicial district's Anti-Terrorism Task Force. One Federal prosecutors wrote to me stating that shortly after his name was in the local news as heading his district's Anti-Terrorism Task Force and he had spoken to his family about taking suitable precautions, that his young son came into his bedroom one night holding a hockey stick for protection asking about their safety. Thus, Federal prosecutors and their families will deal more than ever with a level of stress and danger that justifies their being treated as LEOs.

Enhanced retirement benefits are also justified by the Federal Government's need for experienced prosecutors to bring ever more sophisticated cases under increasingly complex Federal criminal laws. In recent years, we have seen the growth of complex Federal prosecutors to combat the threats posed by organized crime, drug cartels, terrorist groups and other sophisticated criminals. The prosecution of such difficult cases is best handled by experienced prosecutors. It is therefore in the public interest to provide reasonable financial incentives for talented, experienced prosecutors to remain in government service.

This bill would make Assistant United States Attorneys and other Federal prosecutors designated by the Attorney General eligible for immediate, unreduced retirement benefits at age 50 with 20 years of service. For example, prosecutors who are covered by the Civil Service Retirement System would receive 50 percent of the average of their three highest years' salary. At the same time, it would exempt prosecutors from the mandatory retirement provisions that require other law enforcement officers to retire at age 57. Because the loss of physical strength and agility does not adversely affect a person's ability to function as a prosecutor, there is no reason to mandate early retirement.

Two important features of this bill will contain its costs. First, the bill provides that incumbent Federal prosecutors are themselves responsible for making up the difference in individual contributions owed to the Civil Service Retirement and Disability Fund for their prior service. An incumbent has the choice of making up this difference either by making a payment up front or by accepting a reduction in retirement benefits. Second, government contributions for the prior service of incumbents are made ratably over a ten-year period under this bill. Thus, payments for prior government contributions are spread out to lessen the financial impact. These two provisions will insure that the cost of the bill is kept well within reasons.

This bill enjoys broad, grass root support. In the last month alone, I have received literally hundreds of letters supporting this bill, sent from over 40 States, District of Columbia and Puerto Rico. The bill also enjoys support in the law enforcement community. The National Association of Assistant United States Attorneys, the Federal Criminal Investigators Association, and the Southern States Police Benevolent Association have all written me to voice support for the inclusion of AUSAs in the definition of an LEO.

In addition, I know that other Senators, including Senator MIKULSKI, are considering additional measures to expand these same retirement benefits to other Federal employees who perform law enforcement functions, including IRS employees whose primary duty is to collect delinquent taxes. I support and commend their leadership in bringing these matters to the forefront.

For all of these reasons, I am pleased to introduce this legislation with Senator HATCH, and I urge its swift enactment into law.

I ask unanimous consent that the text of the bill be printed in the RECORD along with a sectional analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1828

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 ''Federal Prosecutors Retirement Benefit Equity Act of 2001''.

SEC. 2. INCLUSION OF FEDERAL PROSECUTORS IN THE DEFINITION OF A LAW ENFORCEMENT OFFICER.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—Paragraph (20) of section 8331 of title 5, United States Code, is amended by striking ''position.'' and inserting ''position and a Federal prosecutor.''.

(2) FEDERAL PROSECUTOR DEFINED.—Section 8331 of title 5, United States Code, is amended—

(A) in paragraph (27), by striking ''and'' at the end;

(B) in paragraph (28), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(29) 'Federal prosecutor' means—

''(A) an assistant United States attorney under section 542 of title 28; or

''(B) an attorney employed by the Department of Justice and designated by the Attorney General of the United States.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Paragraph (17) of section 8401 of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by adding ''and'' after the semicolon; and

(C) by adding at the end the following:

''(E) a Federal prosecutor;''.

(2) FEDERAL PROSECUTOR DEFINED.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (33), by striking ''and'' at the end;

(B) in paragraph (34), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(35) 'Federal prosecutor' means—

''(A) an assistant United States attorney under section 542 of title 28; or

''(B) an attorney employed by the Department of Justice and designated by the Attorney General of the United States.''.

(c) TREATMENT UNDER CERTAIN PROVISIONS OF LAW (UNRELATED TO RETIREMENT) TO REMAIN UNCHANGED.—

(1) ORIGINAL APPOINTMENTS.—Subsections (d) and (e) of section 3307 of title 5, United States Code, are amended by adding at the end of each the following: ''The preceding sentence shall not apply in the case of an original appointment of a Federal prosecutor as defined under section 8331(29) or 8401(35).''.

(2) MANDATORY SEPARATION.—Sections 8335(b) and 8425(b) of title 5, United States Code, are amended by adding at the end of each the following: ''The preceding provisions of this subsection shall not apply in the case of a Federal prosecutor as defined under section 8331(29) or 8401(35).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after 120 days after the date of enactment of this Act.

SEC. 3. PROVISIONS RELATING TO INCUMBENTS.

(a) DEFINITIONS.—In this section, the term—

(1) ''Federal prosecutor'' means—

(A) an assistant United States attorney under section 542 of title 28, United States Code; or

(B) an attorney employed by the Department of Justice and designated by the Attorney General of the United States; and

(2) ''incumbent'' means an individual who is serving as a Federal prosecutor on the effective date of this section.

(b) DESIGNATED ATTORNEYS.—If the Attorney General of the United States makes any designation of an attorney to meet the definition under subsection (a)(1)(B) for purposes of being an incumbent under this section,—

(1) such designation shall be made before the effective date of this section; and

(2) the Attorney General shall submit to the Office of Personnel Management before that effective date—

(A) the name of the individual designated; and

(B) the period of service performed by that individual as a Federal prosecutor before that effective date.

(c) NOTICE REQUIREMENT.—Not later than 9 months after the date of enactment of this Act, the Department of Justice shall take measures reasonably designed to provide notice to incumbents on—

(1) their election rights under this Act; and

(2) the effects of making or not making a timely election under this Act.

(d) ELECTION AVAILABLE TO INCUMBENTS.—

(1) IN GENERAL.—An incumbent may elect, for all purposes, to be treated—

(A) in accordance with the amendments made by this Act; or

(B) as if this Act had never been enacted.

(2) FAILURE TO ELECT.—Failure to make a timely election under this subsection shall be treated in the same way as an election under paragraph (1)(A), made on the last day allowable under paragraph (3).

(3) TIME LIMITATION.—An election under this subsection shall not be effective unless the election is made not later than the earlier of—

(A) 120 days after the date on which the notice under subsection (c) is provided; or

(B) the date on which the incumbent involved separates from service.

(e) LIMITED RETROACTIVE EFFECT.—

(1) EFFECT ON RETIREMENT.—In the case of an incumbent who elects (or is deemed to have elected) the option under subsection (d)(1)(A), all service performed by that individual as a Federal prosecutor shall—

(A) to the extent performed on or after the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as amended by this Act; and

(B) to the extent performed before the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of such title, as if the amendments made by this Act had then been in effect.

(2) NO OTHER RETROACTIVE EFFECT.—Nothing in this Act (including the amendments made by this Act) shall affect any of the terms or conditions of an individual's employment (apart from those governed by subchapter III of chapter 83 or chapter 84 of title 5, United States Code) with respect to any period of service preceding the date on which such individual's election under subsection (d) is made (or is deemed to have been made).

(f) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—An individual who makes an election under subsection (d)(1)(A) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by section 2 had then been in effect.

(2) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under paragraph (1) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(3) PRIOR SERVICE DEFINED.—For purposes of this section, the term ''prior service'' means, with respect to any individual who makes an election under subsection (d)(1)(A), service performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(g) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—If an incumbent makes an election under subsection (d)(1)(A), the Department of Justice shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under paragraph (2) with respect to such service.

(2) AMOUNT REQUIRED.—The amount the Department of Justice is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (over and above those actually paid) that would have been required if the amendments made by section 2 had then been in effect.

(3) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this subsection on behalf of an incumbent shall be made by the Department of Justice ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in subsection (f)(3).

(h) REGULATIONS.—Except as provided under section 4, the Office of Personnel Management shall prescribe regulations necessary to carry out this Act, including provisions under which any interest due on the amount described under subsection (f) shall be determined.

(i) EFFECTIVE DATE.—This section shall take effect 120 days after the date of enactment of this Act.

SEC. 4. DEPARTMENT OF JUSTICE ADMINISTRATIVE ACTIONS.

(a) DEFINITION.—In this section the term ''Federal prosecutor'' has the meaning given under section 3(a)(1).

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Attorney General of the United States shall—

(A) consult with the Office of Personnel Management on this Act (including the amendments made by this Act); and

(B) promulgate regulations for making designations of Federal prosecutors who are not assistant United States attorneys.

(2) CONTENTS.—Any regulations promulgated under paragraph (1) shall ensure that attorneys designated as Federal prosecutors who are not assistant United States attorneys have routine employee responsibilities that are substantially similar to those of assistant United States attorneys assigned to the litigation of criminal cases, such as the representation of the United States before grand juries and in trials, appeals, and related court proceedings.

(c) DESIGNATIONS.—The designation of any Federal prosecutor who is not an assistant United States attorney for purposes of this Act (including the amendments made by this Act) shall be at the discretion of the Attorney General of the United States.

FEDERAL PROSECUTORS RETIREMENT BENEFIT EQUITY ACT OF 2001—SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title. Contains the short title, the ''Federal Prosecutors Retirement Benefit Equity Act of 2001.''

Sec. 2. Inclusion of Federal prosecutors in the definition of a law enforcement officer. Amends 5 U.S.C. §§ 8331 and 8401 to extend the enhanced law enforcement officer (''LEO'') retirement benefits to Federal prosecutors, defined to include assistant United States attorneys (''AUSAs'') and such other attorneys in the Department of Justice as are designated by the Attorney General of the United States. This section also exempts Federal prosecutors from mandatory retirement provisions for LEO's under the civil service laws.

Sec. 3. Provisions relating to incumbents. Governs the treatment of incumbent federal prosecutors who would be eligible for LEO retirement benefits under this Act. This section requires the Office of Personnel Management to provide notice to incumbents of their rights under this subtitle; allows incumbents to opt out of the LEO retirement program; governs the crediting of prior service by incumbents; and provides for make-up contributions for prior service of incumbents to the Civil Service Retirement and Disability Fund. The section gives incumbents the option of either contributing their own share of any make-up contributions or receiving a proportionally lesser retirement benefit. The section allows the government to contribute its share of any make-up contribution ratably over a ten year period.

Sec. 4. Department of Justice administrative actions. Allows the Attorney General to designate additional Department of Justice attorneys with substantially similar responsibilities, in addition to assistant United States attorneys, as Federal prosecutors for purposes of this Act and thus be eligible for the LEO retirement benefits.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 191—EXPRESSING THE SENSE OF THE SENATE COMMENDING THE INCLUSION OF WOMEN IN THE AFGHAN INTERIM ADMINISTRATION AND COMMENDING THOSE WHO MET AT THE HISTORIC AFGHAN WOMEN'S SUMMIT FOR DEMOCRACY IN BRUSSELS

Mrs. BOXER (for herself, Mr. BROWNBACK, Mr. WELLSTONE, and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 191

Whereas the U.N. sponsored talks in Bonn included the participation of three women delegates and three women advisers;

Whereas women will serve in the Afghan Interim Administration, including in the position of Vice-Chair;

Whereas on December 4–5, 2001, the Afghan Women's Summit for Democracy met at the European Commission in Brussels, Belgium;

Whereas fifty Afghan women leaders, broadly representative of women in Afghanistan, took part in the Summit, ensuring that the voices of Afghan women are heard;

Whereas the Afghan Women's Summit supports the implementation of United Nations Security Council Resolution 1325 on Women and Peace and Security;

Whereas United Nations Security Council Resolution 1325 reaffirms the importance of the equal participation and full involvement of women in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution;

Whereas women under the rule of the Taliban in Afghanistan were denied their basic human rights;

Whereas the Senate has previously adopted a resolution insisting that Afghan women must be included in planning the future reconstruction of Afghanistan: Now, therefore, be it

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

(1) it is critically important for the future of Afghanistan that women participated at the United Nations sponsored talks in Bonn and will be included in the Afghan interim administration; and

(2) the Afghan Women's Summit for Democracy recommendations for health, education, political participation, and refugee programs for women should be strongly considered when shaping the future of Afghanistan.

SENATE CONCURRENT RESOLUTION 93—RECOGNIZING AND HONORING THE NATIONAL GUARD ON THE OCCASION OF THE 365TH ANNIVERSARY OF ITS HISTORIC BEGINNING WITH THE FOUNDING OF THE MILITIA OF THE MASSACHUSETTS BAY COLONY.

Mr. LEVIN (for himself, Mr. WARNER, Mr. KENNEDY, Mr. THURMOND, Mr. BYRD, Mr. MCCAIN, Mr. LIEBERMAN, Mr. SMITH of New Hampshire, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. SANTORUM, Mr. REED, Mr. ROBERTS, Mr. AKAKA, Mr. ALLARD, Mr. NELSON of Florida, Mr. HUTCHINSON, Mr. NELSON