WYDEN) was added as a cosponsor of S. 397, a bill to amend the Defense Base Closure and Realignment Act of 1990 to authorize additional rounds of base closures and realignments under the Act in 2003 and 2005, to modify certain authorities relating to closures and realignments under that Act.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. CON. RES. 17

At the request of Mr. SARBANES, the names of the Senator from Maine (Ms. COLLINS), the Senator from Illinois (Mr. DURBIN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

S. RES. 20

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 20, a resolution designating March 25, 2001, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

S. RES. 25

At the request of Mr. CRAIG, the names of the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Massachusetts (Mr. KERRY), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 25, a resolution designating the week beginning March 18, 2001 as ''National Safe Place Week.''

S. RES. 29

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. Res. 29, a resolution honoring Dale Earnhardt and expressing condolences of the United States Senate to his family on his death.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself and Mr. DURBIN):

S. 409. A bill to amend title 38, United States Code, to clarify the standards for compensation of Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. HUTCHISON. Mr. President, I am pleased to be joined by Senator DURBIN of Illinois to offer legislation on a very important issue for those men and women who served during the Persian Gulf War. A companion bill was introduced in the House by Congressman MANZULLO from Illinois. This bill will amend the Persian Gulf War Veterans' Benefits Act, title I of Public Law 103–446. That law provides for the payment of compensation to Persian Gulf veterans suffering from a chronic disability resulting from an undiagnosed illness or a combination of undiagnosed illnesses. This bill will extend the presumptive period from December 31, 2001 to ''from December 31, 2011 or such a later date as the Secretary may prescribe by regulation.'' Additionally, the bill further expands the definition of an undiagnosed illness and gives a comprehensive list of signs or symptoms that may be manifestation of an undiagnosed illness such as fatigue, muscle pain, joint pain, gastrointestinal signs and symptoms to name a few. Today, 10 years after the end of the Persian Gulf War many of our veterans are suffering from undiagnosed illnesses.

President Bush in a speech titled ''Our Debt of Honor'' on November 10, 1999, Veterans Day, said of our Persian Gulf War Veterans, ''They should not have to go to elaborate lengths to prove that they are ill, just because their malady has yet to be fully explained. A 1994 law was passed to grant them the presumption of disability. Yet even now they are met with skeptical looks and paper-shuffling excuses for withholding coverage. If I have anything to say about it, all that is going to end. In the military, when you are called to account for a mistake, you are expected to give one simple answer: ''No excuse, sir.'' And that should be the attitude of any government official who fails to make good on our public responsibilities to veterans. There are no excuses for it.

Of the nearly 700,000 U.S. military personnel who served in the Persian Gulf in 1990 and 1991, more than 100,000 have complained of an array of symptoms that have become known as the Gulf War Syndrome. These symptoms include chronic fatigue, muscle and joint pain, memory loss, sleep disorders, depression and concentration problems among others. Approximately 9,000 of those were denied claims under the 1994 law.

There are some who question whether or not such a syndrome actually exists and many continue to theorize that these symptoms are largely psychological and brought about by post-traumatic stress. I believe the evidence is increasingly clear that this is not stress related. We have an obligation to ensure Gulf War veterans are properly diagnosed and treated effectively and compensated for any service connected disabilities.

What we do know is that our veterans were exposed to a host of pharmaceuticals, chemicals and environmental toxins. Indeed those who served were apparently exposed to some veritable witch's brew of known and potential hazards to health including blowing dust and sand particles, smoke from oil well fires, petroleum fuels and their combustion products, possible exposure to chemical warfare nerve agents and biological warfare agents, pyridostigmine bromide pills to protect against organophosphate nerve agents, insecticides, vaccinations, infectious diseases, depleted uranium, and psychological and physiological stress.

This bill will be a step in the right direction and is the way to help repay our debt to these veterans. Not only is it the right thing and fair thing to do, but during these times of increased deployments and personnel shortages, it is in our national interest to continue to show our dedicated service members that we appreciate their sacrifice and commitment.

I commend the Senator from Illinois for his support on this issue and urge other Senators to join us in this effort.

By Mr. CRAPO:

S. 410. A bill to amend the Violence Against Women Act of 2000 by expanding legal assistance for victims of violence grant program to include assistance for victims of dating violence; to the Committee on the Judiciary.

Mr. CRAPO. Mr. President, I rise today to introduce legislation that is an important step in continuing to recognize the victims of dating violence. The bill I am introducing today would allow victims of dating violence to qualify for federal legal assistance grants authorized under the Violence Against Women Act.

Dating violence is a predominately little-known and misunderstood aspect of domestic violence. Historically, domestic violence laws have only been applied in cases where the victims have been married or cohabitating with the abuser, or where the couple shares a child together. Unfortunately, this criteria ignores the equally dangerous violence that can occur in dating relationships. Victims of domestic violence are victims regardless of their relationship to the abuser. These victims face the same trauma and the same manipulation as every other domestic violence victim. As Congress focuses its attention on providing necessary assistance to the states for prevention and treatment of domestic violence, we must not allow victims of dating violence to be left behind.

The lack of recourse for victims of dating violence was brought to my attention through a tragic incident in my home State of Idaho. In December 1999, Cassie Dehl, a seventeen-year-old girl from Soda Springs, Idaho, was killed in an accident involving her abusive boyfriend. Despite documentation of years of vicious and life-threatening abuse, Cassie's parents were unable to obtain legal protection for their daughter because neither Federal or Idaho domestic violence law applied to teenage dating relationships. Although the abuse was evident and the need for assistance was clear, no one was able to offer Cassie the help that was needed to prevent this senseless act.

Last year, Congress overwhelmingly reauthorized a number of important domestic violence programs under the Violence Against Women Act. In addition to continuing the existing programs, the VAWA reauthorization included two new provisions of particular importance. First, a legal definition of dating violence was created, the first such definition under federal law. Secondly, a new grant program to provide civil legal assistance to victims of domestic violence was authorized. Unfortunately, while many of the existing VAWA programs were expanded to include dating violence, the new legal assistance grant was not. My legislation will correct this discrepancy.

The victims of dating violence require and deserve the same legal assistance given to other victims of domestic violence. The ability to obtain a legal protection order or pursue other legal remedies can be the difference in a victim being able to break the cycle of oppressive abuse and regain control of their life. Under my legislation, victims of dating violence will have the same legal standing as all other victims of domestic violence when seeking civil legal assistance.

I applaud Congress for coming together last year to bring attention to the continuing problem of domestic violence. In order to build upon the advances we made last year, I urge my colleagues to support my legislation that takes another step toward achieving an equal status for victims of dating violence.

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. 410

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

SECTION 1. LEGAL ASSISTANCE FOR VICTIMS OF VIOLENCE.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6) is amended—

(1) in subsection (a), by inserting ''dating violence,'' after ''domestic violence,'';

(2) in subsection (b)—

(A) by inserting before paragraph (1) the following:

''(1) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

''(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

''(i) the length of the relationship;

''(ii) the type of relationship; and

''(iii) the frequency of interaction between the persons involved in the relationship.'';

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4) respectively; and

(C) in paragraph (3), as redesignated by subparagraph (B) of this paragraph, by inserting ''dating violence,'' after ''domestic violence,'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting—

(i) '', dating violence,'' after ''domestic violence''; and

(ii) ''dating violence,'' after ''domestic violence,'';

(B) in paragraph (2), by inserting ''dating violence,'' after ''domestic violence,''; and

(C) in paragraph (3), by inserting ''dating violence,'' after ''domestic violence,'';

(4) in subsection (d)—

(A) in paragraph (1), by inserting '', dating violence,'' after ''domestic violence'';

(B) in paragraph (2), by inserting '', dating violence,'' after ''domestic violence'';

(C) in paragraph (3), by inserting '', dating violence,'' after ''domestic violence''; and

(D) in paragraph (4), by inserting ''dating violence,'' after ''domestic violence,'';

(5) in subsection (e), by inserting ''dating violence,'' after ''domestic violence,''; and

(6) in subsection (f)(2)(A), by inserting ''dating violence,'' after ''domestic violence,''.

By Mr. LIEBERMAN (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mr. KERRY, Mr. WELLSTONE, Mrs. CLINTON, Mr. CORZINE, Mr. LEAHY, Mr. DODD, Mr. KOHL, Mr. SARBANES, Mr. EDWARDS, Mr. TORRICELLI, Mr. HARKIN, Mr. REED, Mr. BIDEN, Ms. CANTWELL, Mr. DURBIN, Ms. STABENOW, Mrs. MURRAY, Mr. KENNEDY, Mr. GRAHAM, and Mr. WYDEN):

S. 411. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I am pleased today to introduce, along with 23 of my colleagues, legislation to protect forever the Arctic National Wildlife Refuge from oil exploration and other potentially harmful development. Our legislation will bequeath, undisturbed, the vital heart of America's greatest, most pristine wilderness ecosystem and wildlife sanctuary to future generations.

Advocates of drilling offer the Refuge as a quick fix for our country's energy woes and a long-term solution to our debilitating dependence on foreign oil. It is neither.

Proponents of drilling argue that there is a princely sum of black gold lying beneath the Refuge. But not according to the scientific experts of the U.S. Geological Survey, who in a 1998 study determined that a six to eight-month supply of oil would likely be recovered from the Refuge over its 50-year lifespan because most of the oil there is simply too expensive to extract. This is not the low end estimate; it is the most likely one. And not a drop of oil would emerge from ANWR for about 10 years. This is hardly the answer to our energy needs, now or in the future.

In fact, the only thing we know for certain about drilling in the Refuge, as a result of years of analysis and experience, is that it would immeasurably and irreversibly damage one of the last preserves of its kind in the world. To drill for oil in the Arctic Refuge is like chopping down the California Redwoods for firewood, or capping Old Faithful for geothermal power, or damming the Grand Canyon for hydroelectric power, unthinkable acts because the cost in lost natural treasures is obviously too high.

To judge the environmental threat, listen to the ecologists and biologists who have extensively studied the impact of drilling, not to the politicians. Scientific analyses by the U.S. Fish & Wildlife Service have concluded that drilling would severely harm the refuge's abundant populations of caribou, polar bears, musk oxen, and snow geese.

Advocates of drilling claim that these concerns are grossly exaggerated because drilling would only impact an area the size of an airport. But what they don't tell you is that this ''airport'' has terminals outside that spread all over the Refuge. A spider web of infrastructure, including hundreds of miles of roads and pipelines, production facilities, ports, and housing and services for thousands of people would be required. As was recently said on ''60 Minutes,'' it would be ''urban sprawl on the tundra.''

The probable environmental consequences of drilling also go well beyond the animals of the North Slope. The Trans-Alaska and Prudhoe Bay oil fields have averaged more than 400 spills a year of everything from crude oil to acid, including an oil spill of approximately 9,000 barrels just last week. Current oil operations on Alaska's North Slope emit tons of harmful pollutants every year which cause smog and acid rain and contribute to global warming.

And that gets to the larger point. We have a long-term energy problem in America, but drilling in the Arctic Refuge will not help solve it. In fact, drilling in the Arctic deludes us into thinking we can oil-produce our way out of our energy problem. We can't because nature has left us with too little oil within our control to meet our needs. We must draw what we can from our own resources in an environmentally-protective way.

But, in the end, that will not be enough. To become more energy independent and environmentally-protective, we must also conserve, we must be more efficient, use alternative energy sources and rapidly develop new technologies like fuel cells.

That is why we want to protect the Arctic Refuge, and why we will fight all attempts to drill there for oil with any legislative weapon we possess, including a filibuster in the Senate.

In short, for the sake of America's energy and environmental future, we are once again today drawing a line in the Arctic tundra. We will do everything necessary to protect it.

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. 411

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

SECTION 1. DESIGNATION OF PORTION OF ARCTIC NATIONAL WILDLIFE REFUGE AS WILDERNESS.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

''(p) DESIGNATION OF CERTAIN LAND AS WILDERNESS.—Notwithstanding any other provision of this Act, a portion of the Arctic National Wildlife Refuge in Alaska comprising approximately 1,559,538 acres, as generally depicted on a map entitled 'Arctic National Wildlife Refuge—1002 Area. Alternative E—Wilderness Designation, October 28, 1991' and available for inspection in the offices of the Secretary, is designated as a component of the National Wilderness Preservation System under the Wilderness Act (16 U.S.C. 1131 et seq.).''.

Mr. FEINGOLD. Mr. President, I have joined with the Senior Senator from Connecticut, Mr. LIEBERMAN, as a co-sponsor of legislation he has introduced today to designate the coastal plain of the Arctic Refuge as a wilderness area. I have been a co-sponsor of this bill since I became a member of this body. I am concerned that Congress will be forced to consider whether or not to drill on the coastal plain of the Refuge before we take substantive action about whether or not the area should be designated as wilderness. Establishment of drilling on the coastal plain would be allowing a use on the coastal plain that is generally considered to be incompatible with areas designated as wilderness under the Wilderness Act. I want my colleagues to be aware that this is the situation, and that we are not going to increase the supply of oil in the near term, or reduce today's high gasoline or other high energy prices by drilling in the Refuge. I fear that drilling in the Refuge is being promoted not to help us address our current energy situation. As a member of Budget Committee I fear that this idea is again being proposed so that we can reaping the revenue from the leasing of the coastal plain so that we can entertain large tax cuts.

Second, I oppose drilling in the Refuge because it does not advance our domestic energy security. I cannot believe that the American people want energy security at the expense of the protection of a substantial asset such as the Arctic Refuge's coastal plain. I stand ready to work to find other sources of energy, to use existing sources more efficiently, to address consumption and to promote sustainable sources.

Third, I oppose drilling in the Refuge because of its potential impact upon existing wilderness, that's right existing wilderness which has already been designated in the Arctic Refuge. East of the coastal plain are 8 million acres that have already been designated as wilderness. We have had very little discussion about the impact of drilling in the Refuge on areas we have already designated and I want colleagues to be aware that the drilling question threatens not only our ability to make future wilderness designations in the Refuge but also could endanger areas that we believed had already protected in the public trust.

I want to speak today specifically to colleagues who may be considering the potential of possible oil discoveries in the Arctic National Wildlife Refuge in light of current high oil prices. Colleagues should keep in mind that the Senate's consideration of the coastal plain as a source of oil is not triggered by any new developments or changes in the geology or economics that affect potential development of Arctic resources. The United States Geological Survey has already re-considered those factors in its 1998 re-assessment of the Arctic Refuge coastal plain's oil potential. Rather, the current discussion, in my view, is prompted by the rhetoric and opportunistic efforts of those interests that have long advocated drilling in the Arctic Refuge, to exploit public concern about the current high prices of domestic heating oil, aviation gas and motor fuels.

First, I want to address the issue, at the forefront of many of my colleagues' minds, of whether drilling in the Arctic Refuge constitutes a meaningful or appropriate response to the fact that the U.S. oil production is declining and exports are increasing. To answer that question, I want to review some import, export and consumption data compiled by two federal agencies, the Energy Information Agency and the Maritime Administration.

I'm sure it will not surprise my colleagues that the last two decades have been marked by a steady decline in total domestic crude oil production, which includes crude oil plus natural gas liquids. Moreover, after a decline in petroleum consumption during the 1980s, oil use is again on the rise. In addition during the 1989–99 period, North Slope production declined from 1.885 million barrels per day to approximately 1.06 million barrels per day; the North Slope thus accounted for three quarters of the total domestic production decline which was a 1.105 million barrels per day decline in production during this period.

At the same time that imports are increasing, U.S. export of oil products and crude oil totals nearly 1.0 million barrels per day. Of that total, most, approximately seven barrels out of eight, is refined product. As far as crude exports are concerned, Maritime Agency data indicate that export of Alaska North Slope crude in 1999 averaged about approximately 7.1 percent of total Alaska North Slope production.

These data point to the complicated, transnational nature of the world petroleum market, a market in which the U.S. continues to export nearly a million barrels of petroleum products per day, nearly 5 percent of total consumption. In light of the fact that we exist in a global economy, the United States is not likely to be able to produce its way out of the current petroleum shortages. When one looks at the fact that the Middle East possesses the preponderance of world oil reserves, it becomes clear that concerns about increasing use of imported oil might be better addressed by decreasing consumption through conservation and the switch to alternative energy sources.

In addition, we have heard, over the course of several debates here on the floor, that the Arctic Refuge has the ''potential'' of yielding 16 billion barrels of oil. I also wanted to address the issue of the likelihood that 16 billion barrels of oil will be discovered beneath the coastal plain of the Arctic Refuge. First of all, that figure represents the outside limit of probabilities for an assessment area that includes the area of the Arctic Refuge coastal plain currently barred from drilling, plus adjacent areas where exploration has taken place. When one just examines the area within the Arctic Refuge that is under consideration, the correct low-probability estimate of oil is 11.8 billion barrels of undiscovered oil , 25 percent less than the 16 billion barrel figure we have heard to date. A field capable of that production has been discovered only once on this continent, at Prudhoe Bay. Moreover, despite recent advances in exploration technology, the U.S. Geological Survey has abandoned the notion of finding a super-giant field and looks instead to the possibility of discovering several much smaller fields beneath the coastal plain of the Arctic Refuge. Rather, the USGS assigns a probability of 5 percent or one chance in twenty, to the possibility that a field of that magnitude will be discovered. The mean estimate for technically recoverable oil is considerably lower and the figure for oil that is economically recoverable is lower still. In fact, the USGS concluded that it would expect to find four fields scattered across the refuge capable of producing, altogether, approximately 3.2 billion barrels of oil, one fifth the amount of oil that we have heard might be available.

However, even if one accepts a higher number for the coastal plain's petroleum potential, members of this body need seriously to consider whether there is any connection between oil that might be found in the Arctic Refuge and the current high prices of petroleum products. I feel, simply, that the Arctic Refuge is not a solution to the current situation.

For starters, it might take a decade to bring to market any oil that might be discovered in the Arctic Refuge. Exploration, discovery and assessment, field design and installation and pipeline design and construction are all time-consuming endeavors. The people of Wisconsin want lower gas prices now, not ten years from now.

Moreover, the price of oil is determined by global supply and demand factors, not by the presence or absence of an individual oil field. Consider the

case of Prudhoe Bay. In 1976, the year before the nation's largest oil field, the largest ever discovered in North America entered production, a barrel of West Texas intermediate crude oil sold for $12.65 and standard gasoline averaged $0.59 per gallon. Two years later, with Prudhoe Bay adding more than a million barrels per day to domestic supply in 1978, West Texas crude had increased by more than 15 percent, to $14.85 per barrel, and gasoline averaged nearly $0.63 per gallon. During the next two years, as Prudhoe production increased, oil prices skyrocketed to $37.37 per barrel, while gasoline nearly doubled, to $1.19 per gallon. In 1985, with Prudhoe Bay and Kuparuk both operating at full throttle, a barrel of West Texas crude sold for more than $28.00 per barrel and gasoline averaged $1.12 per gallon.

So Mr. President, if drilling may impair our ability to make a decision about the wilderness-qualities of the Refuge in the future, if the Refuge does not contain as much oil as we thought, and if opening the coastal plain to drilling may do little to impact our current domestic prices, why are we considering doing so? The facts don't point toward drilling in the Refuge: the Refuge may not contain as much oil as we think, and opening the coastal plain to drilling may have only a minor impact on our current domestic prices.

Finally, I have concerns about the arguments that I have heard in recent days that oil drilling and environmental protection are compatible. Only days ago I was traveling through the Niger Delta region of Nigeria by boat, where I observed firsthand the environmental devastation caused by the oil industry. The terrible stillness of an environment that should be teeming with life made a very powerful impression on me. These are the same multinational companies that have access to the same kinds of technologies, and though they are operating in a vastly different regulatory regime, I was profoundly struck by the environmental legacy of oil development in another ecologically rich coastal area.

For these reasons, I support my colleague from Connecticut. I appreciate the fundamental concern that we need to develop a new energy strategy for this country. However, I disagree strongly when drilling would occur in this particular location which I feel is deserving of wilderness designation.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 412. A bill to provide for a temporary Federal district judgeship for the southern district of Indiana; to the Committee on the Judiciary.

Mr. BAYH. Mr. President, I rise today with Senator RICHARD LUGAR to introduce the Southern District of Indiana Temporary Judgeship Act. This legislation creates an additional temporary judgeship for the Southern District of Indiana to help ease the strain that has resulted from an extremely heavy caseload of civil and criminal litigation.

The Southern District is in dire need of an additional judge. Last year, the District's caseload was much higher than the national average and greater than any other court in the Seventh Circuit. In fact, there were 599 filings per judge, a number almost twenty percent greater than the national average of 474.

In addition to an increase in the number of criminal cases filed in recent years, the Federal Bureau of Prisons death row, located at the United States Penitentiary in Terre Haute, IN, is in the Southern District and houses approximately twenty-one inmates currently under a federal sentence of death. Hence, the Southern District also must be able to manage the habeas corpus petitions that are typically filed by death row inmates.

Further, our State capital of Indianapolis is located in this district, and as a growing urban center, is significantly contributing to the number and complexity of the cases before the Southern District. Federal and local law enforcement are aggressively prosecuting drug crimes, but if we expect them to succeed in making our communities safer, we must give them the tools they need. An additional judgeship for the Southern District would be one such tool.

There is wide support for an additional judgeship in this district. As early as 1996, the Judicial Conference recommended to Congress that the Southern District of Indiana receive a new temporary judgeship. In 1999, the Judicial Conference again urged Congress to create a temporary judgeship for this district. The legislation Senator LUGAR and I introduce today follows this recommendation and aims to aid the Southern District in the timely and efficient adjudication of its cases. I urge my colleagues to give this legislation their serious consideration and support.

Mr. LUGAR. Mr. President, I rise today with Senator EVAN BAYH to introduce the Southern District of Indiana Temporary Judgeship Act. This legislation will help remedy the strain experienced by the Federal Court for the Southern District of Indiana from its extremely heavy caseload.

The Southern District's caseload far exceeds the national average and is more than any other district court in the 7th Circuit. Indeed, the most recent report of the Judicial Business of the United States Courts indicates that the Southern District had 599 filings per judge, compared to a national average of 474. Over the last 10 years, the area of Indiana comprising the Southern District has seen explosive population growth, the designation of the penitentiary at Terre Haute, IN, as the place of confinement for those sentenced to death under federal law, and a large increase in the amount of multi-district litigation. Yet, despite these changes, Indiana has not had a new judgeship added since 1990. I am pleased, therefore, to join with Senator BAYH to help ensure that the delivery of justice is unimpeded.

There is wide agreement about the need for this additional judgeship, and the Judicial Conference of the United States has called upon Congress since 1996 to add a temporary judge to the Southern District. I urge my colleagues to support this legislation.

By Mr. COCHRAN (for himself and Mr. DODD):

S. 413. A bill to amend part F of title X of the Elementary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today I am introducing the Education for Democracy Act. I am pleased that the distinguished Senator from Connecticut, Mr. DODD, has joined me as a cosponsor to reauthorize and improve existing federally supported civic education programs.

''We the People . . . The Citizen and the Constitution,'' has proven to be a successful program for teaching the principles of the Constitution.

Since 1985, the Center for Civic Education has administered the program. It is a rigorous course designed for high school civics classes that provides teacher training using a national network of professionals as well as community and business leaders.

The most visible component of We the People, is the simulated Congressional hearings which are competitions at local, state and national levels. The final round of this annual competition is held in an actual United States Senate or House of Representatives hearing room, here in the Nation's Capital. I am proud that Ocean Springs High School will be representing Mississippi at this year's competition in April.

The 32nd Annual Phi Delta Kappa/Gallup Poll of 2000 indicated that preparing students to become responsible citizens was one of the most important purposes of public schools. The popularity of We the People is demonstrated by the 82,000 teachers and the 26.5 million students who have participated since its beginning.

Studies by the Education Testing Service have repeatedly indicated that We the People participants outperform other students in every area tested. In one, We the People high school students outscored university sophomore and junior political science students in every topic.

A Stanford University study showed that these students develop a stronger attachment to political beliefs, attitudes and values essential to a functioning democracy than most adults and other students. Other studies reveal that We the People students are more likely to register to vote and more likely to assume roles of leadership, responsibility and demonstrate civic virtue.

In addition to We the People, this bill reauthorizes the Civitas International Civic Education Exchange Program, which links American civic educators with counterparts in Eastern Europe and the states of the former Soviet Union. This program is highly effective in building a community with a common understanding of teaching and improving the state of democracy education, worldwide.

Last year, Mississippi became the latest state to participate in this important international exchange program. Ms. Susie Burroughs, Mississippi's Civic Education program director, joined the exchange program to Hungary and helped train Hungarian teachers in lessons of democracy. Under Ms. Burroughs direction, more Mississippi teachers than ever began participation in the We the People program.

We the People and Civitas are preparing America's students and teachers to live and lead in the world by the standards and ideals set by our Founding Fathers.

I invite other Senators to cosponsor and support the Education for Democracy Act.

Mr. DODD. Mr. President, I rise to join my friend and colleague from Mississippi, Senator COCHRAN, in introducing the Education for Democracy Act.

The Education for Democracy Act reauthorizes grants to The Center for Civic Education to provide a course of instruction on Constitutional principles and history and on the roles of State and local governments in the Federal system, and, in coordination with the National Council on Economic Education, curriculum and teacher training programs in civics, government, and economics for teachers from many foreign countries.

The strength of our democracy comes from the informed participation of citizens, whether voting in an election, spending time on jury duty, volunteering for community service, or simply keeping aware of current affairs. The purpose of this bill is to improve the quality of civics and government education, and to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights.

Thomas Jefferson said: ''I know of no safe depository of the ultimate powers of society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion.'' In addition to offering instruction in the core subject areas, it is essential that our schools prepare our children to be informed, effective, and responsible citizens.

Comprehension of and commitment to democratic values is of particular consequence for every American. The values, principles, and beliefs that we share not only have provided a foundation for the stability of our government, they have spurred efforts by individuals and groups which have brought us closer to realizing our goal of liberty and justice for all.

College freshmen in 1999 demonstrated the lowest levels of political interest in the 22-year history of surveys conducted by the Higher Education Research Institute at the University of California at Los Angeles. That finding should serve as a warning to protect our democracy by ensuring that our children receive instruction in civic education.

Our founding documents, the Declaration of Independence and the Constitution, proclaim that ultimate political authority rests with the people, who have the power to create, alter, or abolish government. As wielders of such awesome power, it is imperative that the people, all the people, be educated to exercise their power judiciously.

The programs for teachers from other countries also are of great importance. America's greatness and power flow from our democratic principles. Exporting those principles will promote human rights and ensure international stability.

Senator DOMENICI and I recently introduced the Strong Character for Strong Schools Act to help expand States' and schools' ability to make character education, including civics education, a central part of every child's education. I think that good citizenship is an essential part of good character, and I ask my colleagues to join Senator COCHRAN and me in support of the Education for Democracy Act.

By Mr. CLELAND (for himself, Mr. HOLLINGS, Mr. STEVENS, Mr. INOUYE, and Mr. BREAUX):

S. 414. A bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CLELAND. Mr. President, last October the U.S. Department of Commerce published its latest report on Internet access in the United States. According to the Department's Falling Through the Net: Toward Digital Inclusion, more Americans than ever are connected to the Internet and groups that have traditionally been digital ''have nots'' are making significant gains. Although a record number of Americans have Internet access, the report concludes that a ''digital divide'' still exists ''between those with different levels of income and education, different racial and ethnic groups, old and young, single and dual-parent families, and those with and without disabilities.''

Increasing numbers of Americans are using the Internet to vote, shop, pay bills, take education courses, and acquire new skills. Now more than ever it is critical that all Americans have the tools necessary for full participation in the Information Age economy. However, the Commerce report finds that in some cases, the digital divide has expanded over the last 20 months. For example, the gap in Internet access rates between African American households and the nation as a whole is now 18 percent, 3 percent more than in December 1998. And the gap in Internet access between Hispanic households and the national average is 17.9 percent, 4.3 percent more than it was 20 months ago.

America's higher education institutions are demonstrating similar trends, persistent inequities in a generally improving picture. Last year the Department of Commerce teamed up with the National Association for Equal Opportunity in Higher Education, NAFEO, to undertake, for the first time ever, an in-depth study of Internet access at Historically Black Colleges and Universities, HBCUs, across America. The result was the landmark Historically Black Colleges and Universities: An Assessment of Networking and Connectivity. The report found that 98 percent of the 80 HBCUs surveyed had basic access to the Internet, World Wide Web, and campus networks. At the same time, however, the report also found ''serious areas of digital divide in student access, high-speed connectivity and insufficient infrastructure.''

In particular, the Commerce study reported that fewer than 25 percent of HBCU students, or only 1 out of every 4, personally own computers, compared to 49 percent of students in institutions of higher education as a whole. Further, only two HBCUs, or 3 percent, indicated that financial aid was available to help their students close the ''computer ownership gap.'' In addition, half of the HBCU campuses surveyed did not provide student access to computing resources at a critical location—the campus dormitory. And most of the campuses lacked high-speed connectivity to the Internet and World Wide Web, a key area and one that the report speculated may ''restrict HBCUs from making the digital leap into the 21st Century.'' In regard to rural, private HBCUs, the Commerce report found ''a significant technology gap.''

There have been to date no published studies of Internet-connectivity at either Hispanic-Serving Institutions, HSIs, or Tribal Colleges and Universities which are comparable to the October 2000 U.S. Department of Commerce report. Nevertheless, we have hard data which point to this alarming conclusion: Serious digital divide issues exist which affect the ability of Minority-Serving Institutions, MSIs, to be competitive with other institutions of higher learning in the Information Age. With their high level of poverty, and with only 8 percent of all American Indian households having Internet access, Jose C. de Baca, executive director of the American Indian Science and Technology Education Consortium, says that ''American Indians are the ethnic group most likely to

be caught on the wrong side of the digital divide.'' Tribal Colleges offer an important technology opportunity for these isolated American Indian reservation communities. However, studies show that while most U.S. universities need access to T–3 lines for necessary research and data flow, only one Tribal College currently has access to that bandwidth. Moreover, less than half of the Tribal Colleges can access smaller T–1 lines and this access is sporadic. In fact, many Tribal Colleges are not even networked to provide intra-campus e-mail service (''Circle of Prosperity: A Vision for the Technological Future of Tribal Colleges and American Indians'').

Similarly, Hispanic-Serving Institutions can have a powerful impact on the Digital Divide in the Hispanic community, but in testimony to the Congressional Web-based Education Commission, Dr. Antonio Perez, representing the Hispanic Association of Colleges and Universities, HACU, stated that there is an acute shortage of Hispanic faculty in the areas of information technology. According to the Computing Research Association Taulbee Survey of institutions granting doctoral degrees in computer science and computer engineering, only two percent of the Computer Science and one percent of the Computer Engineering Ph.D. recipients were Hispanics for 1998–1999. Dr. Perez stated that this proportion ''typifies Hispanic and minority professional participation in Information Technology in general,'' and in his testimony he underscored the need for federal assistance if Hispanic-Serving Institutions are to become ''equal partners'' in this new Information Age.

In an effort to address the technology gap that exists at Minority-Serving Institutions across the country, today I am joined by my distinguished colleagues, Senator HOLLINGS, Senator STEVENS, and Senator INOUYE, in introducing the National Technology Instrumentation Challenge Act. This legislation would create a new grant program within the Department of Commerce, the center of technological expertise and innovation in the federal government. Our bill would provide up to $250 million to help Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribal Colleges and Universities bridge the Digital Divide. The grant money could be used for such activities as campus wiring, equipment upgrade, technology training, and hardware and software acquisition. A Minority-Serving Institution, for example, could use funds provided under this legislation to offer its students universal access to campus networks and computing resources. Or they might choose to use their grant money to dramatically increase their connectivity speed rates beyond the T–1 level. In sum, this legislation offers a significant opportunity for those institutions serving the largest concentrations of the nation's minority students to keep pace with the advancing technologies of the 21st Century.

In the ever expanding and always exciting world of the Information Highway, it should be our mandate to work to ensure that no one in this country is left behind, least of all our leaders of tomorrow. The National Technology Instrumentation Challenge Act is a positive step in creating digital opportunity for all students in America, in whose hands the future of this great nation rests. The legislation is endorsed by the National Association for Equal Opportunity in Higher Education, the National Association for the Advancement of Colored People, the Hispanic Association of Colleges and Universities, the American Indian Higher Education Consortium, the Alliance for Equity in Higher Education, the League of United Latin American Citizens, the National Indian Education Association, the Native Hawaiian Education Association, the National Indian School Board Association, the United National Indian Tribal Youth, and the Atlanta University Center.

Mr. President, I ask unanimous consent that the text of the bill and the letters of support be printed in the RECORD.

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

S. 414

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 ''NTIA Digital Network Technology Program Act''.

SEC. 2. ESTABLISHMENT OF PROGRAM.

The National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

''PART D—DIGITAL NETWORK TECHNOLOGY PROGRAM

''SEC. 171. PROGRAM AUTHORIZED.

''The Secretary shall establish, within the NTIA's Technology Opportunities Program a digital network technologies program to strengthen the capacity of eligible institutions to provide instruction in digital network technologies by providing grants to, or executing contracts or cooperative agreements with, those institutions to provide such instruction.

''SEC. 172. ACTIVITIES SUPPORTED.

''An eligible institution shall use a grant, contract, or cooperative agreement awarded under this part—

''(1) to acquire the equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure necessary to teach students and teachers about technology in the classroom;

''(2) to develop and provide educational services, including faculty development, to prepare students or faculty seeking a degree or certificate that is approved by the State, or a regional accrediting body recognized by the Secretary of Education;

''(3) to provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process;

''(4) implement a joint project to provide education regarding technology in the classroom with a State or State education agency, local education agency, community-based organization, national non-profit organization, or business, including minority business or a business located in HUB zones, as defined by the Small Business Administration; or

''(5) provide leadership development to administrators, board members, and faculty of eligible institutions with institutional responsibility for technology education.

''SEC. 173. APPLICATION AND REVIEW PROCEDURE.

''(a) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this part, an eligible institution shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. The Secretary, in consultation with the panel described in subsection (b), shall establish a procedure by which to accept such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

''(b) PEER REVIEW PANEL.—The Secretary shall establish a peer review panel to aid the Secretary in establishing the application procedure described in subsection (a) and selecting applicants to receive grants, contracts, and cooperative agreements under section 171. In selecting the members for such panel, the Secretary may consult with appropriate cabinet-level officials, representatives of non-Federal organizations, and representatives of eligible institutions to ensure that the membership of such panel reflects membership of the minority higher education community, including Federal agency personnel and other individuals who are knowledgeable about issues regarding minority education institutions.

''SEC. 174. MATCHING REQUIREMENT.

''The Secretary may not award a grant, contract, or cooperative agreement to an eligible institution under this part unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant, contract, or cooperative agreement was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant, contract, or cooperative agreement awarded by the Secretary, or $500,000, whichever is the lesser amount. The Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

''SEC. 175. LIMITATION.

''An eligible institution that receives a grant, contract, or cooperative agreement under this part that exceeds $2,500,000, shall not be eligible to receive another grant, contract, or cooperative agreement under this part until every other eligible institution has received a grant, contract, or cooperative agreement under this part.

''SEC. 176. ANNUAL REPORT AND EVALUATION.

''(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, contract, or cooperative agreement under this part shall provide an annual report to the Secretary on its use of the grant, contract, or cooperative agreement.

''(b) EVALUATION BY SECRETARY.—The Secretary, in consultation with the Secretary of Education, shall—

''(1) review the reports provided under subsection (a) each year;

''(2) evaluate the program authorized by section 171 on the basis of those reports; and

''(3) conduct a final evaluation at the end of the third year.

''(c) CONTENTS OF EVALUATION.—The Secretary, in the evaluation, shall describe the activities undertaken by those institutions and shall assess the short-range and long-range impact of activities carried out under the grant, contract, or cooperative agreement on the students, faculty, and staff of the institutions.

''(d) REPORT TO CONGRESS.—The Secretary shall submit a report to the Congress based on the final evaluation within 1 year after conducting the final evaluation. In the report, the Secretary shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.''.

SEC. 3. DEFINITIONS.

Section 102(a) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901(a) is amended by adding at the end the following:

''(6) Eligible institution defined.—The term ''eligible institution'' means an institution that is—

''(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution described in section 326(e)(1)(A), (B), or (C) of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C) of the Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this subparagraph;

''(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

''(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

''(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

''(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

''(F) an institution determined by the Secretary, in consultation with the Secretary of Education, to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce not more than $250,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 through 2007, to carry out part D of the National Telecommunications and Information Administration Organization Act.

ALLIANCE FOR EQUITY
IN HIGHER EDUCATION,
Washington, DC, February 21, 2001.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CLELAND: On behalf of the Alliance for Equity in Higher Education—a national coalition of higher education associations that serves over 320 member institutions and educates more than one-third of all students of color in the United States—we would like to extend our joint support and appreciation for the ''National Technology Instrumentation Challenge Act'' legislation.

The Alliance for Equity in Higher Education, which was established in July 1999 by the American Indian Higher Education Consortium (AIHEC), the Hispanic Association of Colleges and Universities (HACU), and the National Association for Equal Opportunity in Higher Education (NAFEO), has identified the technology gap facing Tribal Colleges and Universities (TCUs), Hispanic-Serving Institutions (HSIs), and Historically and Predominantly Black Colleges and Universities (HBCUs) as one of its primary policy focuses. In fact, the Alliance is hosting an interactive planning meeting at the end of this month to explore the application of information technology at minority-serving colleges and universities. Your legislation will provide our students, faculty, and staff with the essential skills and training in the use of technology, a significant need on all our campuses.

As you know, among minority groups, the need to increase the capacities of students and faculty as active participants in the world of technology is paramount. For example, approximately 75 percent of students attending 80 NAFEO-member HBCUs indicated that they do not own their own computers, and 85 percent of surveyed HBCUs do not offer academic degrees through distance learning. Many TCUs cannot even provide intra-campus email to students and faculty, and only one TCU has access to a high speed bandwidth. In addition, only 24 percent of Hispanic households had Internet access in 2000, and HSIs serve a majority of Hispanic students entering postsecondary education.

The Alliance for Equity in Higher Education appreciates you spearheading this effort and encouraging our students and institutions to be competitive players in the higher education community as well as the 21st Century workforce. We welcome the opportunity of offer our assistance in championing this important initiative.

Sincerely,

ANTONIO FLORES,
President, HACU.
GERALD GIPP,
Executive Director, AIHEC.
HENRY PONDER,
President, NAFEO.

NATIONAL ASSOCIATION FOR EQUAL
OPPORTUNITY IN HIGHER EDUCATION,
Silver Spring, MD, February 14, 2001.

Hon. MAX CLELAND,
U.S. Senate, Senate Dirksen Building, Washington, DC.

DEAR SENATOR CLELAND: On behalf of the National Association for Equal Opportunity in Higher Education (NAFEO), we want to thank you for introducing legislation which will help address one of the greatest challenges facing the American educational system today—the emerging digital divide between students who have access to the information highway and those who do not. We strongly support your legislation, the National Technology Instrumentation Challenge Act, which would provide an essential tool in bridging the growing high-tech gap which exists for certain of this nation's institutions of higher learning.

As revealed in a recent survey of 80 Historically Black Colleges and Universities (HBCUs) by the U.S. Department of Commerce and NAFEO, fifty percent of these institutions do not have computers available in the location most accessible to students, their dormitories. Additionally, most HBCUs do not have high-speed connectivity to the Internet and World Wide Web, and only three percent of these colleges and universities indicated that financial aid was available to help their students close the ''computer ownership gap.''

Making high tech grant money available to HBCUs, Hispanic-serving institutions and tribal colleges and universities would help these institutions acquire computers, wire their campuses and provide technology training. In doing so, your bill would provide these institutions with the opportunity to become competitive with other colleges and universities in the Information Age. The National Technology Instrumentation Challenge Act would make a significant contribution by helping to place the tools of tomorrow's technology into the hands of tomorrow's leaders. Once again, we commend you on the introduction of this important piece of legislation.

Thanks for all you do in ''keeping the doors of opportunity open.''

Sincerely,

HENRY PONDER,
CEO/President.

AMERICAN INDIAN HIGHER
EDUCATION CONSORTIUM,
Alexandria, VA, February 2001.

DEAR SENATOR: On behalf of the nation's 32 Tribal Colleges and Universities that comprise the American Indian Higher Education Consortium (AIHEC), we respectfully request your support for legislation to be introduced by Senator Cleland in the very near future. This legislation to be titled the ''National Technology Instrumentation Challenge Act, will establish a program within the Department of Commerce, National Institute for Standards and Technology (NIST) to fund Tribal Colleges and Universities, as well as Historically Black College and Universities, Hispanic Serving Institutions of Higher Education and Alaska Native and Native Hawaiian educational organizations in an effort to teach technology skills to both teachers and students.

Tribal Colleges serve remote, isolated American Indian reservation communities, many of which are located on federal trust lands, and therefore do not have the resources or tax base to fully support a college. State governments provide little or no funding, while the Federal government funds the colleges at only slightly over half of the authorized level. For many Tribal College students the next nearest college is more than 100 miles away. With other priorities, such as fixing leaky roofs and upgrading substandard wiring and inadequate heating systems, it is nearly impossible to keep pace with advancing technologies.

Among American Indian households, only 9 percent have computers compared to 23.2 percent of African American households, 25.5 percent of Hispanic and about 47 percent of White Americans. For necessary research and information flow, most US universities need access to T–3 lines. Currently, only one Tribal College has access to that bandwidth. Many Tribal Colleges are not even networked to provide intra-campus e-mail service. Without financial help to secure the proper facilities equipment and training, we will rapidly fall behind in our ability to prepare our teachers and students in uses of current and emerging technology systems.

AIHEC's 32 member colleges, 26,000 students and the 250 tribal nations we serve are extremely grateful to Senator Cleland for championing this effort and for your support. The success of this legislation will be a tremendous step in bringing the Tribal Colleges and other MSIs much needed resources to prepare our students to compete in the workforce of the 21st Century.

Respectfully,

DR. JAMES SHANLEY,
President, Fort Peck Community College.

NATIONAL INDIAN
EDUCATION ASSOCIATION,
Alexandria, VA February 13, 2001.

Hon. MAX CLELAND,
U.S. Senate,
Washington, DC.

SENATOR CLELAND: The National Indian Education Association (NIEA) is pleased to

offer its support for the proposed ''National Technology Instrumentation Challenge Act'' you intend to introduce before Congress today. As a national advocate on behalf of the education concerns of American Indians, Alaska Natives, and Native Hawaiians, the National Indian Education Association is pleased to see a legislative proposal that targets one of the most pressing needs in Indian and Native Hawaiian communities.

As administered by the Secretary of Commerce, the program would empower minority institutions, including tribal colleges and Alaska Native organizations, to carry out national technology instrumentation programs. These programs will teach technology skills to teachers and students in uniquely rural and urban settings. Indian communities will stand to benefit greatly from this initiative as they struggle to meet the ever-increasing needs of their tribal members. Experience has shown that reservation communities often are the last segment of the population to benefit from the power that technology can offer. These dollars will allow for an equal playing field as our Indian institutions prepare students for the challenges of the new millennium.

This legislation will also equip tribal and minority-serving institutions with the tools, services and infrastructure needed to teach the latest advancements in technology as they relate to the student in the classroom. Students have the uncanny ability to grasp the meaning of technology faster than many adults and this endeavor captures that youthful ability to learn.

We look forward to working with your office and the Secretary of Commerce when this legislation becomes law. We are also pleased to inform the Senator that we have gained additional support for this legislation from three of our national American Indian/Alaska Native and Native Hawaiian partners. These include: The National Indian School Board Association (NISBA); United National Indian Tribal Youth (UNITY); and the Native Hawaiian Education Association (NHEA).

Again, on behalf of the three thousand members of NIEA and our educational partners, we look forward to a fruitful and productive 107th Congress. Thank you for your support.

With Best Regards,

JOHN W. CHEEK,
Executive Director.

By Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. DORGAN, and Mr. GRASSLEY):

S. 415. A bill to amend title 49, United States Code, to require that air carriers meet public convenience and necessity requirements by ensuring competitive access by commercial air carriers to major cities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, the time has come for the Congress to really understand what is going on in the airline industry. It is an industry that no longer competes. Passengers no longer matter. We are like cattle in a stockade.

Today, I am introducing legislation to restore the public's interest in our aviation system, to reclaim it from the carriers. Senator MCCAIN joins me in sponsoring this bill.

We have spent countless hearings listening to various airline executives, government officials and expert witness talk about the problems confronting the traveling public. it is time we put all of that information and knowledge together to benefit the traveling public.

Let's start with the hubs. There are twenty major airports, essential facilities, where 1 carrier has more than fifty percent of the total enplaned passengers. Study after study has told us, warned us, that concentrated hubs lead to higher fares, particularly for markets to those hubs with no competition. Average fares are higher by 41 percent according to DOT, and even higher for smaller, shorter haul markets, by as much as 54 percent. DOT estimates that for only 10 of the hubs, 24.7 million people are overcharged, and another 25 to 50 million choose not to fly because of high fares.

We have got to take a can opener and pry open the lids to the hubs, for without competition, whatever benefits deregulation has brought, will quickly fade away. Our legislation will ensure that other air carriers have the ability to compete, the ability to provide people with options, and the ability to threaten to serve every market out of the dominated hubs. Gates, facilities and other assets will need to be provided where they are unavailable, or where competition dictates a need for such facilities. Dominant air carriers have relied upon Federal dollars to expand these facilities, and they have taken advantage of those monies by establishing unregulated local monopolies. It is time to use the power and leverage of the Federal government to restore a balance to the marketplace.

Right now, the air carriers are attempting to dictate what the industry will look like. If they are successful, all of the concerns raised by countless studies, will not only be realized, but they will be exacerbated. The public's needs, the public's convenience, are something that must be first and foremost as we watch this industry evolve.

Airline deregulation forced the carriers to compete on price for a while, but not on service. Congress had to threaten legislation in 1999 before the airlines even began to even understand the depth of consumer anger towards the airlines. Today though, they no longer compete on price. Instead, they seek to acquire one another to create massive systems, perhaps only three will survive, leaving us all far worse tomorrow than we are today. And clearly today, we are not getting what is needed.

What are the facts: United wants to buy US Airways, and create DC Air. American want to buy TWA, a failing company with a hub in St. Louis, and then American wants to buy a part of US Airways. Continental and Delta have a 25 year marketing relations, and Delta, Continental and Northwest are all eying other deals.

Right now there are 20 major cities where one carrier effectively controls airline service. Department of Transportation, General Accounting Office, National Research Council and others have all documented abuses, high fares, market dominance, hoarding of facilities at airports so other carriers can not enter, and let's not forget poor service. It must stop. It is not enough for the antitrust laws to look at each transaction in a vacuum. The public's interest, its needs, and its convenience must be reasserted.

DOT, in its January 2001 study, made three key observations:

The facts are clear. Without the presence of effective price competition, network carriers charge much higher prices and curtail capacity available to price sensitive passengers at the hubs. . . . With effective price competition, consumers benefit from both better service and lower fares, citing Atlanta and Salt Lake City as examples where a low cost carrier is able to provide competition to a dominant hub carrier.

The key to eliminating market power and fare premiums is to encourage entry into as many uncontested markets as possible.

. . . barriers to entry at dominated hubs are most difficult to surmount considering the operational and marketing leverage a network carrier has in it hub markets.

In its 1999 study, the Department stated most clearly what we are trying to achieve:

Moreover, unless there is reasonable likelihood that a new entrant's short term and long term needs for gates and other facilities will be met, it may simply decide not to serve a community.—FAA/OST Task Force Study, October 1999, at page iii.

I urge my colleagues to cosponsor this legislation.

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. 415

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Aviation Competition Restoration Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The airline industry continues to evolve into a system dominated by a few large air carriers and a handful of smaller, niche air carriers. Absent Congressional action, access to critical markets is likely to be foreclosed.

(2) In testimony before the Commerce Committee in 1978, the then-President of Eastern Airlines testified that the top 5 air carriers had 68.6 percent of the domestic market. If the mergers and acquisitions proposed in 2000 and 2001 are consummated, the 5 largest network airlines in the United States will account for approximately 83 percent of the air transportation business (based on revenue passenger miles flown in 1999).

(3) According to Department of Transportation statistics, taking into account the proposed mergers of United Airlines and US Airways, and of American Airlines and TWA, there will be at least 20 large hub airports in the United States where a single airline and its affiliate air carriers would carry more than 50 percent of the passenger traffic.

(4) The continued consolidation of the airline industry may inure to the detriment of public convenience and need, and the further concentration of market power in the

hands of even fewer large competitors may lead to unfair methods of competition.

(5) A more concentrated airline industry would be likely to result in less competition and higher fares, giving consumers fewer choices and decreased customer service.

(6) The Department of Transportation has documented that air fares are relatively higher at those main hub airports where a single airline carries more than 50 percent of the passenger traffic, and studies indicate that unfair methods of competition are more likely to occur at such airports, thus inhibiting competitive responses from other carriers when fares are raised or capacity reduced.

(7) The General Accounting Office has conducted a number of studies that document the presence of both high fares and problems with competition in the airline industry at dominated hub airports.

(8) The National Research Council of the Transportation Research Board has recognized that higher fares exist in short haul markets connected to concentrated hub airports.

(9) A Department of Transportation study indicates that the entry and existence of low fare airline competitors in the marketplace has resulted in a reported $6.3 billion in annual savings to airline passengers.

(10) While the antitrust rules generally govern mergers and acquisitions in the air carrier industry, and will continue to do so, the public concern about the importance of air transportation, the impact of over scheduling, increasing flight delays and cancellations, poor service, and continued hub domination requires the Department of Transportation to assert its authority in analyzing proposed transactions among air carriers that affect consumers.

SEC. 3. PUBLIC INTEREST REVIEW OF AIR CARRIER ACQUISITIONS AND MERGERS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

"§ 41722. Mergers and acquisitions

''(a) PROTECTION OF PUBLIC INTEREST; COMPETITION TEST.—

''(1) IN GENERAL.—An air carrier may not acquire, directly or indirectly, any voting securities or assets of another air carrier if, after the acquisition, the air carrier resulting from the acquisition would have more than 10 percent of the passenger enplanements in the United States (based on projections from the most recent annual data available to the Secretary of Transportation) if the Secretary determines that the effect of the acquisition—

''(A) would be substantially to lessen competition, or

''(B) would result in reasonable industry concentration, excessive market domination, monopoly powers, or other conditions that would tend to allow at least 1 air carrier unreasonably to increase prices, reduce services, or exclude competition in air transportation at any large hub airport (as defined in section 47134(d)(2)) or in at least 10 percent of the top 500 markets for passenger air transportation in the United States.

''(2) EXCEPTION.—Notwithstanding paragraph (1), such an acquisition may proceed if the Secretary finds that—

''(A) the anticompetitive effects of the proposed transaction are outweighed in the public interest by the probable effect of the acquisition in meeting significant transportation conveniences and needs of the public; and

''(B) those significant transportation conveniences and needs of the public may not be satisfied by a reasonably available alternative having materially less anticompetitive effects.

''(b) DOMINANT CARRIERS REQUIRED TO RELINQUISH SOME GATES, FACILITIES, AND ASSETS AT HUB AIRPORT.—

''(1) IN GENERAL.—An air carrier may not acquire, directly or indirectly, any voting securities or assets of another air carrier if, after the acquisition, the air carrier resulting from the acquisition would be a dominant air carrier at any large hub airport (as defined in section 47134(d)(2)) unless the Secretary of Transportation finds that—

''(A) the air carrier resulting from the acquisition will provide gates, facilities, and other assets at the hub airport on a fair, reasonable, and nondiscriminatory basis to another air carrier that—

''(i) holds a certificate issued under chapter 411 authorizing it to provide air transportation for passengers;

''(ii) has fewer than 15 percent of the average daily passenger enplanements at that airport; and

''(iii) is able, or will be able, to utilize the gate, facility, or other asset provided to it at a reasonable level of utilization; or

''(B) gates, facilities, and other assets are available, or will be made available in a timely manner, on a fair, reasonable, and nondiscriminatory basis to accommodate competitive access to that airport by other air carriers.

''(2) LIMITATION.—Paragraph (1) does not require an air carrier to relinquish control, or otherwise dispose, of more than 10 percent of the gates, facilities, and other assets controlled by that air carrier at any airport, as determined by the Secretary.

''(3) PLAN REQUIRED.—Before the Secretary may make a finding under paragraph (1), the acquiring air carrier and the air carrier being acquired shall file a joint plan in writing with the Secretary that states with such specificity as the Secretary may require exactly how the air carrier resulting from the acquisition will comply with the requirements of paragraph (1).

''(4) ENFORCEMENT OF PLAN.—If the Secretary determines, more than 90 days after the date on which an acquisition described in paragraph (1) is completed, that the air carrier has failed substantially to carry out the plan submitted under paragraph (3), the Secretary may—

''(A) withdraw approval of the acquisition;

''(B) withdraw authority for the air carrier to serve international markets; or

''(C) take such other action as may be necessary to compel compliance with the plan.

''(c) NOTIFICATION; WAITING PERIOD; FINAL RULE.—

''(1) IN GENERAL.—In order for the Secretary to be able to make the determination required by subsection (a)—

''(A) each air carrier (or in the case of a tender offer, the acquiring air carrier) shall submit a notification to the Secretary, in such form and containing such information as the Secretary may require; and

''(B) wait until the waiting period described in paragraph (2) has expired before effecting the acquisition.

''(2) Waiting period.—

''(A) IN GENERAL.—The waiting period begins on the date of receipt by the Secretary of a completed notification required by paragraph (1)(A) and ends on the thirtieth day after that date, or (in the case of a cash tender offer) the fifteenth day after that date.

''(B) WAIVER; MODIFICATION.—The Secretary may waive the notification requirement, shorten the waiting period, or extend the waiting period (by not more than 180 days), in order to coordinate action under this subsection with the Department of Justice under the antitrust laws of the United States.

''(3) COORDINATION WITH DOJ.—The Secretary and the Attorney General may enter into a memorandum of understanding to ensure that the determination required by subsection (a) is made within the same time frame as any Department of Justice review of a proposed acquisition under section 7A of the Clayton Act (15 U.S.C. 18a).

''(4) FINAL ACTION WITHIN 180 DAYS.—The Secretary shall take final action with respect to any acquisition requiring a determination under subsection (a) within 180 days after the date on which the Secretary receives the notification required by paragraph (1)(A).

''(d) AIR 21 COMPETITION PLAN REVIEW.—The Secretary shall examine any hub airport affected by a proposed acquisition described in subsection (a) to determine whether that airport has complied with the competition plan requirement of sections 47106(f) or 40117(k) of title 49, United States Code, and whether gates and other facilities are being made available at costs that are fair and reasonable to air carriers in accordance with the requirements of section 41712(c)(3). The sponsor (as defined in section 47102(19)) of any hub airport shall cooperate fully with the Secretary in carrying out an examination under this subsection.

''(e) DEFINITIONS.—In this section:

''(1) DOMINATED HUB AIRPORT.—The term 'dominated hub airport' means an airport—

''(A) that each year has at least .25 percent of the total annual boardings in the United States; and

''(B) at which 1 air carrier accounts for more than 50 percent of the enplaned passengers.

''(2) DOMINANT AIR CARRIER.—The term 'dominant air carrier' means an air carrier that accounts for more than 50 percent of the enplaned passengers at an airport.

(3) CONTROL.—With respect to whether a corporation or other entity is considered to be controlled by another corporation or other entity, the term 'control' means that more than 10 percent of the ownership, voting rights, capital stock, or other pecuniary interest in that corporation or entity is owned, held, or controlled, directly or indirectly, by such other corporation or entity.

''(4) ENPLANEMENTS.—The term 'passenger enplanements' means the annual number of passenger enplanements, as determined by the Secretary of Transportation, based on the most recent data available.

''(5) ASSET.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).''.

(b) SPECIAL RULE.—For the purpose of applying section 41722 of title 49, United States Code, to an acquisition or merger involving major air carriers proposed after January 1, 2000, that has not been consummated before February 15, 2001—

(1) subsection (c) of that section shall not apply; but

(2) the Secretary of Transportation shall require such information from the acquiring air carrier and the acquired air carrier, or the merging air carriers, as may be necessary to carry out that section, and shall complete the review required by that section within a reasonable period that is not to exceed 180 days from the date on which the Secretary receives the requested information from all parties.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by adding at the end the following;

''41722. Mergers and acquisitions''.

SEC. 4. COMPETITIVE ACCESS TO GATES, FACILITIES, AND OTHER ASSETS.

(a) Subchapter I of chapter 417, as amended by section 3, is further amended by adding at the end thereof the following:

"§ 41723. Competitive access to gates, facilities, and other assets

''(a) DOT REVIEW OF GATES, FACILITIES, AND ASSETS.—Within 90 days after the date of the enactment of Aviation Competition Restoration Act, the Secretary of Transportation shall investigate the assignment and usage of gates, facilities, and other assets by major air carriers at the largest 35 airports in the United States in terms of air passenger traffic. The investigation shall include an assessment of—

''(1) whether, and to what extent, gates, facilities, and other assets are being fully utilized by major air carriers at those airports;

''(2) whether gates, facilities, and other assets are available for competitive access to enhance competition; and

''(3) whether the reassignment of gates, facilities, and other assets to, or other means of increasing access to gates, facilities, and other assets for, air carriers (other than dominant air carriers (as defined in section 41722(e)(2)) would improve competition among air carriers at any such airport or provide other benefits to the flying public without compromising safety or creating scheduling, efficiency, or other problems at airports providing service to or from those airports.

''(b) AUTHORITY OF SECRETARY TO MAKE GATES, ETC., AVAILABLE.—The Secretary shall require a major air carrier, upon application by another air carrier or on the Secretary's own motion to make gates, facilities, and other assets available to other air carriers on terms that are fair, reasonable, and nondiscriminatory to ensure competitive access to those airports if the Secretary determines, on the basis of the investigation conducted under subsection (a), that such gates, facilities, and other assets are not available and that competition would be enhanced thereby at those airports.

''(c) DEFINITIONS.—

''(1) MAJOR AIR CARRIER.—In this section the term 'major air carrier' means an air carrier certificated under section 41102 that accounted for at least 1 percent of domestic scheduled-passenger revenues in the 12 months ending March 31 of each year, as reported to the Department of Transportation pursuant to part 241 of title 14, Code of Federal Regulations, and identified as a reporting carrier periodically in accounting and reporting directives issued by the Office of Airline Information.

''(2) ASSET.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41722 the following:

''41723. Competitive access to gages, facilities, and other assets''.

SEC. 5. UNFAIR METHODS OF COMPETITION IN AIR TRANSPORTATION.

(a) UNFAIR COMPETITION THROUGH USE OF GATES, FACILITIES, AND OTHER ASSETS.—Section 41712 of title 49, United States Code, is amended by adding at the end the following:

''(c) UNDERUTILIZATION OF GATES, FACILITIES, OR OTHER ASSETS.—

''(1) IN GENERAL.—It is an unfair method of competition in air transportation under subsection (a) for a dominant air carrier at a dominated hub airport—

''(A) to fail to utilize gates, facilities, and other assets fully at that airport; and

''(B) to refuse, deny, or fail to provide a gate, facility, or other asset at such an airport that is underutilized by it, or that will not be fully utilized by it within 1 year, to another carrier on fair, reasonable, and nondiscriminatory terms upon request of the airport, the other air carrier, or the Secretary.

''(2) REQUESTING CARRIER MUST FILE WITH DOT.—An air carrier making a request for a gate, facility, or other asset under paragraph (1) shall file a copy of the request with the Secretary when it is submitted to the dominant air carrier.

''(3) AVAILABILITY OF GATES AND OTHER ESSENTIAL SERVICES.—The Secretary shall ensure that gates and other facilities are made available at costs that are fair and reasonable to air carriers at covered airports where a 'majority-in-interest clause' of a contract or other agreement or arrangement inhibits the ability of the local airport authority to provide or build new gates or other essential facilities.

''(4) DEFINITIONS.—In this subsection:

''(A) DOMINANT AIR CARRIER.—The term 'dominant air carrier' has the meaning given that term by section 41722(e)(2).

''(B) DOMINATED HUB AIRPORT.—The term 'dominated hub airport' has the meaning given that term by section 41722(e)(1).

''(C) COVERED AIRPORT.—The term 'covered airport' has the meaning given that term by section 47106(f)(3).

''(D) ASSET.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).''.

(b) CONFORMING AMENDMENT.—Section 155 of the Wendell H. Ford Aviation Investment and Reform Act of the 21st Century (49 U.S.C. 47101 nt) is amended by striking subsection (d).

SEC. 6. AIP COMPETITION FUNDING.

(a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by adding at the end the following:

"§ 47138. Competition enhancement program

''(a) IN GENERAL.—The Secretary of Transportation shall make project grants under this subchapter from the Airport and Airway Trust Fund for gates, related facilities, and other assets to enhance and increase competition among air carriers for passenger air transportation.

''(b) SECRETARY MAY INCUR OBLIGATIONS.—The Secretary may incur obligations to make grants under this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Airport and Airway Trust Fund $300,000,000 for fiscal year 2002, such amount to remain available until expended.''.

(b) AIP GRANTS.—Section 47107 of title 49, United States Code, is amended by adding at the end the following:

''(q) GATES, FACILITIES, AND OTHER ASSETS.—

''(1) IN GENERAL.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant at a dominated hub airport only if the Secretary—

''(A) receives appropriate assurances that the airport will provide gates, facilities, and other assets on fair, reasonable, and nondiscriminatory terms to air carriers, other than a dominant air carrier, to ensure competitive access to essential facilities; or

''(B) determines that gates, facilities, and other assets are available at that airport on a fair, reasonable, and nondiscriminatory basis to air carriers other than a dominant air carrier.

''(2) DEFINITIONS.—In this subsection:

''(A) DOMINANT AIR CARRIER.—The term 'dominant air carrier' has the meaning given that term by section 41722(e)(2).

''(B) DOMINATED HUB AIRPORT.—The term 'dominated hub airport' has the meaning given that term by section 41722(e)(1).

''(C) ASSET.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).''.

(c) PFC FUNDS.—Seciton 40117 of title 49, United States Code, is amended by adding at the end the following:

''(l) FACILITIES FOR COMPETITIVE ACCESS.—

''(1) IN GENERAL.—The Secretary may approve an application under subsection (c) for a project at a dominated hub airport only if the Secretary—

''(A) receives appropriate assurances that the airport will provide gates, facilities, and other assets on fair, reasonable, and nondiscriminatory terms to air carriers, other than a dominant air carrier, to ensure competitive access to essential facilities; or

''(B) determines that gates, facilities, and other assets are available at that airport on a fair, reasonable, and nondiscriminatory basis to air carriers other than a dominant air carrier.

''(2) DEFINITIONS.—In this subsection:

''(A) DOMINANT AIR CARRIER.—The term 'dominant air carrier' has the meaning given that term by section 41722(e)(2).

''(B) DOMINATED HUB AIRPORT.—The term 'dominated hub airport' has the meaning given that term by section 41722(e)(1).

''(C) ASSET.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).''.

(d) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 471 of such title is amended by inserting after the item relating to section 47137 the following:

''47138. Competition enhancement program''.

Mr. MCCAIN. Mr. President, today I join my colleague, Senator HOLLINGS, in introducing the Aviation Competition Restoration Act. This legislation would give the Department of Transportation additional authority to review airline industry mergers and to enhance competition and access at dominated hub airports. If Congress does not act quickly to address the problems of industry consolidation and the reduction in meaningful competition, consumers will suffer as air fares inevitably increase and choices decline.

Not since deregulation of the airline industry have we faced such a critical point in the history of air transportation in this country. We are closer than ever to seeing an industry totally dominated by three mega-airlines. Last year, United proposed purchasing US Airways. Earlier this year, American Airlines announced that it would purchase a faltering TWA and join with United to carve up US Airways. Since then, Delta and Continental have talked about some type of combination if the other mergers occur. These developments do not bode well for consumers.

I recognize that there may be some benefits to these mergers. But the harm that will be inflicted on consumers far outweighs any gains. As the number of competitors dwindles, air travelers are almost certain to get squeezed. The Commerce Committee has held numerous hearings since the first deal was announced. I continue to believe that these proposals are not good for the consumer.

Last year, the Commerce Committee approved a Senate Resolution expressing deep concern about the proposed United-US Airways deal. Expressions of

concern are no longer enough. We must act to ensure that the Executive Branch has the tools to thoroughly evaluate these proposals and their effect on competition. We must also give them the tools to effectuate a more competitive environment. The Airline Competition Restoration Act would give the Department the authority to ensure that carriers have competitive access to critical airport markets by reallocating gates, facilities and other assets used or controlled by an air carrier prior to approving a merger or in other non-competitive circumstances.

This bill is just one piece of a potential solution to the tremendous problems that air travelers face on a daily basis. More people are flying now than ever before. That means that more people are affected by the lack of capacity, antiquated air traffic control, and over scheduling that continue to plague aviation travel. We had 674 million people fly last year. That number is expected to reach one billion within 10 years. One billion air travelers in a system that has basically reached gridlock today should be of great concern to all of us.

This is not a partisan issue. This is not a rural or urban issue. This is an issue that affects the business traveler and the leisure traveler. We must act to enhance competition and prevent further gridlock and delay in our aviation system. I look forward to working with my colleagues to try and address these issues in the coming months.

By Mr. KERRY (for himself, Mr. DEWINE, Mrs. BOXER, and Mr. KOHL):

S. 416. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today I am introducing legislation, along with Senator DEWINE, Senator BOXER, and Senator KOHL, that will set minimum standards for gun safety locks. Discussion is swirling around the U.S. Congress, in state legislatures throughout the country, and in our cities and towns about the use of handgun safety locks to prevent children from gaining access to dangerous weapons. To date, eighteen states have Child Access Protection, or CAP laws in place, which permit prosecution of adults if their firearm is left unsecured and a child uses that firearm to harm themselves or others.

An important element that is largely missing from the debate over the voluntary or required use of gun safety locks is the quality and performance of these locks. Mr. President, a gun lock will only keep a gun out of a child's hands if the lock works. There are many cheap, flimsy locks on the market that are easily overcome by a child. There are 12 safety standards for every toy, but there is not even a single safety standard for a gun lock.

Earlier this month the Consumer Product Safety Commission, CPSC, and the National Sport Shooting Foundation announced a voluntary recall of 400,000 gun safety locks that were distributed by Project HomeSafe, a nationwide program whose purpose is to promote safe firearms handling and storage practices through distribution of gun locks and safety education messages. And last July the CPSC and MasterLock joined together in another voluntary recall of 752,000 gun locks. Both of the gun locks recalled could be easily opened with paper clips, tweezers, or by banging it on a table. When testing gun locks to replace the recalled locks, the CPSC found that all but two of the 32 locks tested could be opened without a key. I find this astonishing. Millions of Americans have come to depend on gun locks as a way to prevent their children from gaining access to a handgun, and it is extremely disturbing to learn that so many locks could be overcome.

The legislation that we are introducing today requires the Consumer Product Safety Commission to set minimum regulations for safety locks and to remove unsafe locks from the market. Our legislation empowers consumers by ensuring that they will only purchase high-quality lock boxes and trigger locks. The legislation does not require the use of gun safety locks. It only requires that gun safety locks meet minimum standards. The legislation does not regulate handguns. It applies only to after-market, external gun locks.

Storing firearms safely is an effective and inexpensive way to prevent the needless tragedies associated with unintentional firearm-related death and injury. And I am pleased that several states, including my home state of Massachusetts, have required the use of gun safety locks. During the 106th Congress, the Senate passed an amendment that would require the use of gun safety locks by a vote of 78–20.

While I am encouraged by this trend of increasing the use of gun safety locks, I am genuinely concerned that with the hundreds of different types of gun locks on the market today it is difficult, probably impossible, for consumers to be assured that the lock they purchase will be effective. In early February President Bush announced the Administration's support for a five-year, $75 million-a-year federal program to distribute free gun locks to every gun owner. I commend the President's proposal to distribute free gun locks, but believe that it is critically important that the locks function as intended.

The latest data released by the Centers for Disease Control in 1999 revealed that accidental shootings accounted for 7 percent of child deaths and that more than 300 children died in gun accidents, almost one child every day. A study in the Archives of Pediatric and Adolescent Medicine found that 25 percent of 3- to 4- year olds and 70 percent of 5- to 6- year olds had sufficient finger strength to fire 59, or 92 percent, of the 64 commonly available handguns examined in the study. Accidental shootings can be prevented by simple safety measures, one of which is the use of an effective gun safety lock.

The Senate has been gridlocked over the issue of gun control. And you can be sure that young lives have been needlessly lost due to our inaction. This legislation, which I truly believe every Senator can support, would make storing a gun in the home safer by ensuring safety devices are effective. It would empower consumers. And most importantly it would protect children and decrease the numbers of accidental shootings in this country.

Mr. DEWINE. Mr. President, I rise today as an original cosponsor of the Gun Lock Consumer Protection Act being introduced by my friend from Massachusetts, Senator KERRY. I support this bill because I believe it will save lives.

Recently, we have all borne witness to a disturbing trend. Increasingly, we are hearing shocking news reports that another child has died because of his or her access to a loaded, unlocked firearm. In 1999 alone, this was an almost daily occurrence. Last year, more than 300 children died in gun accidents. Most of these accidents occurred in a child's own home, or the home of a close friend or relative. Places where these children should feel the safest.

The mixture of children and loaded firearms is certainly extremely combustible. An estimated 3.3 million children in the United States live in homes with firearms that are always or sometimes kept loaded and unlocked. Now, I believe that the majority of parents with firearms believe they are being responsible about gun storage and other safety measures dealing with firearms. But, the fact is that, some parents have a fundamental misunderstanding of a child's ability to gain access to and fire a gun, distinguish between real and toy guns, make good judgements about handling a gun, and consistently following rules about gun safety. In fact, nearly two-thirds of parents with school-age children who keep a gun in the home believe that the firearm is safe from their children. However, one study found that when a gun was in the home, 75 to 80 percent of first and second graders knew where the gun was kept.

Many gun owners, State and local governments, as well as this Senate, have begun to recognize the combustible relationship between children and loaded, accessible firearms. This recognition has led many gun owners to purchase gun safety locks to ensure safe storage of their handguns and to prevent children from gaining access to weapons. In some States, gun locks are required at the time handguns are purchased. At least seventeen States have laws that require or encourage the use of gun locks that deter child access to handguns. And, finally, the Senate

passed an amendment to the juvenile justice bill last Congress that would require the use of gun safety locks.

Despite the facts that gun owners are buying more firearm safety devices and governments are rushing to mandate their use, there are no minimal safety standards for these devices. There are many different types of trigger locks, safety locks, lock boxes, and other devices available. There is a wide range in the quality and effectiveness of these devices. Some are inadequate to prevent the accidental discharge of the firearm or to prevent a child access to the firearm.

As governments move toward mandated safety devices, I believe it is important that consumers know that the device they are buying is actually adequate to serve its intended purpose. If States are going to prosecute adults when a child uses a firearm, these gun owners should have at least some peace of mind that their gun storage or safety lock device is adequate.

Many of the safety lock devices currently on the market will not provide that peace of mind. Over the past year, the Consumer Product Safety Commission has tested thirty-two different lock devices. Thirty did not work as they were intended to work. In other words, 90 percent of the lock devices tested by the CPSC do not work! To date, CPSC has worked with two organizations to recall faulty locks. Because of the organizations' willingness to work with the CPSC, over 1.1 million safety locks have been recalled and replaced.

The legislation I am introducing today with Senator KERRY would help responsible gun owners and parents know that the safety device they are buying is at least minimally adequate. This legislation is just common sense. It simply requires the Consumer Product Safety Commission, CPSC, to formulate minimum safety standards for gun safety locks and to ensure that only adequate locks meeting that standard are available for purchase by consumers. The standard to be used by the Commission requires that gun safety locks are sufficiently difficult for children to deactivate or remove and that the safety locks prevent the discharge of the handgun unless the lock has been deactivated or removed.

It is important to note what this bill does not do. First of all, it does not give CPSC any say in standards of firearms or ammunition. In other words, it is not intended to regulate firearms themselves in any way whatsoever. Second, it will not have the effect of mandating what gun lock device is used. As I said earlier, there are many different types of gun locks currently available. Some of these allow for easy access and use of firearms for adults should they decide that is important to them. Other devices are more cumbersome and do not provide quick and easy access. Gun owners would be free to decide what device is best for them. This legislation would have no effect on that issue. Finally, this legislation does not require the use of gun safety locks. While the Senate has already passed legislation to do this, if that language is removed in conference, this legislation will not affect that.

As I said earlier, I support this legislation because I believe it will save lives. But, more than that, this legislation will empower parents who decide that they want to have a gun safety lock but are awash in a sea of different devices, to purchase only gun safety locks that provide adequate protection for their children. I urge my colleagues to join Senator KERRY and I in support of this bill.

By Mr. INOUYE:

S. 418. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment, to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation to repeal the current 50 percent tax deduction for business meals and entertainment expenses, and to restore the tax deduction to 80 percent gradually over a five-year period. Restoration of this deduction is essential to the livelihood of small and independent businesses as well as the food service, travel, tourism, and entertainment industries throughout the United States. These industries are being economically harmed as a result of the 50 percent tax deduction.

The business meals and entertainment expenses deduction was reduced from 80 percent to 50 percent, in the Omnibus Budget Reconciliation Act of 1993, and went into effect on January 1, 1994. Its results have been detrimental to small businesses, the self-employed, and independent and traveling sales representatives. These groups rely on one-on-one meetings, usually during meals, for their marketing strategy, and the reduction of the business meals and entertainment deduction has impacted their marketing efforts.

Many small business organizations have shown their support for an increase in this deduction. The National Restaurant Association, National Federation of Independent Business, National Employees and Restaurant Employees International Union, National Association of the Self-Employed, and the American Hotel and Motel Association, have all spoken of the need for the reestablishment of the 80 percent deduction for business meal and entertainment expenses.

For example, traveling and independent sales representatives incur substantial travel and entertainment expenses from spending, annually, an average of 150 nights on the road. Home-based businesses also rely heavily on meeting with clients outside of the home and over meals. Such businesses have been harmed by the reduction of this deduction to 50 percent.

Currently, there are approximately 23.2 million persons who spend money on business meals in the U.S., down from 25.3 million in 1989. The total economic impact on small businesses of restoring the business meal deduction from 50 percent to 80 percent ranges from $5 to $690 million, depending on the state. In the state of Hawaii, the estimated economic impact ranges from $32 to $43 million.

I urge my colleagues to join me in cosponsoring this important legislation. Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

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

S. 418

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

SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.

(a) IN GENERAL.—Section 274(n)(1) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking ''50 percent'' and inserting ''the applicable percentage''.

(b) APPLICABLE PERCENTAGE.—Section 274(n) of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and inserting the following:

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means the percentage determined under the following table:

''For taxable years beginning in calendar year—	The applicable percentage is—
2001	68
2002	74
2003 or thereafter	80.''.

(c) CONFORMING AMENDMENT.—The heading for section 274(n) of the Internal Revenue Code of 1986 is amended by striking ''ONLY 50 PERCENT'' and inserting ''PORTION''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 419. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House, Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation to recognize the historical significance of the Abel and Mary Nicholson House, located in Salem County New Jersey. I am pleased to have Senator CORZINE join me in this important effort, and would like to announce that Congressman LOBIONDO will introduce companion legislation in the House of Representatives.

The Nicholson House was built in 1722 and is a rate surviving example of an early 18th century patterned brick building. It is a classic example of architecture of this period. The original portion of the house has survived for over 280 years with only routine maintenance. It is a unique resource which

can provide significant opportunities for studying our nation's history and culture. As one of the most significant ''first period'' houses surviving in the Delaware Valley, the Nicholson House represents a piece of history from both Southern New Jersey and early American life.

In addition, it is situated in an area known for its early American economy. Delaware Bay schooners patrolled the waters of the Delaware River throughout the 18th and 19th centuries harvesting clams and oysters. This industry was an integral part of the region's economy, and contribute to the culture and history of New Jersey.

The site is listed on the New Jersey Register of Historic Places, as well as the National Register of Historic Places. In addition, the National Park Service recognized the importance and historical value of the this site by designating the Nicholson House and a National Historic Landmark.

The Salem County Historical society and the Salem County Department of Economic Development both endorse the establishment of a national park at this site. A national park would encourage ecotourism in the area and spur economic growth. In addition, the site is located at the southern end of the New Jersey Coastal Heritage Trail. This theme trail runs along the New Jersey coastline and introduces visitors to the region and encourages them to take full advantage of the many natural and cultural attractions. The Nicholson House National Park would be the southern anchor of this interpretive trail and would enhance tourism and understanding of the culture and history of the region.

This area is truly a valuable asset to the State of New Jersey, and I feel it is only proper to share this wonderful resource with the entire nation by establishing the Nicholson House as a unit of the National Park Service, (NPS).

The Federal Government has already acknowledge the significance of the Nicholson House, by designating the area a national historic landmark. Establishing it as a unit of the NPS would increase the presence the site, and the NPS would provide staff and tours, and allow for a better, more educational interpretation.

My legislation would take the first step towards this important designation by directing the NPS to study the feasibility of establishing a national park at the Nicholson House. I ask that my colleagues join me in support of this worthy effort, so that an important element of our culture may be preserved for future generations.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 31—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LUGAR submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry, which was referred to the Committee on Rules and Administration.

S. RES. 31

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committees on Agriculture, Nutrition and Forestry is authorized from March 1, 2001, through September 30, 2001; October 1, 2001 to September 30, 2002; and October 1, 2002 through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate; (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $1,794,378, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) The expenses of the committee for the period October 1, 2001, through September 30, 2002, under this resolution shall not exceed $3,181,922, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 212(j) of the Legislative Reorganization Act of 1946).

(c) The expenses of the committee for the period October 1, 2002, through February 28, 2003, under this resolution shall not exceed $1,360,530, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 212(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the distribution of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationary, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001, October 1, 2001, through September 30, 2002, and October 1, 2002 through February 28, 2003 to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 32—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS submitted the following resolution; from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration.

S. RES. 32

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations, is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $2,495,457, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $4,427,295, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $1,893,716, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization