

protect the civil rights of all Americans, and for other purposes.

S. 29

At the request of Mr. BOND, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 70

At the request of Mr. INOUYE, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 77

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 123

At the request of Mrs. FEINSTEIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 123, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 126

At the request of Mr. CLELAND, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 126, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 152

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit and increase the income limitation on the student loan interest deduction.

S. 205

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 205, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account

to the extent that the distribution is contributed for charitable purposes.

S. 234

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 234, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 261

At the request of Ms. SNOWE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 261, a bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decisionmaking at the National Cancer Institute.

S. 280

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 280, a bill to amend the Agriculture Marketing Act of 1946 to require retailers of beef, lamb, pork, and perishable agricultural commodities to inform consumers, at the final point of sale to consumers, of the country of origin of the commodities.

S. 295

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 295, a bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 326

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 340

At the request of Mr. DASCHLE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 340, a bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities.

S. 352

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 352, a bill to increase the authorization of appropriations for low-income energy assistance, weatherization, and state energy conservation grant programs, to expand the use of energy savings performance contracts, and for other purposes.

S. 361

At the request of Mr. MURKOWSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 361, a bill to establish age limitations for airmen.

S. 411

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 411, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor 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.J. RES. 4

At the request of Mr. HOLLINGS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S.J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 22

At the request of Mr. HUTCHINSON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 22, a resolution urging the appropriate representative of the United States to the United Nations Commission on Human Rights to introduce at the annual meeting of the Commission a resolution calling upon the Peoples Republic of China to end its human rights violations in China and Tibet, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. CLELAND, Mr. COCHRAN, Mr. WELLSTONE, Mr. DEWINE, Mr. BAUCUS, Mr. MCCONNELL, Mr. JOHNSON, Mr. BUNNING, and Ms. SNOWE):

S. 421. A bill to give gifted and talented students the opportunity to develop their capabilities; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRASSLEY. Mr. President, today I am reintroducing, with nine of our colleagues, the Gifted and Talented Students Education Act. It is vital

that we recognize the nearly three million students in the United States who are talented and gifted and provide them with a challenging education.

Our nation depends on students who will become the next generation of leaders in business, economics, the sciences, medicine, and education. Our lives will be enriched by the next generation of performing and fine artists. However, many of our gifted and talented students are not being challenged to their fullest ability at school and, as a result, are not performing at world-class levels. Worse, many of our top students lose interest in school and abandon their education altogether. If these gifted students are not adequately challenged, they will direct their energy and gifts toward destructive and wasteful activities and become a burden to society, instead of the most productive contributors.

The Gifted and Talented Students Education Act will help to ensure that gifted and talented students have the opportunity to achieve their highest potential by providing block grants, based on a state's student population, to state education agencies. These grants will be used to identify and provide educational services to gifted and talented students from all economic, ethnic, and racial backgrounds, including students with limited English proficiency and students with disabilities. The bill outlines four broad spending areas but leaves decisions on how best to serve these students to states and local school districts. The legislation ensures that the federal money benefits students by requiring the state education agency to distribute not less than 88 percent of the funds to schools and that the funds must supplement, not supplant, funds currently being spent. Additionally, rather than simply accepting federal funds for a new program, states must make their own commitment to these students by matching 20 percent of the federal funds. The matching requirements will help ensure that programs and services for gifted education develop a strong foothold in the state.

Currently, the only support talented and gifted students receive from the federal government is through the successful research based Javits Gifted and Talented Students Education Program. One well-known effort is Project CUE, a collaborative effort that included the College of New Rochelle and School District 9 in the South Bronx, which serves approximately 32,000 mostly poor and minority students. The program was designed to institute high-level challenging content for elementary school students, and to identify and nurture those students whose interests and talents could be developed in mathematics and science. Evaluation of the project indicated a significant improvement in the overall academic achievement of those students identified as potentially gifted, as well as increases in school attendance rates. Furthermore, the project

resulted in a twenty percent improvement school-wide in science and math achievement, as measured in both local and statewide standardized tests. Just imagine how ALL talented and gifted students could benefit from consistent funding and support to implement programs like the one in the South Bronx.

Mr. President, our nation's gifted and talented students are among our great untapped resources. We must help states and local school districts provide a challenging education for these students so their particular gifts can flourish and be fully realized. It is my sincere hope that you and the rest of our colleagues will make this commitment to talented and gifted students this year.

By Mr. WELLSTONE (for himself, Mr. DAYTON, Mr. LEVIN, and Ms. STABENOW):

S. 422. A bill to provide that, for purposes of certain trade remedies, imported semifinished steel slab shall be treated as like or directly competitive with taconite pellets; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, I send a bill to the desk. This is a bill Senator DAYTON and I are introducing today, and we are joined by Senators Levin and Stabenow.

This legislation is a huge priority for Senator DAYTON, and it is a huge priority for me. This is not abstract legislation. This is all about people whom we love and in whom we believe. This is about taconite. This is northeast Minnesota, the Iron Rangers. This is about our State.

Senator DAYTON and I are going to divide our time equally. I will follow Senator DAYTON.

Sometimes when we introduce legislation, it stays on the calendar, and other times we introduce legislation because we are determined in every way possible to look for ways to pass it, to work with the Department of Labor administratively on trade adjustment assistance.

We are going to devote all of our efforts jointly to pass legislation and get some relief, some assistance for people who are going through such difficult times. I think our colleagues will support us in this effort. I yield the floor to Senator Dayton.

The PRESIDING OFFICER. The Senator from Minnesota, Mr. Dayton.

Mr. DAYTON. Mr. President, I am proud to rise today to join with my very distinguished colleague and long-time friend, the senior Senator from Minnesota, Mr. WELLSTONE, to introduce with him the Taconite Workers Relief Act of 2001.

That this legislation is even needed is a great American tragedy because this hard and dangerous work of iron ore mining and taconite production has bred a very special type of person. In Minnesota, we call them Iron Rangers. They are men and women who for generations have been hard-working, community-building, and patriotic Americans.

The bitter irony in the title of this legislation is that these men and women do not want relief; they want work. Unfortunately, over the last 20 years, the trade policies of successive administrations have thrown thousands of them out of work, and they now threaten to extinguish the iron ore mining and taconite-producing industries in Minnesota entirely, as well as the basic steel-making industry throughout this country.

Twenty years ago, this industry employed over 15,000 Minnesotans. Today, it is less than 5,000. Over 2,000 workers have been laid off in the last 2 years, and 1,400 of them come from one company, LTV, which has announced it is closing permanently.

It is bad enough that U.S. trade policies have allowed, and even encouraged, this economic and social devastation which has caused immeasurable and unspeakable human devastation in northeastern Minnesota—broken lives, broken homes and families, severe depressions, even suicides. Yet adding the grievous offense to these terrible tragedies, the U.S. Government has also refused to allow these displaced workers the benefits, the job training, and other supports which Congress clearly intended when it passed the Trade Adjustment Assistance Act.

In fact, the U.S. Department of Labor has consistently ruled that taconite pellets were not in direct competition with imports of semifinished steel or slab steel. That view is so ill-informed and absurd that it would be laughable if it were not for the further damage it has caused these already seriously harmed men and women. That makes such rulings inexcusable and trade adjustment assistance denials inhumane and even immoral.

This legislation would make such denials illegal. It would establish the obvious: that the imports of semifinished steel, in addition to the continuous import of foreign steel and iron ore, are directly causing these job losses.

It establishes that the illegal dumping of these products are within the province of the International Trade Commission which, I might add, is proven to be an ineffective protector of Minnesota industries and American jobs.

This legislation, while needed to provide the assistance these workers need and deserve, is by no means a solution to the much larger problem of protecting this basic industry for the sake of our national economy, for the sake of our national security, and certainly for the sake of these dedicated men and women in Minnesota and elsewhere in the country who want to go to work, who want to earn a living, who want to contribute to the economic strength of this country and who, through misguided policies, are now being denied the opportunity to do so.

I yield the floor to my colleague from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that some letters from steelworkers and their families—without using last names, Barry, David, Lisa, Cliff, Joanne, and Lenore—be printed in the RECORD, along with a letter of support from John Swift, who is a commissioner of IRRRB, Jerry Fallos, USWA, which has just been ravaged by the LTV shutdown, Vince Lacer, who is mayor of the city of Aurora, and Richard Rojeski, USWA Local 2705, Chisholm, MN, along with letters from Louis Jondreau, Cleveland Cliffs Union Coordinator, and other letters of support from other steelworker local presidents throughout the range, along with a letter from David Foster, who is director of Steelworker District 11.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

To: The Honorable Senator WELLSTONE and Senator DAYTON.  
From: Barry.

GENTLEMEN: I am writing this letter to you in support of receiving Trade Readjustment Allowance for those that have been displaced because of illegally dumped steel. I would like to tell you a little about my situation and myself. I am married with 3 daughters 2 cats and one dog. I am 40 years old, my wife Kathy is 41, my oldest daughter Jamie is 18, Allycia is 13, and my youngest daughter is Alexandra. She likes to be called Alex and is 7 years old. My oldest daughter Jamie is currently going to college, which has also stressed our financial situation. We are determined to get her through college. We live in a little town called Gilbert, MN. I have helped coach Babe Ruth Baseball and am on the United Way board of directors. I feel I do whatever I can to contribute to try to strengthen or support the community. I guess that is why I feel compelled to write to you about our situation.

LTV Steel Mining is the company that I used to work for. The reason that I say used to work for is because LTV Steel Corporation has announced that they are permanently closing our plant because they cannot compete with cheap dumped imported steel. There were approximately 1500 full time employees working there. Except for just a handful of employees to shut down the plant, the rest have been laid off including myself.

I would hope that you could seriously consider promoting TRA Benefits for those of us that are laid off. When I heard the announcement last spring, I immediately enrolled and took courses at a local junior college. Fall semester came and I went into a 2-year course called Automated Control Technologies. It was a struggle going to school full time, working full time, and trying to spend time with my family. I did it. I guess that I just want to show an example of my sincerity in trying to educate myself for whatever job the future may have for me. I really believe that I need an education now in order to market myself for employment. I am currently in the first year of a 2-year course. I would need one more year to get my diploma. The graduation date would be around June of 2002. I would need a monetary benefit to support my family while I continue my education. Then I promise you that once I finish school, I will be back into the workforce.

I know that everything costs money but I believe that this would be a good investment. The human element is the most important factor in this equation. The financial

assistance that we need would strengthen our small rural areas and renew our will and spirit. The opportunity to get an education would help us make our transition into another employment area. I am 40 years old and this could be my last chance to be retrained. I am ready to take on the challenge but we need your help. Our fate and future are in your hands. Thank you for taking the time out to listen to me.

Sincerely,

BARRY AND FAMILY.

UNITED STEELWORKERS OF AMERICA,  
LOCAL UNION 4108, DISTRICT 11,  
Aurora, MN.

Dave and Lisa are both in their mid thirties. They have two daughters, Haley seven and Nadia four. Two years ago Dave injured his back at work and now has a partial permanent disability. Dave was permanently laid off Friday and will start collecting unemployment in two weeks. Dave is only one of hundreds of laid off steelworkers who are in desperate need of retraining. Dave will be out of unemployment and medical benefits in six months.

Cliff and Joanne have two teenage children. Cliff has twenty years of service with LTV. Cliff was permanently laid off last week. In six months Cliff will run out of unemployment benefits and will not have any health benefits in one year. Cliff's wife was recently diagnosed with breast cancer, their main concern is health insurance. With the proper retraining, Cliff would be able to get a good job that would help with health insurance.

Lenore is a single parent of a teenage son. She was just permanently laid off from LTV. Lenore has a high school education and general labor type skills she acquired from working at the mine. She realizes that without the opportunity to get retrained, she will have a difficult time trying to get a decent paying job.

These are just a couple of examples of some of the 1400 people that will be impacted by the shutdown of LTV.

As of today 797 employee's have applied for retraining through The Office Of Job Training. There are 189 people that are currently taking some type of retraining classes. The USWA/LTV Career Development Center has paid out over \$50,000.00 in tuition assistance and has used up their budget for the entire year already. At the rate the money is being spent we are afraid the entire grant of 2.1 million dollars that the Office Of Job Training received for the LTV workers, will be used up before everyone has an opportunity to use it.

IRON RANGE RESOURCES &  
REHABILITATION BOARD,  
Eveleth, MN, February 27, 2001.

Hon. PAUL WELLSTONE,  
U.S. Senator, Hart Senate Office Building  
Washington, DC.

Hon. MARK DAYTON,  
U.S. Senator,  
Washington, DC.

Hon. JAMES OBERSTAR,  
U.S. Representative, Rayburn House Office  
Building, Washington, DC.

DEAR SENATOR WELLSTONE, SENATOR DAYTON AND CONGRESSMAN OBERSTAR: I am writing to endorse the "Taconite Workers' Relief Act of 2001." Our agency believes it is of vital importance that the taconite industry and its workers fully benefit from our trade laws. The "Taconite Workers' Relief Act" will enable Minnesota's working families on the Iron Range to gain access to benefits and protections they need, including Trade Adjustment Assistance.

Every ton of semi-finished steel displaces 1.3 tons taconite in basic steel production. With U.S. imports of semi-finished steel at all time highs and their prices at all time

With U.S. imports of semi-finished steel at all time highs and their prices at all time lows, some domestic steel producers have turned to dumped imports of steel slab, which has devastated the taconite industry, and thousands of working families in Minnesota. The injury caused by these imports is unquestionable. Last month, production cutbacks ravaged the U.S. iron ore industry: Northshore Mining Company announced that it will cut 700,000 tons of production; U.S. Steel's Minntac plant will cut 450,000 tons; the Hibbing Taconite Company will cut 1.3 million tons of production; and LTV Steel Mining Company closed its mining plant, permanently eliminating 8 million tons of production and 1400 jobs.

By all accounts, the taconite industry and its workers are in crisis. We must enact the Taconite Workers Relief Act immediately to protect and strengthen the industry and the communities of northern Minnesota.

Sincerely,

JOHN SWIFT,  
Commissioner.

UNITED STEELWORKERS OF AMERICA,  
LOCAL UNION 4108, DISTRICT 11,  
Aurora, MN, February 23, 2001.

DEAR SENATORS WELLSTONE, DAYTON, AND CONGRESSMAN OBERSTAR: I'm writing this letter on behalf of the 1200 employee's I represent, that formally worked for LTV Steel Mining Company. I can't begin to tell you how much your bill, the Taconite Workers Relief Act, will mean to our members. As of today 900 employees were placed on permanent layoff. In six months these people will be out of unemployment benefits and a lot of them will be out of Health Benefits.

As every one knows the continued flow of imported steel is devastating not only the steel industry, but also the taconite industry. The taconite plants in Minnesota and across the country are in a crisis they may never recover from. With the closure of LTV steel Mining Company and the continued layoffs of miners from the six other mines it is critical to the survival of the Iron Range that this important piece of legislation gets passed. The benefits and protection that would be gained from this, is a critical piece of legislation to keep the people in Northern Minnesota. If this legislation is adopted it will enable the people to get the assistance and retraining they need to get on with their lives. With the help of you and other legislators, we can help prevent what happened in the early 80's, when there were massive layoffs across the range, and people lost their homes, and families were torn apart.

I know you have always said that our young people are our greatest resource, with this legislation we can keep our young people in Minnesota.

Sincerely,

JERRY FALLOS,  
President, Local 4108.

CITY OF AURORA,  
Aurora, MN, February 26, 2001.  
Senator PAUL WELLSTONE,  
St. Paul, MN.

DEAR SENATORS WELLSTONE AND DAYTON AND CONGRESSMAN OBERSTAR: I am writing to endorse the "Taconite Workers' Relief Act of 2001". We believe it is of vital importance that the taconite industry and its workers fully benefit from our trade laws. The "Taconite Workers' Relief Act of 2001" will enable Minnesota's working families on the Iron Range to gain access to benefits and protections they need, including Trade Adjustment Assistance.

Every ton of semi-finished steel displaces 1.3 tons taconite in basic steel production. With U.S. imports of semi-finished steel at all time highs and their prices at all time

lows, domestic steel producers have turned to dumped imports of steel slab, which has devastated the taconite industry, and thousands of working families in Minnesota. The injury caused by these imports is unquestionable. Last month, production cutbacks ravaged the U.S. iron ore industry: Northshore Mining Company announced that it will cut 700,000 tons of production; U.S. Steel's Minntac Plant will cut 450,000 tons; the Hibbing Taconite Company will cut 1.3 million tons of production; and LTV Steel Mining Company closed its mining plant, permanently eliminating 8 million tons of production and 1400 jobs.

By all accounts, the taconite industry and its workers are in crisis. We must enact the "Taconite Workers Relief Act of 2001" immediately to protect and strengthen the industry and the communities of Northern Minnesota.

Sincerely,

VINCENT P. LACER,  
Mayor.

—  
USWA LOCAL 2705,  
Chisholm, MN, February 23, 2001.  
Senator PAUL WELLSTONE,  
Washington, DC.

DEAR SENATOR WELLSTONE: I am writing to you today to thank you and Senator Dayton for taking time out of your busy schedules to come to the Iron Range and listen to our concerns in the mining industry. I would like to tell you that I am in full support of the TAA recommendations and hope that we can get this through the Senate.

The importing of semi finished steel into this country is detrimental to the economy of the Iron Range. We need to get taconite pellets equal with semi-finished slabs and with the bill that you are proposing on TAA recommendations I believe will help the Taconite Industry and the Iron Range.

Please continue to press our issue of unfairly imported or dumped steel and semi-finished steel. With your help I know that we will win this battle.

RICHARD ROJESKI,  
President.

—  
UNITED STEELWORKERS OF AMERICA,  
Chisholm, MN, February 23, 2001.  
Senator PAUL WELLSTONE,  
Washington, DC.

DEAR SENATOR WELLSTONE: I am writing to you today to thank you and Senator Dayton for taking time out of your busy schedules to come to the Iron Range and listen to our concerns about the mining industry. I would like you to know that I am in full support of the TAA recommendations and hope that we can get this bill through the Senate.

The importing of semi finished steel into this country is detrimental to the Iron Range economy. We need to get taconite pellets equal to semi-finished slabs and with the bill that you are proposing on TAA recommendations I believe will help the taconite industry and the Iron Range.

Please continue to press our issue of unfairly imported or dumped steel and semi-finished steel. With your help I know that we will win this battle.

Sincerely,

LOUIS P. JONDREAU,  
Cleveland Cliffs Union Coordinator.

—  
LOCAL UNION NO. 6860,  
UNITED STEELWORKERS OF AMERICA,  
Eveleth, MN, February 22, 2001.

DEAR SENATOR WELLSTONE: I am writing this letter in support of the new legislation that you, Sen. Dayton and Rep. Oberstar are introducing into the Senate and House of Representatives on the illegal dumping of imports of semi-finished steel into the U.S. market.

As you know, in June of 1999, EVTAC Mining laid off approx. 150 Bargaining Unit employees because of the illegal dumping of imports of semi-finished steel into the U.S. market. I attempted, thru your office and Rep. Oberstar's office to get TAA/TRA benefits and was denied three (3) different times by the Dept. of Labor because Pellets were considered to be not alike, the same or not in direct competition with the imports of semi-finished steel. At least half of these employees are still in need of these benefits yet today.

This law could change this or at least help other employees in the future.

I will do everything I can to help you, Sen. Dayton and Rep. Oberstar get this Bill passed.

Please feel free to call if I can help.

In Solidarity,

SAMUEL H. RICKER,  
President.

—  
UNITED STEELWORKERS OF AMERICA,  
DISTRICT #11,  
Minneapolis, MN, FEBRUARY 27, 2001.  
Senator PAUL WELLSTONE,  
Washington, DC.

DEAR SENATOR WELLSTONE: I am writing to express my strong support for your introduction of the Taconite Workers' Relief Act which is designed to correct certain long-standing inequities in American trade laws as they apply to the unique situation of Minnesota and Michigan iron ore miners.

As you know, northern Minnesota was settled over 100 years ago by immigrant miners recruited from over 30 different countries to mine what were then known as the world's richest deposits of iron ore. The Mesabi Range fueled the industrial development of North America throughout the 20th Century, provided the raw material for the steel that won two world wars, and contributed to building many of the nation's great industrial fortunes. It likewise was typical of the ethnic melting pots that created the archetypal American communities—governed by strong family values, a sense of fair play, self-reliance, and a belief that working together we could shape our own future as we wished.

The steelworkers who go to work every day in Minnesota's iron ore mines, drilling, blasting, digging, hauling, crushing, and refining millions of tons of taconite ore still do so under remarkably harsh conditions. Twenty-four hours a day, 365 days a year, working on graveyard shifts in wind chills of 60 degrees below zero in the winter, as their parents, grandparents and great-grandparents did, our members are men and women with stamina and grit. We have always felt capable of standing up for our families and ourselves.

But now we need our government to stand up for our jobs and our communities. Without the enactment of federal legislation that prevents the illegal dumping of semi-finished steel products in the U.S. which destroy the market for the iron ore we mine, our jobs will be lost and our communities will die. We need the Taconite Workers' Relief Act to be passed immediately.

Thank you for your efforts on our behalf.

Sincerely,

DAVID FOSTER,  
Director.

—  
CITY OF BIWABIK,  
Biwabik, MN.

DEAR SENATORS WELLSTONE AND DAYTON AND CONGRESSMAN OBERSTAR: I am writing to endorse the "Taconite Workers' Relief Act of 2001." We believe it is of vital importance that the taconite industry and its workers fully benefit from our trade laws. The "Taconite Workers' Relief Act" will enable Min-

nesota's working families on the Iron Range to gain access to benefits and protections they need, including Trade Adjustment Assistance.

Every ton of semi-finished steel displaces 1.3 tons of taconite in basic steel production. With U.S. imports of semi-finished steel at all time highs and their prices at all time lows, domestic steel producers have turned to dumped imports of steel slab, which has devastated the taconite industry, and thousands of working families in Minnesota. The injury caused by these imports is unquestionable. Last month, production cutbacks ravaged the U.S. iron ore industry: Northshore Mining Company announced that it will cut 700,000 tons of production, U.S. Steel's Minntac plant will cut 450,000 tons; Hibbing Taconite Company will cut 1.3 million tons of production; and LTV Steel Mining Company closed its mining plant, permanently eliminating 8 million tons of production and 1400 jobs.

As you may or may not know, this not only impacts the direct employees of the taconite industry, but equally as great the families, vendors, schools and communities that are affected by these layoffs, production cutbacks and shutdowns. This is an issue of today, not tomorrow.

By all accounts, the taconite industry and its workers are in crisis. We must enact the Taconite Workers' Relief Act immediately to protect and strengthen the industry and the communities of Northern MN.

Sincerely,

STEVE BRADACH,  
Mayor.

—  
UNITED STEELWORKERS OF AMERICA,  
LOCAL 6115,  
Virginia, MN.

TO WHOM IT MAY CONCERN: As a representative of workers at a northern Minnesota mining operation, I feel you should know the devastation on the lives of hard working individuals and their families when our industry is shrinking, because of unfairly traded steel and slabs. The downsizing of the steel industry is a result of unfairly traded imports and we (the mining industry) are doubly hit because of dumped slabs coming into this country. Why won't an administration or law help us or protect us with the same types of laws as the other end of our industry? On behalf of our membership, I would like to express our urgent support of Senator Wellstone's "Taconite Import Injury Adjustment Act of 2001."

Sincerely,

MARTY HENRY,  
President.

—  
UPPER PENINSULA BUILDING  
TRADES COUNCIL,  
Marquette, MI, February 28, 2001.

Re: Taconite Workers Relief Act.  
Hon. PAUL WELLSTONE,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR WELLSTONE: I want to go on record thanking you for introducing the Taconite Workers Relief Act. You well know the various consequences resulting from the Free Market Free-for-All occurring in the unprotected Steel Industry. Not the least of these consequences are the hardships that come down on the workers and their families who mine iron ore, the basic ingredient in steel production.

Those of us who provide construction services to the mines also lose out when the profiteers dump steel, import cheap iron ore, or otherwise take market steps that destroy our basic industries in the United States. Our situation in the Upper Peninsula of Michigan is that workers in the construction industry

will also suffer along with mining families as our steel and iron ore industries are decimated by imports of one kind or another.

There is another related side issue that bothers me, too. What happens to our national defense capabilities when the United States no longer has the capacity to produce high grade steel, has no iron ore industry remaining, and perhaps, no longer has a friendly relationship with those who produce steel? Would that scenario not invite belligerence from our enemies?

Thank you, Senator Wellstone, for your concern for all workers.

Sincerely,

JON G. LASALLE,  
*Field Representative.*

STAND UP FOR IRON ORE,  
*Ishpeming, MI, February 28, 2001.*  
Hon. PAUL WELLSTONE,  
*Washington, DC.*

DEAR SENATOR WELLSTONE: I applaud your introduction of the Taconite Workers Relief Act and offer you the full support and encouragement of our organization, Stand Up For Iron Ore. Your legislation will go a long way toward resolving the problems we have come together to work on. As iron ore miners and managers, vendors and suppliers, political and community leaders we all have a stake in ensuring that our industry is treated equally when trade cases are considered.

The iron ranges in Michigan and Minnesota have long been integral to that basic foundation of America's industrial might, the steel industry. For over one hundred and fifty years vibrant communities have grown up around the mines. Miners have worked under dangerous, grueling conditions to support their families. Mining companies and employees have paid the taxes that support government efforts Keewatin to Washington.

I find it unconscionable that our industry has been ignored as the impact of illegally traded steel has reverberated through the economy. I thank you for attempting to rectify this situation and I will do all I can to assist in rallying support for your efforts.

Respectfully,

MIKE PRUSI,  
*Coordinator.*

Mr. WELLSTONE. Mr. President, I thank Senator DAYTON. This Taconite Workers Relief Act that we are introducing is also being introduced in the House of Representatives today by Congressman OBERSTAR.

This legislation has two central objectives. The first is to make sure the taconite workers in the Iron Range in Minnesota, and taconite-producing regions in Michigan, are eligible for trade adjustment assistance. The second provision says that the taconite industry and its workers should be fully brought under trade laws that, if enforced, provide some protection for our working families: section 201 cases, antidumping cases, and countervailing duty cases. I would like to take those one at a time.

On trade adjustment assistance, I could not be more in agreement with my colleague, Senator DAYTON, from Minnesota. The argument that has been made is that our taconite workers are not in competition with slab steel or semifinished steel and that could not be further from the truth in this highly integrated steel industry. We want to make sure we get this trade adjustment assistance to people, and the sooner the better. This is a matter

of lifeline support. This is a matter of enabling a worker or workers to go to school, to get additional training, to have some support, to be able to keep their families going. It is unconscionable—I think Senators, Democrats and Republicans, will agree—that taconite workers now are not getting this protection.

We will make the direct appeal to Secretary of Labor Chao, who seems to me to be a very good person—agree or disagree on policies—because I still think, Senator DAYTON, that the Department of Labor can administratively provide this support. It has been done before. We hope it can be done again. We will make the direct appeal. We will work very hard at this administratively.

But if we cannot do it that way, we will come out on the floor of the Senate with an amendment, with a separate bill—however we best do it—to make sure we can get this trade adjustment assistance for taconite workers in Minnesota and in Michigan as well.

The other part of it deals with the whole question of trade laws and making sure for taconite workers—and, for that matter, steelworkers in general, because they are not, Senator DAYTON, getting the protection they deserve right now—that we really apply section 201 and really look at the whole problem of other countries illegally dumping steel and semifinished steel on our market way below the cost of production; and our taking action.

What is Government for, if not to be on the side of hard-working people. I say to my colleagues, you will not find a stronger work ethic or a group of citizens who work harder than those on the Iron Range. You cannot if you go anywhere in the country. The taconite workers fit everything we say on the floor of the Senate about what we think is important about America. They are people who work, work under tough conditions, are absolutely committed to supporting their families, and through no fault of their own they are out of work.

So I say to Senator DAYTON, and I would like to go back and forth with him in discussion in the time we have, I would say this is a short-run solution and then we will be trying to get to the bottom of this. In the short run, we want to make sure the assistance is there for the taconite workers. This is about survival. This is about supporting people who desperately need the help.

The other thing we want to do is get it right on trade on the Iron Range in Minnesota, and I am sure the same is true for Michigan. Frankly, I think about steelworkers and think about auto workers and I think about industrial workers all across our country. Our workers are not asking for any kind of isolationist policy. Our workers are more than willing to compete in an international economy. But we want trade laws that give us a level playing field.

When you have a situation where you have really what amounts to illegal dumping of cheap semifinished steel or steel on the market or when you have children working under deplorable working conditions, with nothing done about that, we have to figure out a way that this new global economy works for working people—works for working people in Brazil, works for working people in Russia, works for working people in South Korea, but also works for working people in the Iron Range of Minnesota and all across our country.

We are committed to both fronts. I say to Senator DAYTON, initially we want to get this assistance to people right away, immediately. Then we want to get colleagues engaged in this debate on trade policy which is so important when it comes to what crucially affects the lives of people.

I ask my colleague from Minnesota, if I can, whether he would be willing to reflect with me on the floor of the Senate on some of the meetings he has had in the range, just some of the conversations with people and what this all means to Iron Rangers in personal terms. What has been your experience meeting with steelworkers and others? I ask my colleague that question.

Mr. DAYTON. I agree with you, Senator WELLSTONE. People up there are suffering enormously because of these tragedies. To look in their faces, to see the pain and suffering, to see fathers and mothers who cannot support their families, who are losing not only their homes but their jobs and way of life—as you know, Senator, thousands of people from across the Iron Range have had to leave the area where they were born, where their families have lived for generations, because they cannot find work there.

We are losing especially the youngest. In fact, part of a whole generation of Minnesotans have had to leave the Iron Range because of the lack of job opportunities. The average age of a citizen now in northeastern Minnesota is over the age of 55. Over half the citizens who reside there are senior citizens. This kind of devastation is really unspeakable, unfair, and, as I say, it is a consequence of over 20 years of what I believe are misguided trade policies.

I agree with my distinguished colleague, the senior Senator from Minnesota, that we should be looking forward to working with the new Secretary of Labor, the new ambassador, and the international trade ambassador. They are not the architects of these policies. Hopefully, with a new administration, we can work together because at least the trade adjustment assistance benefits, the program itself—this is clearly, precisely what was intended by Congress when it was passed. It is just unconscionable that it has not been provided administratively already.

I agree with you that should be an option. But in the broader context of these policies, before these industries are wiped out in the United States, I

hope the administration will take a serious look at them. I yield back to my colleague.

Mr. WELLSTONE. I say to my colleague, he is absolutely right. There have been a number of meetings I have been at and I know the same applies to Senator DAYTON. I can remember one. It was right before Christmas. It was a meeting in Aurora. There were a lot of people there, a lot of the steelworkers, taconite workers, and also some of their families. I was asking people, besides legislation, what else can be done? This is the first time this has ever happened in the Iron Range, at least in the 20 or 25 years I have been up there. Senator DAYTON, this one fairly young worker stood up and he said: We need help for Christmas presents.

I never heard that before. When people were working, they made good wages and had health care benefits. Now they are worried about presents.

On the other issue that we are going to come up with, I don't know what the position of the administration will be. I think the Clinton administration was not strong enough at all. I am very skeptical about where the Bush administration is going to go, but we are going to push very hard, and where we can cooperate with them, we will do so; no question about it.

One of the terrible issues when we get to the bankruptcy bill soon is that for younger workers, next to losing their jobs, the next worst thing is health care. You are losing your job, but then you are scared to death about what is going to happen to health care coverage with your children.

For the younger workers who have been laid off in the case of the LTV mine shutting down, in a few months, they lose their health benefits; for the older workers who have worked a little longer, 1 year.

Maybe the Senator would want to respond to this.

Then there are the retirees. What I heard from the retirees was they are terrified LTV will file for chapter 7 and walk away from any health care. A lot of those retirees—too many I think—are struggling with cancer.

Did the Senator find that people were talking about health care as well when he met with them, and does he think that is yet another issue we ought to focus on?

Mr. DAYTON. Mr. President, I agree with Senator WELLSTONE. He points to a couple of other failures of our society. As he said, there is a lack of health coverage for families when someone loses their job through no choice or fault of their own. That is one of the great travesties of this situation. It takes what is an already awful situation and makes it even more destructive to an individual. It is bad enough when people can't afford Christmas presents, but then they cannot afford to take their child to a doctor and cannot afford to have their own health problems diagnosed on a timely

basis. When they cannot afford to get surgery, then it becomes a problem this country and society should not allow.

I underscore the Senator's point that he made a short while ago. There was a janitor's position that opened up to take care of all sorts of restrooms and everything else in one of the county buildings and, that paid less than \$7 an hour. There were over 300 applicants for that one position.

It underscores again how hard it is for people who want to work and are willing to work at anything rather than take a handout and relief.

It is basic humanity to offer assistance.

Again, I hope to work with the Senator so that we can pass this legislation. The administration must acknowledge their failure to provide assistance to the men and women of the Iron Range who want to contribute to the economic strength of this country.

Mr. WELLSTONE. Mr. President, I look forward to working with my colleague, Senator DAYTON, on this. I think two Senators from the same State who care deeply about people who are really hurting and who love northeastern Minnesota are going to give this every bit of effort. I am really looking forward to working with the Senator on this. I so much want to help people.

I yield the floor.

Mr. LEVIN. Mr. President, I am pleased to join with my colleagues from Michigan and Minnesota in sponsoring the Taconite Workers Relief Act of 2001. This is an important piece of legislation for the future of our States' taconite iron ore mines and their employees which are facing a severe import crisis that is threatening to put them out of business. Enactment of this legislation will simply allow an industry providing a key input into finished steel to use existing trade laws to fight back against harmful import surges and dumped steel as other sectors of the steel industry may currently do under existing trade law.

Taconite, iron ore, is an input into basic steel production and is displaced when semi-finished steel slab are imported. For example, one ton of semi-finished steel displaces 1.3 tons of iron ore in basic steel production.

Unfairly traded steel imports are overwhelming U.S. production, threatening to endanger both our national defense and manufacturing base. Recently, steel producers have found it cheaper to import semi-finished steel slabs than to make it themselves using iron ore from Michigan's Upper Peninsula and Minnesota. Unfortunately, if our taconite mines are overwhelmed by cheap imports and driven to bankruptcy, we will lose our capacity to make steel without depending on foreign sources of semi-finished steel. In effect, if we lose our taconite mining industry, we lose our domestic integrated steel manufacturing capabilities. For national security reasons, I

don't think that is something we want to do.

This crisis particularly impacts Michigan and Minnesota. The taconite iron ore mines located there are a foundation of the economies in the communities where they are located. To make matters worse, the iron ore industry faces a unique problem in trying to combat these harmful and unfair trade practices. Although its workers are losing their jobs to cheap and probably illegally dumped imports, they cannot fight back using our trade laws that were specifically designed to deal with these situations.

This is because of how our trade laws have been interpreted in the past and the failure to recognize the U.S. iron ore industry's standing to file import relief cases against foreign producers of semi-finished steel. For example, under previous interpretations of U.S. trade laws, iron ore is not considered an article that is "like or directly competitive" with an imported article that is found to be a substantial cause of serious injury, or threat, to the domestic industry, even though it is a key input in making finished steel. This is clearly an oversight that should be corrected. The bill we are introducing today will achieve that goal.

This legislation would ensure that the taconite industry and its employees fully benefit from the protection of section 201, anti-dumping and countervailing duties laws as well as making its displaced employees eligible for Trade Adjustment Assistance. It does this by designating Taconite pellets as "like or directly competitive with semi-finished steel slab" for the purposes of eligibility for TAA and Section 201 remedies. It also would consider imported semi-finished steel slab eligible for countervailing duties, CVD, which are duties intended to provide relief to a domestic industry, taconite, that has been injured by subsidized imports, such as semi-finished steel, and for anti-dumping remedies.

I hope the Senate will recognize the fairness in giving parity to a critical sector of the steel industry that has been overlooked in the past and should not be forgotten now. There is too much at stake to let this industry go under.

By Mr. WYDEN (for himself, Mr. SMITH of Oregon, and Mrs. MURRAY):

S. 423. A bill to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes"; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am pleased to introduce the Fort Clatsop National Memorial Expansion Act of 2001 with my friends and colleagues, Senator GORDON SMITH of Oregon and Senator PATTY MURRAY from Washington.

The Fort Clatsop Memorial marks the spot where Meriwether Lewis, William Clark, and the Corps of Discovery

spent 106 days during the winter of 1805. The bicentennial of their historic journey is fast approaching. It is estimated that over a quarter-million people will visit the memorial during the bicentennial years of 2003 through 2006. Despite this anticipated influx of visitors, the memorial is legally limited to be no larger than 130 acres. This legislation would authorize a boundary expansion of the memorial up to 1500 acres and will therefore help accommodate the increasing number of visitors expected during the Lewis and Clark Bicentennial. The bill also authorizes a study of the national significance of Station Camp, another Lewis and Clark stopping point in 1805, located in Washington State.

Since the 1980s, the United States Park Service in Astoria, OR has been negotiating with Willamette Industries to acquire approximately 928 acres for the expansion of the Ft. Clatsop National Memorial. These acres are integral to the interpretation and enjoyment of the memorial's historic site. The Park Service and Willamette Industries have reached an agreement that will enable the Park Service to acquire this property. However, this legislation is necessary to authorize the expansion of the memorial's boundary before any additional lands can be acquired.

The Park Service has targeted the expansion of the Fort Clatsop Memorial as one of its highest priorities. The Clatsop County Commission supports this legislation, as do the local land-owners in and around the memorial. In addition, I have heard from the National Parks and Conservation Association NPCA, the Trust for Public Lands, and the Conservation Fund, all of whom support this effort to expand the Ft. Clatsop Memorial.

I look forward to working with my colleagues to pass this legislation because the protection of this important American historic area will enable us to illustrate the story of Oregon and America's western expansion for all who visit this special place. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 423

*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 "Fort Clatsop National Memorial Expansion Act of 2001".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) In 1805, the members of the Lewis and Clark Expedition built Fort Clatsop at the mouth of the Columbia River near Astoria, Oregon, where they spent 106 days waiting for the end of winter and preparing for their journey home. The Fort Clatsop National Memorial was created by Congress in 1958 for the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American

continent, and is the only National Park Service site solely dedicated to the Lewis and Clark expedition.

(2) The 1995 General Management Plan for the Fort Clatsop National Memorial, prepared with input from the local community, calls for the addition of lands to the memorial to include the trail used by expedition members to travel from the fort to the Pacific Ocean and to include the shore and forest lands surrounding the fort and trail to protect their natural settings.

(3) The area near present day McGowan, Washington where Lewis and Clark and the Corps of Discovery camped after reaching the Pacific Ocean, performed detailed surveying, and conducted the historic "vote" to determine where to spend the winter, is of undisputed national significance.

(4) The National Park Service and State of Washington should identify the best alternative for adequately and cost effectively protecting and interpreting the "Station Camp" site.

(5) Expansion of the Fort Clatsop National Memorial would require Federal legislation because the size of the memorial is currently limited by statute to 130 acres.

(6) Congressional action to allow for the expansion of Fort Clatsop for both the trail to the Pacific and, possibly, the Station Camp site would be both timely and appropriate before the start of the national bicentennial celebration of the Lewis and Clark Expedition planned to take place during the years 2004 through 2006.

**SEC. 3. ACQUISITION OF LANDS FOR FORT CLATSOP NATIONAL MEMORIAL.**

The act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes", approved May 29, 1958 (Chapter 158; 72 Stat. 153), is amended—

(a) by inserting in section 2 "(a)" before "The Secretary".

(b) by inserting in section 2 a period, "...", following "coast" and by striking the remainder of the section.

(c) by inserting in section 2 the following new subsections:

"(b) The Memorial shall also include the lands depicted on the map entitled 'Fort Clatsop Boundary Map', numbered and dated '405-80016-CCO-June-1996'. The area designated in the map as a 'buffer zone' shall not be developed but shall be managed as a visual buffer between a commemorative trail that will run through the property, and contiguous private land holdings.

"(c) The total area designated as the Memorial shall contain no more than 1,500 acres."

(d) by inserting at the end of section 3 the following:

"(b) Such lands included within the newly expanded boundary may be acquired from willing sellers only, with the exception of corporately owned timberlands."

**SEC. 4. AUTHORIZATION OF STUDY OF STATION CAMP.**

The Secretary of the Interior shall conduct a study of the area known as "Station Camp" near McGowan, Washington, to determine its suitability, feasibility, and national significance, for inclusion into the National Park System. The study shall be conducted in accordance with Section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

By Mrs. FEINSTEIN:

S. 424. A bill to provide incentives to encourage private sector efforts to reduce earthquake losses, to establish a national disaster mitigation program, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, my thoughts go out today to the people of

Washington as they assess the damage and begin recovery from the earthquake there yesterday afternoon.

Yesterday's event is a reminder that earthquakes are a national problem, and one that can strike at any time, without warning.

It is in this light that I introduce, today, the Earthquake Loss Reduction Act of 2001. This bill provides incentives to encourage responsible state and local governments, individuals, and businesses to invest in damage prevention measures before an earthquake strikes. It is an "ounce of prevention" that will save the federal treasury, homeowners, businesses, and state and local governments the "pound of cure" for relief and recovery.

The legislation builds on the excellent work of our nation's earth scientists and engineers by making implementation of loss reduction measure a federal priority. We know where earthquake hazards exist, which buildings and utility and transportation systems are most vulnerable, and what the consequences will be to public safety, community character, and our economy if an earthquake strikes. We also know how to reduce losses. Guidelines exist that provide rational, common sense approaches to upgrade weak facilities.

The challenge as we enter the 21st century is to put this knowledge to work to reduce future losses, and improving the safety of Americans and the performance of privately and publicly owned buildings and facilities. The time to implement our knowledge is now.

There is no question that mitigation efforts save dollars and lives in the long run. It worries me greatly that the President, in his Budget, proposes a cut to existing mitigation efforts.

First, the President proposes eliminating the Project Impact program. Project Impact is the nation's premier disaster prevention initiative. Communities use Project Impact funds to retrofit hospitals and schools, to create flood barriers, and to help shore-up communities against any number of other possible natural disasters.

California has eight Project Impact communities, and has used Project Impact funds to stabilize emergency facilities and other important structures. Local communities do not always have the resources to mitigate these facilities on their own.

There are two other proposals in President Bush's budget that are cause for alarm.

1. The President's budget outline assumes \$83 million in FEMA savings by including a public buildings disaster insurance requirement, phased in over three years. This provision would mean that public entities like the U.C. system would have to have insurance on ALL structures before they could apply for federal assistance in the event of a disaster.

This proposal simply is not feasible for states like California. Insurance companies in California do not offer

disaster insurance or, specifically, earthquake insurance.

It will be interesting to see how the cities affected by the Washington earthquake would be affected by this rule. Insurance companies in Washington do offer earthquake insurance and will be paying-out over the coming months. It will be interesting to see if the insurers are able to withstand the costs.

2. The budget also proposes reducing from 75 percent to 50 percent the federal share of funding for hazard mitigation grants. Once again, this is simply not feasible in California. California public institutions would not be able to afford 50 percent of clean-up costs after a major earthquake. It would be difficult for them to pay even 25 percent, which is current law.

These two provisions could cause my State, and others, great harm if enacted. I am prepared to fight them, and I will.

The United States Geological Survey tells us there are 40 states and five territories with a moderate or higher earthquake risk. Entire metropolitan areas in these states and territories are at risk of being crippled by earthquake damage because existing buildings and infrastructure were built without appropriate seismic requirements.

Areas lying outside "earthquake zones" are also affected. Even localized damage threatens complex economic systems and the magnitude of federal disaster aid. Let me give you a few examples of potential losses estimated by FEMA's regional earthquake loss estimation model, HAZUS.

A magnitude of 7.0 earthquake on California's Newport-Inglewood fault running through the Los Angeles basin could cause an estimated \$80 billion in losses. Damage to buildings and business interruption would affect Los Angeles, Orange, San Bernardino, Riverside, Ventura, and San Diego Counties. About 58 percent of the damage would be to residential buildings, displacing about 400,000 people. An estimated 100,000 people would need shelter.

A magnitude 7.0 earthquake on the Hayward fault running along the east side of the San Francisco Bay could cause about \$37 billion in damage. About 56 percent of the damage would be to residential buildings, displacing about 140,000 people. More than half of the losses would stem from damage to wood-frame homes and small business buildings.

A magnitude 7.5 earthquake on the Border Ranges fault near Anchorage, AK could cause about \$5 billion in losses. Anchorage, a city of about 260,000 people, would suffer most of the damage. More than 60 percent of the damage would be to wood-frame buildings serving as homes and small businesses.

A magnitude 7.2 earthquake on the Wasatch fault on the east side of Salt Lake City could cause about \$13 billion in losses to the eight counties in that region. Most of the damage, about \$11

billion, would occur in Salt Lake County. Throughout the region, about 150,000 people would be displaced, nearly 38,000 would require shelter, and nearly \$10 billion of the losses would result from damage and disruption to residential buildings.

As large as these estimates seem, the actual losses could be even greater. Make no mistake, earthquakes will strike these regions and others, we just do not know when. In each estimate, over half of the losses are expected to come from residential buildings. Most vulnerable residential buildings can be upgraded for reasonable levels of expenditures. The incentives proposed in this bill could make it happen.

While it is too early to determine the extent of the damage of yesterday's earthquake in Washington, taking a look at the losses from the 1994 earthquake in Northridge, CA. The direct losses from that quake totaled more than \$44 billion. For all disasters declared since 1989, FEMA has paid nearly \$28 billion in disaster assistance for repairs to public buildings and infrastructure and for humanitarian aid. FEMA's outlay for Northridge alone represents 25 percent of this 12-year aggregate figure, approximately \$7 billion.

You and I know that supplemental relief funds disrupt carefully planned budget decisions and undermine ongoing programs. For some people, reducing recurring demands for federal disaster aid may be reason enough to support this bill, but there are more compelling reasons.

The cost and consequences of earthquakes are painful to the victims, both individuals and businesses. The plight of those in the disaster area may be obvious, but the effects extend outside of the disaster area, often across state borders affecting those who depend on damaged businesses and affected customers. The American economy depends on closely linked businesses, suppliers of raw materials and components, manufacturers, transporters, and marketers. Worldwide competitors seek the market share of American business when a disaster disrupts our economy.

Research from the Northridge earthquake indicates that even when businesses did not suffer direct damage in that quake, their presence in or near areas of wide-spread damage or disruption caused economic hardship. Economic losses can be large and have long-term effects on the future of businesses and regions. Simply put, earthquake loss reduction efforts improve the sustainability of American businesses.

What we need is a widespread investment in loss reduction by many parties, not just the federal government. Responsibility for earthquake safety rests with state and local government, individuals, and companies. The federal role I advocate is one of leadership backed by incentives to inform and motivate those responsible to imple-

ment loss-reduction actions. The result I seek is reduced pain and suffering, and more sustainable communities and businesses.

The Federal Government is already contributing to earthquake disaster prevention. In a little over twenty years, our National Earthquake Hazard Reduction Program has sponsored research and development activities in earth sciences and engineering and has produced the knowledge and tools, such as the HAZUS estimates I noted earlier, we need to reduce our risk. If we are to reduce losses, however, we must put this knowledge to work.

Reducing earthquake losses depends on the actions of millions of individual decision-makers, homeowners, business owners, and government officials. Many successful measures are easy to implement, but may seem expensive when considering competing demand for funds between immediate issues and the perceived low probability threat of an earthquake. The incentives in this bill provide good reasons to undertake loss reduction efforts. This bill will move knowledge from the laboratory to the community. The bill recognizes that shared responsibility for prevention means that those responsible for the facilities at risk accept responsibility for reducing the risk.

This legislation does the following:

1. It provides a credit against federal income taxes equal to 50 percent of a homeowner's investment in seismic retrofit, not to exceed \$6,000.

2. It provides businesses an opportunity to depreciate the cost of seismic retrofit over five years.

3. The bill defines a seismic retrofitting bond as a bond for which 95 percent of the proceeds are used for seismic retrofitting expenditures or used to finance loans to borrowers for seismic retrofitting expenditures as "qualified bonds."

4. It encourages private investments in seismic retrofitting of residential properties by allowing deduction of passive activity losses.

5. The legislation provides mortgage insurance incentives for seismic retrofitting of residences.

6. It authorizes a \$1 billion Loss Reduction Trust Fund to provide matching grants for mitigation measures and recovery planning grants to reduce damage to buildings and utility and transportation systems critical to disaster response. Provided to local government entities, public and private hospitals, institutions of higher education, and special districts, the trust fund grants would require that the state and the local entity recipients benefitting from the investment fund a portion of the cost. To be eligible, the local entities must also have in place a long-term strategic earthquake loss reduction plan and enforce land use, building code, and other measures to reduce the vulnerability of facilities in the jurisdiction.

7. And the bill authorizes establishment of the Advanced National Seismic Research and Monitoring System

by the United States Geological Survey.

The incentives offered in this bill are available only if the recipient, sometimes with state aid, invests in the effort to prevent losses. These investments will spawn meaningful loss prevention actions that will benefit all of the stakeholders involved and will reduce the need for disaster aid.

Public/private partnership work:

City of Berkeley, CA, has demonstrated that even small incentives work. This city of 109,000 people spends about \$1 million each year in hazard reduction activities. It rebates a portion of its real estate transfer tax, up to \$1,500, to homeowners for loss reduction actions, waives permit fees for seismic residential retrofit projects, and offers low income loans up to \$15,000 and some grants to low income senior and disabled homeowners for retrofit work.

In the 10 years since these incentives were put in place, 38 percent of the single-family homes have had some form of retrofit work done and 30 percent of small apartment buildings have been improved.

Berkeley has also passed seven special taxes that concentrate funding on pre-disaster mitigation.

Federal incentives can empower similar results nationwide. Cities like Berkeley, where the earthquake threat is a critical community concern, will benefit from the additional inducements included in this bill.

Preventing damage makes sense, and it benefits our nation in many ways besides reducing the need for disaster aide. Not all benefits are easily quantified because they accrue to a variety of stakeholders and many of the indirect and human effects are subtle, yet important.

Earthquakes impact all segments of the communities they strike, individuals, businesses, and public services such as police, fire, hospitals, and schools. Damage often creates economic ripples throughout the community and beyond state borders. Homeowners, building owners, their tenants, neighboring businesses, local and state government, and the Federal Government will benefit.

Let me give you three examples of loss reduction projects that have widespread benefits:

1. Water officials in Memphis, TN recently made the wise decision to invest in a structural upgrade of the Davis Water Pumping station. Strengthening this critical station cost about \$488,000.

What the officials at the Memphis Light, Gas, and Water Division recognize is that there is a fifty-fifty chance that a moderate earthquake will strike the Memphis area within the next fifteen years. It would cost \$17 million to replace the water pumping station after such an earthquake. Plus, every day the station is inoperable costs about \$1.4 million in lost services.

The loss of drinkable water affects the entire community and cripples

business activity. Considering the time to repair or replace a damaged pump facility, it is estimated that the cost of lost services would be \$112 million. Clearly, a \$488,000 investment is a good one.

The Loss Reduction Trust Fund established by this bill authorizes \$1 billion in matching grants to strengthen critical infrastructure like the Davis Water Pumping Station.

2. Another good example of forward thinking is the Anheuser-Busch brewery in Los Angeles. After realizing its facilities were vulnerable to earthquake damage, the company began a \$20 million program to retrofit critical buildings and equipment. The brewery is a critical company asset because it supplies the Southwest and Pacific regions. Although located only a few miles from the epicenter of the 1994 Northridge earthquake, the brewery was able to return to operation after just minor cleanup, repairs, and restoration of off-site water supply.

Anheuser-Busch estimated that damage and business interruption costs could have exceeded \$300 million after the Northridge quake, had it not strengthened its facilities. There was more at stake than the viability of a major business. Damage affects employees, federal, state, and local government income, suppliers, vendors, and the surrounding community.

By accelerating depreciation of seismic retrofit expenses, this bill will encourage other businesses to carry out similar projects.

3. And there is another example from the Northridge earthquake. Three months before that quake, a homeowner in the Hollywood area of Los Angeles spent \$3,200 to retrofit his 1911-vintage home. The house survived with only minor damage, while similar houses on the same block suffered severe damage. In fact, several of those neighboring homes were demolished by the earthquake.

Many homes across the nation are built on poorly braced foundation walls or piers and posts and are vulnerable to damage during even mild earthquake activity. The cost to add the bracing needed generally is only a few thousand dollars, yet the cost of repairing a home after it falls is tens of thousands of dollars. As with a business, when a home topples, there is more at stake than injury to family members and the cost of repairs. Not to mention the fact that a falling home can spark a fire that can burn an entire community.

This bill creates a tax credit for half of the cost of the seismic retrofit of a residence, makes mortgages for earthquake resistant homes more attractive than those for homes meeting lower standards, and makes it easier for local government to use general obligation bonds financing for loss prevention project loans.

FEMA's HAZUS software was recently used to estimate how the individual actions provided by the bill could add up to significant savings of

importance to our communities, economy, and governments.

If a magnitude 7.0 earthquake occurred on the Newport-Inglewood fault under Los Angeles today, it could cause about \$80 billion in damages. Thousands of businesses would be interrupted, 400,000 people would be displaced, and there would be several hundred deaths. If every existing building in that area were retrofitted to the standards in current codes, the losses would drop by \$28 billion to \$52 billion. Business interruption losses would drop from \$15 billion to less than \$6 billion. The number of people displaced would shrink to 93,000, and the estimated number of deaths would drop by over 90 percent.

Similarly, a magnitude 7.0 earthquake on the Hayward fault in the San Francisco Bay area would cause about \$37 billion in damages, if it struck today. 140,000 people would be displaced. However, if every existing building were retrofitted to the standards in current codes, the losses would be reduced by a third. Business interruption losses would drop from \$6.5 billion to about \$2 billion. The number of people displaced would shrink to 40,000 and the estimated deaths would drop by more than 90 percent.

Assuming that all buildings meet the latest seismic standards is ambitious, but the resulting estimates give convincing evidence that implementing loss reduction measures can pay handsome dividends.

Moreover, the importance of loss reduction efforts extends beyond these quantitative estimates. Less damage means less psychological pain, more sustainable communities and businesses, protected stocks of low-income housing and architecturally and historically significant buildings and neighborhoods, and protected family savings. Every time a neighbor, employer, or local government invests in prevention, the entire community benefits.

Earthquakes are a nationwide problem. They have struck the Northeast and Northwest, damaged Charleston, Saint Louis, and Memphis, struck our mountain states, Alaska, and Hawaii. They will strike these and other places again.

Much of the knowledge we need to reduce losses from future earthquakes exists. While some forward thinking businesses, individuals, and local governments are already using the knowledge to invest in measures to reduce future losses, the Earthquake Loss Reduction Act creates modest federal incentives to foster a needed increase in the implementation of hazard mitigation measures.

This bill also establishes a \$1 billion grant program to match the investments from local government entities, hospitals, and institutions of higher education. It challenges states to add to this match, and makes investment in properties for the purpose of seismic retrofit an attractive investment in

our future. While the occurrence of large-scale earthquakes may be perceived as a low probability, our experience shows the high consequence of these events.

Strong federal leadership, and modest incentive, can lead Americans to undertake loss reduction measures and can lead us to a safer tomorrow. I urge my colleagues to support the Earthquake Loss Reduction Act.

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

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

S. 424

*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 "Earthquake Loss Reduction Act of 2001".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—Congress finds the following:

(1) After 23 years of research funded by the National Earthquake Hazards Reduction Program, a substantial body of knowledge exists about earth sciences, geotechnical, and structural engineering and human behavior relating earthquakes.

(2) The foremost challenge as we enter the 21st century is putting this knowledge to work by reducing future losses to improve the safety of Americans and the performance of State and local government facilities and private buildings and facilities.

(3) Earthquakes and tsunamis cause great danger to human life and property throughout the United States and continue to threaten Americans significantly in over 40 States and territories.

(4) Too few States and local communities have sufficiently identified and assessed their risk and implemented adequate measures to reduce losses from such disasters and to ensure that their critical public infrastructure and facilities will continue to function after the disaster.

(5) Too much of the Nation's stocks of housing and commercial buildings remain inherently vulnerable to earthquake shaking. Future losses in these facilities can be lessened using currently feasible technology.

(6) Too much of local government infrastructure remain at risk and are likely to be non-functional in the aftermath of foreseeable earthquake events at the time when the services they provide are critically necessary.

(7) Federal, State and local government expenditures for disaster assistance and recovery have increased without commensurate reduction in the likelihood of future losses from such earthquakes.

(8) Feasible techniques for reducing future earthquake losses are readily available.

(9) Without economic incentives, it is unlikely that States and local communities and the public will be able to implement available measures to reduce losses and ensure continued functionality of their infrastructure.

(b) **PURPOSE.**—It is the purpose of this Act to establish a national disaster mitigation program that—

(1) reduces the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from earthquakes;

(2) offers financial incentives to encourage private sector efforts to reduce earthquake losses;

(3) provides matching funds to encourage and assist States and local governments and the private sector in their efforts to implement measures designed to ensure the continued functionality of public infrastructure, commerce, and habitation after earthquakes; and

(4) creates Federal, State and local government partnerships to reduce the vulnerability of public infrastructure, commercial enterprises, and residential buildings to earthquakes.

**SEC. 3. NONREFUNDABLE CREDIT FOR EXPENSES RELATED TO SEISMIC RETROFIT OF PRINCIPAL RESIDENCE.**

(a) **GENERAL RULE.**—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

**"SEC. 25B. EXPENSES RELATED TO SEISMIC RETROFIT OF PRINCIPAL RESIDENCE.**

"(a) **GENERAL RULE.**—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of so much of the qualified seismic retrofit expenses of the taxpayer for the taxable year as do not exceed \$6,000.

"(b) **QUALIFIED SEISMIC RETROFIT EXPENSES.**—For purposes of this section—

"(1) **IN GENERAL.**—The term 'qualified seismic retrofit expenses' means amounts paid or incurred by the taxpayer during the taxable year in relation to any seismic retrofit construction of the principal residence of the taxpayer.

"(2) **SEISMIC RETROFIT CONSTRUCTION.**—The term 'seismic retrofit construction' means any addition or improvement—

"(A) which is certified by the State disaster agency or other applicable agency—

"(i) as resulting in the mitigation of the risk of damage to existing property from an earthquake, and

"(ii) as being in addition to any addition or improvement required by any State or local law with respect to such property, and

"(B) which is placed in service at least 5 years after the date the building is first placed in service.

Such term does not include the cost of acquiring such property (or any interest therein).".

"(3) **PRINCIPAL RESIDENCE.**—The term 'principal residence' has the same meaning as when used in section 121.

"(c) **DENIAL OF DOUBLE BENEFIT.**—No deduction shall be allowed under any other provision of this chapter with respect to any amount of qualified seismic retrofit expenses taken into account under subsection (a).

"(d) **BASIS ADJUSTMENT.**—For purposes of this subtitle, if a credit is allowed under this section with respect to any residence, the basis of such residence shall be reduced by the amount of the credit so allowed."

(b) **CONFORMING AMENDMENTS.**—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Expenses related to seismic retrofit of principal residence.".

(2) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "and", and by adding at the end the following new paragraph:

"(28) in the case of a residence with respect to which a credit was allowed under section 25B, to the extent provided in section 25B(d)."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to expenses

paid or incurred in taxable years beginning after December 31, 2000.

**SEC. 4. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN SEISMIC RETROFIT EXPENSES.**

(a) **TREATMENT AS 5-YEAR PROPERTY.**—Section 168(e)(3)(B) of the Internal Revenue Code of 1986 (relating to 5-year property) is amended by striking "and" at the end of clause (v), by striking the period and inserting "and" at the end of clause (vi), and by inserting after clause (vi) the following new clause:

"(vii) any qualified seismic retrofit property."

(b) **DEFINITION OF QUALIFIED SEISMIC RETROFIT PROPERTY.**—Section 168(i) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(15) **QUALIFIED SEISMIC RETROFIT PROPERTY.**—

"(A) **IN GENERAL.**—The term 'qualified seismic retrofit property' means any addition or improvement to real property for which depreciation is allowable under this section—

"(i) for which the expenditure is properly chargeable to the capital account, and

"(ii) which is a seismic retrofit.

"(B) **SEISMIC RETROFIT.**—For purposes of subparagraph (A)(i), the term 'seismic retrofit' means any addition or improvement—

"(i) which is certified by the State disaster agency or other applicable agency—

"(I) as resulting in the mitigation of the risk of damage to existing property from an earthquake, and

"(II) as being in addition to any addition or improvement required by any State or local law with respect to such property, and

"(ii) which is placed in service at least 5 years after the date the building is first placed in service.

Such term does not include the cost of acquiring such property (or any interest therein).".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to qualified seismic retrofit property placed in service after December 31, 2000.

**SEC. 5. QUALIFIED SEISMIC RETROFITTING BONDS.**

(a) **IN GENERAL.**—Section 144 of the Internal Revenue Code of 1986 (relating to qualified small issue bond; qualified student loan bond; qualified redevelopment bond) is amended by adding at the end the following new subsection:

"(d) **QUALIFIED SEISMIC RETROFITTING BOND.**—For purposes of this part—

"(1) **IN GENERAL.**—The term 'qualified seismic retrofitting bond' means any bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used—

"(A) for seismic retrofitting expenditures, and

"(B) in a manner which meets the requirements of paragraph (3).

"(2) **SEISMIC RETROFITTING EXPENDITURE.**—For purposes of paragraph (1), the term 'seismic retrofitting expenditure' means any amount properly chargeable to capital account—

"(A) which is certified by the State disaster agency or other applicable agency—

"(i) as resulting in the mitigation of the risk of damage to existing property from an earthquake, and

"(ii) as being in addition to any addition or improvement required by any State or local law with respect to such property, and

"(B) which is placed in service at least 5 years after the date the building is first placed in service.

Such term does not include the cost of acquiring such property (or any interest therein).

“(3) USE OF PROCEEDS REQUIREMENTS.—The use of the proceeds of an issue meets the requirements of this paragraph if within the 26-month period beginning with the date of issue—

“(A) at least 95 percent of the net proceeds of such issue are used for seismic retrofitting expenditures or are used to finance 1 or more loans to ultimate borrowers for such expenditures, or

“(B) to the extent not so used under subparagraph (A), such proceeds in excess of \$10,000 are used to redeem bonds which are part of such issue.”.

(b) BONDS TREATED AS QUALIFIED BONDS.—Paragraph (1) of section 141(e) of the Internal Revenue Code of 1986 (defining qualified bond) is amended by striking “or” at the end of subparagraph (F), by redesignating subparagraph (G) as subparagraph (H), and by inserting after subparagraph (F) the following new subparagraph:

“(G) a qualified seismic retrofitting bond, or”.

(c) BONDS INCLUDED FOR PURPOSES OF SMALL ISSUER EXEMPTION STATUS.—Subclause (I) of section 265(b)(3)(C)(ii) of the Internal Revenue Code of 1986 (relating to obligations not taken into account in determining status as qualified small issuer) is amended by inserting “, or a qualified seismic retrofitting bond, as defined in section 144(d)(1)” after “section 145”.

(d) EXCEPTION FROM VOLUME CAP.—Section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting a comma, and by adding after paragraph (4) the following new paragraphs:

“(5) any qualified mortgage bond if 95 percent or more of the net proceeds of the bond are to be used to provide home improvement loans in connection with seismic retrofitting expenditures (as defined in section 144(d)(2) without regard to the capital account requirement), and

“(6) any qualified seismic retrofitting bond.”.

(e) PROCEEDS OF MORTGAGE REVENUE BONDS USED IN CONNECTION WITH SEISMIC RETROFITTING.—

(1) IN GENERAL.—Paragraph (4) of section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules for qualified mortgage bonds) is amended to read as follows:

“(4) QUALIFIED HOME IMPROVEMENT LOAN.—The term ‘qualified home improvement loan’ means—

“(A) the financing (in an amount which does not exceed \$15,000)—

“(i) of alterations, repairs, and improvements on or in connection with an existing residence by the owner thereof, but

“(ii) only for such items as substantially protect or improve the basic livability or energy efficiency of the property, and

“(B) the financing (in an amount which does not exceed \$20,000) of seismic retrofitting expenditures (as defined in section 144(d)(2) without regard to the capital account requirement) in connection with an existing residence by the owner thereof.”.

(2) EXCEPTION FROM INCOME REQUIREMENTS.—Section 143(f) of such Code (relating to income requirements) is amended by adding at the end the following new paragraph:

“(7) EXCEPTION FOR CERTAIN QUALIFIED HOME IMPROVEMENT LOANS.—Paragraph (1) shall not apply with respect to any qualified home improvement loan (as defined in subsection (k)(4)(B)).”.

(f) CLERICAL AMENDMENTS.—

(1) The heading of section 144 of the Internal Revenue Code of 1986 is amended by striking “bond.” and inserting “bond qualified seismic retrofitting bond.”.

(2) The item relating to section 144 in the table of sections for subpart A of part IV of subchapter B of chapter 1 of such Code is amended by striking “bond.” and inserting “bond; qualified seismic retrofitting bond.”

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

#### SEC. 6. TREATMENT OF PASSIVE LOSSES OF CERTAIN PARTNERSHIPS ENGAGED IN SEISMIC RETROFITTING.

(a) IN GENERAL.—Section 469 of the Internal Revenue Code of 1986 (relating to passive activity losses and credits limited) is amended by adding at the end the following new subsection:

“(n) EXEMPTION FOR SEISMIC RETROFITTING TRADE OR BUSINESS.—

“(1) IN GENERAL.—In the case of any natural person, subsection (a) shall not apply to that portion of the passive activity loss or the deduction equivalent (within the meaning of subsection (j)(5)) of the passive activity credit for any taxable year which is attributable to any seismic retrofitting activity which such person engages in during the taxable year, whether or not the taxpayer materially participates in such activity.

“(2) SEISMIC RETROFITTING ACTIVITY.—For purposes of this subsection, the term ‘seismic retrofitting activity’ means any activity which involves the trade or business of seismic retrofit construction (as defined in section 25B(b)(2)) for residential property.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

#### SEC. 7. MORTGAGE INSURANCE INCENTIVE.

Section 203(b)(2) of the National Housing Act (12 U.S.C. 12 U.S.C. 1709(b)(2)), is amended, in the second undesignated paragraph, by inserting “or due to seismic retrofitting of the residence (within the meaning of the term ‘seismic retrofit construction’ under section 25B(b)(2) of the Internal Revenue Code of 1986)” before the period at the end.

#### SEC. 8. EARTHQUAKE DISASTER MITIGATION AND RECOVERY PLANNING GRANT PROGRAM.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 4 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703) is amended by adding at the end the following:

“(8) AGENCY.—The term ‘Agency’ means the Federal Emergency Management Agency.

“(9) CRITICAL FACILITY.—The term ‘critical facility’ means—

“(A) a public structure (including a police station, fire station, city or town hall, school, or other public building) or a public or nonprofit private hospital that is—

“(i) owned by an entity; and

“(ii) critical to the continuity of the entity or to the conduct of the disaster response activities of the entity; or

“(B) a facility that—

“(i) provides medical services to a specific occupational or industry segment of the general public; and

“(ii) is operated by an organization described in subsection (c) or (d) of section 501 of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of such section.

“(10) CRITICAL PUBLIC INFRASTRUCTURE.—The term ‘critical public infrastructure’ means a utility or transportation system (including a bridge, energy system, water or sewer system, or communication system) that is—

“(A) owned by an entity; and

“(B) critical to the conduct of the disaster response activities of the entity.

“(11) EARTHQUAKE DISASTER.—

“(A) IN GENERAL.—The term ‘earthquake disaster’ means a disaster that results from a movement of the earth.

“(B) INCLUSIONS.—The term ‘earthquake disaster’ includes a disaster that results from a tsunami or an earthquake-caused landslide or liquefaction (as determined by the Director of the Agency).

“(12) GRANT PROGRAM.—The term ‘grant program’ means the earthquake disaster mitigation and recovery planning grant program established under section 6.

“(13) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(14) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(15) LOCAL GOVERNMENT.—The term ‘local government’ means—

“(A) a city, town, township, county, parish, village, or other general-purpose political subdivision of a State;

“(B) an Indian tribe; and

“(C) a geologic hazard abatement or similar special purpose district formed to carry out or fund projects to reduce the vulnerability of infrastructure and buildings to earthquake disasters.

“(16) LOSS REDUCTION TRUST FUND.—The term ‘Loss Reduction Trust Fund’ means the Loss Reduction Trust Fund established by section 7.”.

(2) CONFORMING AMENDMENT.—Section 5(b)(1) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(1)) is amended by striking “(hereafter in this Act referred to as the ‘Agency’)”.

(b) GRANT PROGRAM.—The Earthquake Hazards Reduction Act of 1977 is amended by inserting after section 5 (42 U.S.C. 7704) the following:

#### “SEC. 6. EARTHQUAKE DISASTER MITIGATION AND RECOVERY PLANNING GRANT PROGRAM.

(a) ESTABLISHMENT.—The Director of the Agency may establish a grant program to provide financial assistance to eligible recipients described in subsection (b) to pay the Federal share of the cost of carrying out earthquake disaster mitigation and recovery planning measures with respect to the critical facilities and critical public infrastructure under the jurisdiction of the recipients.

(b) ELIGIBLE RECIPIENTS.—

(1) IN GENERAL.—To be eligible for a grant under the grant program, an entity shall be a local government, public or nonprofit private hospital, or public institution of higher education that—

“(A) has jurisdiction over, or is located in, an area that is subject to earthquake disasters;

“(B) submits to the Director of the Agency for approval an application for the grant in such form as the Director shall require;

“(C) has completed an earthquake disaster risk analysis;

“(D) has adopted a long-term strategic earthquake disaster loss reduction plan that identifies high priority earthquake disaster loss reduction projects; and

“(E) meets criteria established by the Director under paragraph (2).

(2) CRITERIA.—

(A) ESTABLISHMENT.—The Director of the Agency shall establish, by regulation, criteria that local governments, public and nonprofit private hospitals, and public institutions of higher education shall meet to qualify for grants under the grant program.

(B) REQUIREMENT APPLICABLE TO LOCAL GOVERNMENTS.—The criteria under subparagraph (A) applicable to local governments shall include the requirement that a local

government adopt and enforce comprehensive ordinances, building codes, land use measures, and other measures for earthquake disaster loss reduction that—

“(i) take into consideration the identified earthquake hazards applicable to the area over which the local government has jurisdiction; and

“(ii) reflect current, cost-effective techniques designed to reduce losses from earthquake disasters and ensure the continued functionality of critical facilities and critical public infrastructure.

“(C) CONSULTATION.—The criteria under subparagraph (A) shall be adopted after consultation with—

“(i) Federal, State, and local government officials and agencies; and

“(ii) other persons knowledgeable in the fields of natural disasters and hazard mitigation.

“(C) COST SHARING.—

“(1) FEDERAL SHARE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of the cost of measures carried out using a grant under the grant program shall be 75 percent.

“(B) INSUFFICIENCY OF FEDERAL FUNDS.—In paying the Federal share under subparagraph (A) in a case in which there are insufficient funds in the Loss Reduction Trust Fund to fund all applications that are eligible for approval, the Director of the Agency may consider—

“(i) the desirability of geographical dispersal of available funds;

“(ii) the extent to which any applicant faces a greater risk of earthquake disasters, in number or severity, than other applicants;

“(iii) the extent to which each applicant is expending resources on addressing urgent problems concerning critical facilities or critical public infrastructure; and

“(iv) the extent to which the measures proposed to be funded using the grant are expected to result in cost savings to the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(2) NON-FEDERAL SHARE.—

“(A) GRANTS TO LOCAL GOVERNMENTS (OTHER THAN INDIAN TRIBES).—In the case of a grant to a local government (other than an Indian tribe) under the grant program, the non-Federal share of the cost of measures carried out using the grant shall be provided as follows:

“(i)  $\frac{1}{2}$  by the State.

“(ii)  $\frac{1}{2}$  by the local government.

“(B) GRANTS TO INDIAN TRIBES.—In the case of a grant to an Indian tribe under the grant program, the non-Federal share of the cost of measures carried out using the grant shall be provided as follows:

“(i)  $\frac{1}{2}$  by the Bureau of Indian Affairs.

“(ii)  $\frac{1}{2}$  by the Indian tribe.

“(C) GRANTS TO PUBLIC HOSPITALS.—In the case of a grant to a public hospital under the grant program, the non-Federal share of the cost of measures carried out using the grant shall be provided as follows:

“(i)  $\frac{1}{2}$  by the State, from funds other than general State appropriations to the hospital.

“(ii)  $\frac{1}{2}$  by the public hospital, from general State appropriations to the hospital or from funds donated to the hospital.

“(D) GRANTS TO NONPROFIT PRIVATE HOSPITALS.—In the case of a grant to a nonprofit private hospital under the grant program, the non-Federal share of the cost of measures carried out using the grant shall be provided by the nonprofit private hospital.

“(E) GRANTS TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION.—In the case of a grant to a public institution of higher education under the grant program, the non-Federal share of the cost of measures carried out using the grant shall be provided as follows:

“(i)  $\frac{1}{2}$  by the State, from funds other than general State appropriations to the institution of higher education.

“(ii)  $\frac{1}{2}$  by the public institution of higher education, from general State appropriations to the institution of higher education or from funds donated to the institution of higher education.

“(D) USE OF GRANT FUNDS.—

“(1) IN GENERAL.—A grant under the grant program may be used—

“(A) to retrofit critical facilities and critical public infrastructure in accordance with paragraph (2);

“(B) to implement earthquake disaster mitigation measures in accordance with paragraph (3); or

“(C) to develop earthquake disaster recovery plans in accordance with paragraph (4).

“(2) RETROFIT OF CRITICAL FACILITIES AND CRITICAL PUBLIC INFRASTRUCTURE.—

“(A) IN GENERAL.—A grant under the grant program may be used to retrofit a critical facility or critical public infrastructure with parts or equipment that meets current standards for withstanding earthquake disasters (as determined by the Director of the Agency).

“(B) SELECTION OF CRITICAL FACILITIES AND CRITICAL PUBLIC INFRASTRUCTURE.—A critical facility or critical public infrastructure shall be selected for a grant under subparagraph (A) if the critical facility or critical public infrastructure is identified in a long-term strategic earthquake disaster loss reduction plan adopted under subsection (b)(1)(D) as having high priority for retrofit because of the effect that damage to the critical facility or critical public infrastructure from an earthquake disaster would have on the quality of human life in the region and on recovery from the earthquake disaster.

“(3) IMPLEMENTATION OF EARTHQUAKE DISASTER MITIGATION MEASURES.—A grant under the grant program may be used to implement an earthquake disaster mitigation measure designed to ensure the continued functionality of a critical facility or critical public infrastructure.

“(4) DEVELOPMENT OF EARTHQUAKE DISASTER RECOVERY PLANS.—

“(A) IN GENERAL.—A grant under the grant program may be used to develop an earthquake disaster recovery plan that includes—

“(i) a plan for reestablishing government operations and community services after an earthquake disaster; and

“(ii) a plan for long-term recovery after an earthquake disaster.

“(B) SCHEDULE FOR PAYMENT OF GRANT FUNDS.—Of a grant for measures described in subparagraph (A)—

“(i) 50 percent shall be paid upon approval by the Director of the Agency of the application for the grant; and

“(ii) 50 percent shall be paid upon adoption of the earthquake disaster recovery plan by the local government, public hospital, or public institution of higher education.

#### SEC. 7. LOSS REDUCTION TRUST FUND.

“(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ‘Loss Reduction Trust Fund’, consisting of—

“(1) such amounts as are appropriated to the Loss Reduction Trust Fund under subsection (b);

“(2) such amounts as are appropriated to the Loss Reduction Trust Fund under section 13(e); and

“(3) any interest earned on investment of amounts in the Loss Reduction Trust Fund under subsection (d).

“(b) TRANSFERS TO LOSS REDUCTION TRUST FUND.—There are appropriated to the Loss Reduction Trust Fund amounts equivalent to—

“(1) such amounts as the Director of the Agency determines are remaining after the close-out of any active disaster declaration account under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

“(2) such amounts as—

“(A) were allocated for hazard mitigation assistance with respect to a major disaster under section 404 of that Act (42 U.S.C. 5170c); and

“(B) the Director of the Agency determines are remaining after expiration of the time limits established under subsection (c) of that section; and

“(3) amounts received as gifts under subsection (f).

“(c) EXPENDITURES FROM LOSS REDUCTION TRUST FUND.—Upon request by the Director of the Agency, the Secretary of the Treasury shall transfer from the Loss Reduction Trust Fund to the Director of the Agency such amounts as the Director of the Agency determines are necessary to carry out section 6.

“(d) INVESTMENT OF AMOUNTS.—

“(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Loss Reduction Trust Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

“(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

“(A) on original issue at the issue price; or

“(B) by purchase of outstanding obligations at the market price.

“(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Loss Reduction Trust Fund may be sold by the Secretary of the Treasury at the market price.

“(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Loss Reduction Trust Fund shall be credited to and form a part of the Loss Reduction Trust Fund.

“(e) TRANSFERS OF AMOUNTS.—

“(1) IN GENERAL.—The amounts required to be transferred to the Loss Reduction Trust Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Loss Reduction Trust Fund on the basis of estimates made by the Secretary of the Treasury.

“(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

“(f) GIFTS.—The Secretary of the Treasury may accept gifts of cash for transfer to the Loss Reduction Trust Fund.”

“(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

“(1) by redesignating subsection (e) as subsection (f); and

“(2) by inserting after subsection (d) the following:

“(e) LOSS REDUCTION TRUST FUND.—There is authorized to be appropriated to the Loss Reduction Trust Fund \$1,000,000,000.”

“(d) POSTDISASTER ASSISTANCE.—

“(1) DEFINITIONS.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:

“(10) CRITICAL FACILITY.—The term ‘critical facility’ means—

“(A) a public structure (including a police station, fire station, city or town hall, school, or other public building) or a public or nonprofit private hospital that is—

“(i) owned by an entity; and

“(ii) critical to the continuity of the entity or to the conduct of the disaster response activities of the entity; or

“(B) a facility that—

“(i) provides medical services to a specific occupational or industry segment of the general public; and

“(ii) is operated by an organization described in subsection (c) or (d) of section 501 of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of such section.

“(11) CRITICAL PUBLIC INFRASTRUCTURE.—The term ‘critical public infrastructure’ means a utility or transportation system (including a bridge, energy system, water or sewer system, or communication system) that is—

“(A) owned by an entity; and

“(B) critical to the conduct of the disaster response activities of the entity.”.

(e) CONFORMING AMENDMENTS.—Section 12(a) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)) is amended by inserting “(as in effect on September 30, 1997)” after “6 of this Act” each place it appears.

#### SEC. 9. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

(a) IN GENERAL.—The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended—

(1) by redesignating section 12 as section 13; and

(2) by inserting after section 11 the following:

#### SEC. 12. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

“(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish and operate an advanced national seismic research and monitoring system (referred to in this section as the ‘system’).

“(b) PURPOSE.—The purpose of the system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, and meld the monitoring systems into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

“(c) MANAGEMENT PLAN.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Earthquake Loss Reduction Act of 2001, the Director of the United States Geological Survey shall submit to Congress a 5-year management plan for establishing and operating the system.

“(2) REQUIRED ELEMENTS.—The plan shall include—

“(A) annual cost estimates for—

“(i) milestones, standards, and performance goals for modernization of the seismic monitoring systems referred to in subsection (b); and

“(ii) milestones, standards, and performance goals for operation of the system; and

“(B) plans for securing the participation of all existing networks in the system and for establishing new, or enhancing existing, partnerships to leverage resources.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) ESTABLISHMENT.—In addition to amounts made available under section 13(b), there are authorized to be appropriated to establish the system—

“(A) \$33,500,000 for fiscal year 2002;

“(B) \$33,700,000 for fiscal year 2003;

“(C) \$35,100,000 for fiscal year 2004;

“(D) \$35,000,000 for fiscal year 2005; and

“(E) \$33,500,000 for fiscal year 2006.

“(2) OPERATION.—In addition to amounts made available under section 13(b), there are authorized to be appropriated to operate the system—

“(A) \$4,500,000 for fiscal year 2002; and

“(B) \$10,300,000 for fiscal year 2003.”.

(b) CONFORMING AMENDMENTS.—Section 2 of Public Law 105-47 (42 U.S.C. 7704 note) is amended—

(1) in subsection (a)(7), by striking “section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b))” and inserting “section 13(b) of the Earthquake Hazards Reduction Act of 1977”; and

(2) in subsection (c)(2), by striking “section 12(c) of such Act (42 U.S.C. 7706(c))” and inserting “section 13(c) of that Act”.

By Mr. ALLARD (for himself and

Mr. CAMPBELL):

S. 425. A bill to establish the Rocky Flats National Wildlife Refuge in the State of Colorado, and for other purposes; to the Committee on Armed Services.

Mr. ALLARD. Mr. President, I rise today to introduce legislation, along with my good friend and Colorado colleague, Senator BEN NIGHTHORSE CAMPBELL, to permanently designate Rocky Flats as a National Wildlife Refuge following the cleanup and closure of the site.

This legislation is the beginning of a new chapter in the history of Rocky Flats. The Rocky Flats National Wildlife Refuge Act is the product of more than a year’s worth of work by citizens, community leaders, and local elected officials. Its passage will ensure our children and grandchildren will continue to enjoy the wildlife and open space that currently exists at Rocky Flats.

To that end, I have worked in a bipartisan manner with my Colorado colleague from the other body, Congressman MARK UDALL, to produce the Rocky Flats National Wildlife Refuge Act of 2001. This bill was originally introduced in November of 2000, and with a few refinements, is being reintroduced today in both the Senate and House. Also, this bill could not be possible without the hard work and dedication of the local governments and the Rocky Flats stakeholders.

My vested interest in Rocky Flats began during the 1980’s when I was the Chairman of the State Senate Committee on Health, Environment, Welfare and Institutions. Although I supported the national security mission of the Rocky Flats site prior to closure, I believe that the Department of Energy must also ensure the safety and health of all Coloradans and the environment. When the Rocky Flats site was shut down in 1990, cleaning up and closing of the site became one of my top legislative priorities and will remain so until this project is complete.

In 1999, I became the Strategic Subcommittee Chairman of the Senate Armed Services Committee, which has direct oversight of former DoE weapons facilities including Rocky Flats. This is the first site in the DoE complex to receive funding for cleanup and closure, and will therefore be a role model for other sites in the complex. As Chairman of the Subcommittee, I will continue to work closely with my colleagues to educate them on the importance of cleaning up and closing down

Rocky Flats so it can be utilized as a National Wildlife Refuge. This education extends beyond the cleanup and closure of Rocky Flats to the importance of cleaning up and closing of all the former DoE weapons sites and how all closure sites in the DoE complex are closely tied together. That is why it is important for everyone in Congress with a closure site to work together in a non-partisan manner for the good of the country. We also need to work close with our new Secretary of Energy, Spencer Abraham, to ensure that cleanup and closure remain a priority for DoE.

As a brief summary of the bill, I would like to bring to your attention a few of the following high points of the bill:

To begin, Rocky Flats will remain in permanent federal ownership through a transfer from the Department of Energy to the U.S. Fish and Wildlife Service after the cleanup and closure of the site is complete.

The historic Lindsay Ranch will be preserved for future generations.

There will be no annexation of land to any local government, nor any construction of through roads. The only roads that may be constructed on the site would be by the Fish and Wildlife Service for the management of the refuge.

The Secretary of Energy and the Secretary of the Interior are authorized to grant a transportation right-of-way on the eastern boundary of the site for transportation improvements along Indiana Street. Please note, however, that we are aware of the continued evaluation of this issue and want this section of the bill to be consistent with the needs of the local governments.

The Department of Energy and the Fish and Wildlife Service are to enter into a Memorandum of Understanding addressing administrative responsibilities prior to the transfer of the site not later than 1 year after the enactment of this Act.

The Department of Energy will not transfer any property to the Fish and Wildlife Service that must be retained for future onsite monitoring or that must be retained for protection of human health and safety. This legislation also clarifies that in the event of future cleanup activities, this action will take priority over wildlife management.

One of the most important directives in this Act and it states that “nothing in this Act shall be construed to affect the degree of cleanup at the Rocky Flats site required under the Rocky Flats Cleanup Agreement or any Federal or State law.” I believe it is important to reiterate that this bill should not be used as a mechanism to drive the level of cleanup. As with any cleanup, the future land use is always considered in setting cleanup levels, but other important factors will play into any decision. For instance, the protection of surface water coming off the site, the desire to minimize long-

term operation and monitoring costs, and the State of Colorado's rules for decommissioning nuclear sites which say licensees should reduce potential radiation dose levels as low as reasonably achievable.

Once the site is transferred to the Fish and Wildlife Service, the refuge will be managed in accordance with the National Wildlife Refuge System Act to preserve wildlife, enhance wildlife habitat, conserve threatened and endangered species, provide education opportunities and scientific research, as well as wildlife compatible recreation.

The Fish and Wildlife Service are to convene a public process to include input on the management of the site.

I firmly believe that access rights and property rights must be preserved. Therefore, this legislation recognizes and preserves all mineral rights, water rights and utility rights-of-way. This Act does, however, provide the Secretary of Energy and the Secretary of Interior the authority to impose reasonable conditions on the access to private property rights for cleanup and refuge management purposes.

With regard to mineral rights, the Secretary of Energy is required to seek to purchase mineral rights from willing sellers.

As a tribute to the Cold War and the dedicated Rocky Flats workers both prior to and after the site closure, the bill authorizes the establishment of a Rocky Flats museum to commemorate the site requiring that the creation of the museum shall be studied, and a report shall be submitted to Congress within three years following the enactment of this act.

Finally, this bill directs the Department of Energy and the Fish and Wildlife Service to inform Congress on the costs associated with the implementation of this Act.

Lastly, I want to thank Representative MARK UDALL for the bi-partisan manner in which he and his staff worked with me and my office. Rocky Flats, like all other cleanup sites, is bigger than partisan politics and this effort proves it. I would also like to specifically thank the Department of Energy for taking the expedited cleanup plan and making it work within their budgetary guidelines; Kaiser-Hill for making the impossible, possible; and, I would like to say a great big thanks to all of the workers at Rocky Flats whose skill and dedication have made the reality of cleanup possible. Without the workers, even the best laid plans would be for naught.

Once cleanup and closure is accomplished in 2006, I look forward to returning to Rocky Flats for the dedication of the new Rocky Flats National Wildlife Refuge.

By Mrs. CLINTON (for herself, Mr. BAUCUS, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 426. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to holders of bonds financing new communications technologies, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 427. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit for small business jobs creation; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. BAUCUS, Mr. BINGAMAN, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 428. A bill to provide grants and other incentives to promote new communications technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 429. A bill to expand the Manufacturing Extension Program to bring the new economy to small and medium-sized businesses; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. BAUCUS, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 430. A bill to provide incentives to promote broadband telecommunications services in rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. BAUCUS, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 431. A bill to establish regional skills alliances, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. KENNEDY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 432. A bill to provide for business incubator activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. CLINTON. Mr. President, I rise today to talk about bringing development and good jobs to upstate New York and other regions of our country that have not fully participated in our nation's economic growth.

As I travel across the state and listen to the struggles of small business owners and workers, I'm often reminded of my father, who ran a small business and worked hard every day to provide for our family. I think about people like him who live in Plattsburgh and Buffalo, Rochester, Syracuse, Binghamton, Oneonta and every town and village in between. Most importantly, I think that—with the right ideas and a lot of hard work—we can create opportunities that will revitalize New York's upstate economy, as well as in places like these all across our country.

Now as we all know, a historic shift has taken place in our economy and, to succeed in the twenty first century new economy, businesses have to be innovative, creative and flexible. Workers have to have better education and training; and community leaders have to bring all sectors of our communities together to make their hometowns more hospitable to high tech industries.

Many parts of upstate New York have not been able to fully enjoy the fruits of the new knowledge based economy. Too many of our finest young people leave the state for better jobs elsewhere. Two summers ago, I talked to an upstate New York professor who told me what he thought was the biggest barrier to economic progress in the region: poor internet access. He pointed out that just as canals and railroad lines had made upstate, western and central New York the hub of the industrial economy in the 19th and 20th centuries, the region's shortage of high speed internet lines would hold us back in the 21st Century.

Studies have shown, for example, that New York lags behind many states when it comes to the internet connections that are essential to commerce and communications in this new economy. But with leadership, and through partnerships, we can meet these challenges. All of us who care about the towns and villages in upstate New York and across our country have an obligation to help. That is why I am very proud today to introduce a package of legislation that is designed to bring new jobs to New York and to America.

This legislation is the result of a lot of conversations, and listening, and hard work by many people. These seven bills will help bring all of New York online and into the new economy by promoting entrepreneurship and innovation, and by knocking down some of the stubborn barriers to economic progress.

Just in the past three weeks, I have been in Rochester, and Rome and Watertown—Buffalo, and Niagara Falls meeting with business and labor leaders, academic, religious and civic leaders as well as citizens from all walks of life. I've also been meeting and talking with many of my Republican and Democratic colleagues here in the Congress—talking about the budget, and talking about the economies of New York and the rest of our nation.

I have found that this legislation I propose today reflects the views and values, not only of many New Yorkers, but also a number of my colleagues here in the Senate. We agree that we have to clear away some of the major obstacles to economic growth and that we must invest in the skills of our country's greatest resources—our people.

After all, upstate New York is the region where America's innovators, businesses and workers spun Thomas Edison's first light bulb, made cameras widely available to all Americans, created the nation's first business incubator and the pacemaker. Now, with a proud place in the economic history of our country, upstate New York deserves its place in the economic future as well. My legislation is designed to help bring all of New York to the forefront of the 21st century economy.

Specifically, I propose the creation of new technology bonds. Using federal tax credits, states and local governments will be able to issue such bonds to help local governments invest in the high-speed data lines they need to attract cutting edge businesses.

I propose creating new incentives to link industrial parks and small business incubators to the Internet—and to bring access to high-speed internet connections called broadband. Too many families and businesses still have to dial long distance to get on the Internet. That's why my plan also includes a \$100 million initiative to help businesses bring broadband to rural and underserved communities.

I also support research into the next generation of broadband technologies that could make access to the Internet even more cost-effective. We have to help small businesses make the most of the new technologies to maximize profits and productivity. Too many firms still do not know where to begin when it comes to bringing their businesses online. Large businesses, we know, can spend millions on high-priced consultants to find out which computer and software systems to buy so they can best use the new technologies. But small, and even medium size businesses, just can't afford to do that.

So, as part of my package of incentives, I am introducing what I call a Technology Extension Program to help small and medium business owners. For years, the federal government has provided farmers advice and expertise through the Cooperative Extension system. More recently, the Department of Commerce has successfully helped

small manufacturers with new technologies through the Manufacturing Extension Program. I think we can build on the successes of these programs and help small and medium business owners in the same way, creating partnerships with universities and community colleges to transform their innovations into jobs for more and more people.

New York is also a state blessed with some of the finest colleges and research institutions in the world. Yet, we haven't been able to transform a lot of those discoveries into commercial ventures near where they have been made. That's why my plan increases support for business incubators that can cut the time it takes for a breakthrough on the laboratory bench to make it to the factory and sales floor.

Of course one of the most important parts of this legislation focuses on investing in the skills of our people. We can create all the high tech jobs we need from, you know, Plattsburg to Reno—but if they don't have people to fill them it's not going to mean anything, as I know that the President understands. That's why I'll fight to increase America's investment in the Regional Skills Alliances that bring businesses, universities, and community colleges together to make sure workers have the training they need in the modern workplace.

I know that we have to support and encourage small businesses to bring jobs to places like upstate New York. My legislation will create a new Small Business Jobs Tax Credit to allow small firms in underserved communities across the country eligible because of population loss and low job growth—to claim a \$3,000 tax credit for every employee they hire.

Mr. President, during my campaign I promised that my first legislation would focus on promoting economic growth in upstate New York. That is why I am particularly pleased to be here in fulfillment of that pledge.

But I see my plan as a part of a larger partnership to spur job creation across our country, where good people and their communities are in need of help. According to the latest Labor Department statistics New York, for example, as a whole enjoyed a 2.3 percent job growth rate last year. But upstate New York's job growth rate was about half of that at 1.2% and below the national average of 2.1 percent. Now behind those numbers are the lives and livelihoods of millions of people, and it is for those people that this legislation is being introduced. No parent should have to see a child leave his or her hometown simply because a good job can't be found.

My co-sponsors and I know that the fight for new jobs for New York and America is a long and difficult one. We do not expect everything in this plan to pass in one year alone, or even in the exact form in which it is introduced. And standing alone, no single plan or Senator will be able to get the

job done. But my colleagues and I understand we need a long-term partnership among people in government at all levels and with the private sector, business, labor, schools universities and others.

That is why I also support S. 41 introduced by Senators HATCH and BAUCUS, and supported by many Democrats and Republicans to make the research and development tax credit permanent and to promote entrepreneurship and innovation. It's why I think we have to continue to tackle other stubborn barriers to economic growth like high utilities costs, high taxes and inadequate transportation and poor infrastructure. And of course, I can't talk about upstate New York without mentioning the spectacular geography and cultural heritage that is not only a source of pride, but also as a valuable economic resource.

Mr. President, I would like to thank my colleagues, representing both parties, who have come together to join and sponsor one or more of my bills today. I look forward to talking to more members of this chamber and the other body in the days and weeks ahead. I believe if we take good ideas and through hard work make them real, we can revitalize New York's upstate economy and also give hope to the hardworking, deserving families of communities across our country. No one should have to leave their hometown, their families, and their roots to find a good job in America.

I ask unanimous consent that text of the bills, the summary of the bills, and articles relevant to the bills be printed in the RECORD.

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

S. 426

*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 "Technology Bond Initiative of 2001".

**SEC. FINDINGS.**

Congress finds the following:

(1) Access to high-speed Internet is as important to 21st Century businesses as access to the railroads and interstate highways was to businesses of the last century.

(2) Up to one-third of the United States population lacks access to high-speed Internet.

(3) Companies without access to high-speed Internet are unable to meet their market potential, just as a community cannot prosper if it doesn't have high quality roads and bridges.

(4) Technology bonds would provide incentives to State and local governments to partner with the private sector to expand broadband deployment in their communities, especially underserved urban and rural areas.

**SEC. 2. CREDIT TO HOLDERS OF QUALIFIED TECHNOLOGY BONDS.**

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following new subpart:

**Subpart H—Nonrefundable Credit for Holders of Qualified Technology Bonds**

“Sec. 54. Credit to holders of qualified technology bonds.

**SEC. 54. CREDIT TO HOLDERS OF QUALIFIED TECHNOLOGY BONDS**

“(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified technology bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year the amount determined under subsection (b).

**“(b) AMOUNT OF CREDIT.—**

“(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any qualified technology bond is the amount equal to the product of—

“(A) the credit rate determined by the Secretary under paragraph (2) for the month in which such bond was issued, multiplied by

“(B) the face amount of the bond held by the taxpayer on the credit allowance date.

“(2) DETERMINATION.—During each calendar month, the Secretary shall determine a credit rate which shall apply to bonds issued during the following calendar month. The credit rate for any month is the percentage which the Secretary estimates will permit the issuance of qualified technology bonds without discount and without interest cost to the issuer.

“(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under this part (other than this subpart and subpart C).

“(d) QUALIFIED TECHNOLOGY BOND.—For purposes of this part—

“(1) IN GENERAL.—The term ‘qualified technology bond’ means any bond issued as part of an issue if—

“(A) 95 percent or more of the proceeds of such issue are to be used for any or a series of qualified projects,

“(B) the bond is issued by a State or local government within the jurisdiction of which such project is located.

“(C) the issuer designates such bond for purposes of this section.

“(D) certifies that it has obtained the written approval of the Secretary of Commerce for such project, and

“(E) the term of each bond which is part of such issue does not exceed 15 years.

**“(2) QUALIFIED PROJECT.—**

“(A) IN GENERAL.—The term ‘qualified project’ means a project—

“(i) to expand broadband telecommunications services in an area within the jurisdiction of a State or local government,

“(ii) which is nominated by such State or local government for designation as a qualified project, and

“(iii) which the Secretary of Commerce, after consultation with the Secretary of Housing and Urban Development designates as a qualified project or a series of qualified projects.

“(B) DESIGNATION PREFERENCES.—With respect to designations under this section, preferences shall be given to—

“(i) nominations of projects involving underserved urban or rural areas lacking access to high-speed Internet connections, and

“(ii) nominations reflecting partnerships and comprehensive planning between State and local governments and the private sector.

“(e) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

“(1) NATIONAL LIMITATION.—There is a national technology bond limitation for each calendar year. Such limitation is \$100,000,000 for 2002, 2003, 2004, 2005, and 2006, and, except as provided in paragraph (4), zero thereafter.

“(2) ALLOCATION OF LIMITATION.—The national technology bond limitation for a calendar year shall be allocated by the Secretary among the qualified projects designated for such year.

“(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any qualified project shall not exceed the limitation amount allocated to such project under paragraph (2) for such calendar year.

“(4) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

“(A) the national technology limitation amount, exceeds

“(B) the amount of bonds issued during such year which are designated under subsection (d)(1) with respect to qualified projects, the national technology limitation amount for the following calendar year shall be increased by the amount of such excess.

“(f) OTHER DEFINITIONS.—For purposes of this subpart—

“(1) BOND.—The term ‘bond’ includes any obligation.

“(2) CREDIT ALLOWANCE DATE.—The term ‘credit allowance date’ means, with respect to any issue, the last day of the 1-year period beginning on the date of issuance of such issue and the last day of each successive 1-year period thereafter.

“(3) STATE.—The term ‘State’ means the several States and the District of Columbia.

“(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

“(h) OTHER SPECIAL RULES.—

“(1) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

“(2) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified technology bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

“(3) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified technology bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

“(4) REPORTING.—Issuers of qualified technology bonds shall submit reports similar to the reports required under section 149(e).”.

“(b) REPORTING.—Subsection (d) of section 6049 of the Internal Revenue Code of 1986 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

“(8) REPORTING OF CREDIT ON QUALIFIED TECHNOLOGY BONDS.—

“(A) IN GENERAL.—For purposes of subsection (a), the term ‘interest’ includes amounts includable in gross income under section 54(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(f)(2)).

“(B) REPORTING TO CORPORATIONS, ETC.—

Except as otherwise provided in regulations, in the case of any interest described in sub-

paragraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

“(C) REGULATORY AUTHORITY.—the Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.”.

“(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Subpart H. Nonrefundable Credit for Holders of Qualified Technology Bonds.”

(2) Section 6401(b)(1) of such Code is amended by striking “and G” and inserting “G, and H”.

(d) EFFECTIVE DATE.—the amendments made by this section shall apply to obligations issued after December 31, 2001.

S. 427

*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 “Small Business Jobs Tax Credit Act of 2001”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) In many parts of the United States, segments of large cities, smaller cities, and rural areas are experiencing population loss and low job growth that hurt the surrounding communities.

(2) In areas hurt by low job growth, people are forced to leave the communities they have lived in their whole life to secure a job.

(3) A small business tax credit to promote jobs in areas suffering from low job growth and population loss would spur economic growth and would provide incentives for businesses to take advantage of an often underutilized, well-educated workforce.

(4) By promoting economic growth, such a tax credit would revitalize these areas that are less likely to receive other Federal investments.

**SEC. 3. EXPANSION OF WORK OPPORTUNITY TAX CREDIT.**

(a) IN GENERAL.—Section 51(d)(1) of the Internal Revenue Code of 1986 (relating to members of targeted groups) is amended by striking “or” at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting “, or”, and by adding at the end the following:

“(I) a qualified small business employee.”.

(b) QUALIFIED SMALL BUSINESS EMPLOYEE.—Section 51(d) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following:

“(10) QUALIFIED SMALL BUSINESS EMPLOYEE.—

“(A) IN GENERAL.—The term ‘qualified small business employee’ means any individual—

“(i) hired by a qualified small business located in a development zone, or

“(ii) hired by a qualified small business and who is certified by the designated local agency as residing in such a development zone.

“(B) QUALIFIED SMALL BUSINESS.—The term ‘qualified small business’ has the meaning given the term ‘small employer’ by section 4980D(d)(2).

“(C) DEVELOPMENT ZONE.—For purposes of this section—

“(i) IN GENERAL.—The term ‘development zone’ means any area—

“(I) which is nominated under the procedures defined in sections 1400E(a)(1)(A) and 1400E(a)(4) for renewal communities;

“(II) which the Secretary of Housing and Urban Development designates as a development zone, after consultation with the Secretary of Commerce;

“(III) which has a population of not less than 5,000 and not more than 150,000;

“(IV) which has a poverty rate not less than 20 percent (within the meaning of section 1400E(c)(3)(C));

“(V) which has an average annual rate of job growth of less than 2 percent during any 3 years of the preceding 5-year period; and

“(VI) which, during the period beginning January 1, 1990 and ending with the date of the enactment of this Act, has a net out-migration of inhabitants, or other population loss, from the area of at least 2 percent of the population of the area during such period.

“(ii) NUMBER OF DESIGNATIONS.—The Secretary of Housing and Urban Development may not designate more than 100 development zones.

“(D) SPECIAL RULES FOR DETERMINING AMOUNT OF CREDIT.—For purposes of applying this subpart to wages paid or incurred to any qualified small business employee—

“(i) subsection (a) shall be applied by substituting “20 percent of the qualified first, second, third, fourth, or fifth year wages” for “40 percent of the qualified first year wages”, and

“(ii) in lieu of paragraphs (2) and (3) of subsection (b), the following definitions and special rule shall apply:

“(I) QUALIFIED FIRST-YEAR WAGES.—The term ‘qualified first-year wages’ means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer.

“(II) QUALIFIED SECOND-YEAR WAGES.—The term ‘qualified second-year wages’ means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under subclause (I).

“(III) QUALIFIED THIRD-YEAR WAGES.—The term ‘qualified third-year wages’ means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under subclause (II).

“(IV) QUALIFIED FOURTH-YEAR WAGES.—The term ‘qualified fourth-year wages’ means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under subclause (III).

“(V) QUALIFIED FIFTH-YEAR WAGES.—The term ‘qualified fifth-year wages’ means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under subclause (IV).

“(VI) ONLY FIRST \$15,000 OF WAGES PER YEAR TAKEN INTO ACCOUNT.—The amount of the qualified first, second, third, fourth, and fifth year wages which may be taken into account with respect to any individual shall not exceed \$15,000 per year.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

S. 428

*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 “Broadband Expansion Grant Initiative of 2001”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Investing in a telecommunications infrastructure for underserved rural communities will increase the potential for long-term economic growth in those areas.

(2) Currently, too many families have to make long distance calls to connect to the Internet, and the deployment of broadband networks would make sure that connection to the Internet is more cost-effective and only a local call away.

(3) Small businesses would benefit from access to high-speed Internet links that would allow them to compete on national and international levels.

(4) Broadband deployment grants and loan guarantees would encourage private-sector investment in infrastructure advances.

**SEC. 3. FACILITATION OF DEPLOYMENT OF BROADBAND TELECOMMUNICATIONS CAPABILITIES TO UNDERSERVED RURAL AREAS.**

(a) IN GENERAL.—In order to facilitate the deployment by the private sector of broadband telecommunications networks and capabilities (including wireless and satellite networks and capabilities) to underserved rural areas, the Secretary of Commerce (in this section, referred to as the “Secretary”) may—

(1) make grants to eligible recipients for that purpose;

(2) guarantee loans, either whole or in part, of eligible recipients the proceeds of which are to be used for that purpose; or

(3) carry out activities under both paragraphs (1) and (2).

(b) ELIGIBLE RECIPIENTS.—For purposes of this section, an eligible recipient of a grant or loan guarantee under subsection (a) is any person or entity selected by the Secretary in accordance with such procedures as the Secretary shall establish.

(c) UNDERSERVED RURAL AREAS.—The Secretary shall identify the areas that constitute underserved rural areas for purposes of this section.

(d) EMPHASIS ON PARTICULAR CAPABILITIES.—In selecting a person or entity as an eligible recipient of a grant or loan guarantee under subsection (a), the Secretary shall give particular emphasis to persons or entities that propose to use the grant or the proceeds of the loan guaranteed, as the case may be, to leverage non-Federal resources to do one or more of the following:

(1) Provide underserved rural areas with access to Internet service by local telephone.

(2) Demonstrate new models or emerging technologies to bring broadband telecommunications services to underserved rural areas on a cost-effective basis.

(3) Use broadband telecommunications services to stimulate economic development, such as providing connections between and among industrial parks located in such areas and providing high-speed telecommunications service links to small business incubators.

(e) CONSULTATION.—The Secretary may consult with the Federal Communications Commission in carrying out activities under this section.

(f) LIMITATION ON AMOUNT.—The amount of any grants made under this section, and the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of any loans guaranteed under this section, may not, in the aggregate, exceed \$100,000,000.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Commerce for purposes of grants and loan guarantees under this section \$100,000,000 for fiscal year 2002, and such sums as are necessary for each fiscal year thereafter.

S. 429

*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 “Technology Extension Act of 2001”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Federal Government developed the Agriculture Extension Program, and more recently, the Manufacturing Extension Program to help farmers and small manufacturers gain access to the latest technologies. Today’s small and medium-sized businesses need a technology extension program that provides access to cutting edge technology.

(2) There is a need to create partnerships to cut the time it takes for new developments in university laboratories to reach the manufacturing floor, to help small and medium-sized businesses transform their innovations into jobs.

(3) There is a need to build upon the Manufacturing Extension Program to encourage the adoption of advanced technology.

**SEC. 3. TECHNOLOGY EXTENSION PROGRAM.**

(a) PURPOSE.—It is the purpose of this section—

(1) to encourage meaningful use of the most advanced available technologies by small businesses and medium-sized businesses to the maximum extent possible to improve the productivity of those businesses and thereby to promote economic growth; and

(2) to promote regional partnerships between educational institutions and businesses to develop such technologies and products in the surrounding areas.

(b) GRANT PROGRAM.—To achieve the purpose of this section, the Secretary of Commerce (in this section, referred to as the “Secretary”) shall carry out a program to provide, through grants, financial assistance for the establishment and support of regional centers for the commercial use of advanced technologies by small businesses and medium-sized businesses.

(c) ELIGIBILITY.—An entity is eligible to receive a grant as a regional center under this section if the entity—

(1) is affiliated with a United States-based institution or organization that is operated on a not-for-profit basis, or any combination of two or more of such institutions or organizations;

(2) offers to enter into an agreement with the Secretary to function as a regional center for the commercial use of advanced technologies for the purpose of this section within a region determined appropriate by the Secretary; and

(3) demonstrates that it has the capabilities necessary to achieve the purpose of this section through its operations as a center within that region.

(d) SELECTION OF APPLICANTS.—

(1) COMPETITIVE PROCESS.—The Secretary shall use a competitive process for the awarding of grants under this section and, under that process, select recipients of the grants on the basis of merit, with priority given to underserved areas.

(2) APPLICATIONS FOR GRANTS.—The Secretary shall prescribe the form and content of applications required for grants under this section.

(e) SPECIFIC ACTIVITIES OF REGIONAL CENTERS.—A regional center may use the proceeds of a grant under this section for any

activity that carries out the purpose of this section, including such activities as the following:

(1) Assist small businesses and medium-sized businesses to address their most critical needs for the application of the latest technology, improvement of infrastructure, and use of best business practices.

(2) In conjunction with institutions of higher education and laboratories located in the region, transfer technologies to small businesses and medium-sized businesses located in such region to create jobs and increase production in surrounding areas.

(f) ADDITION ADMINISTRATIVE AUTHORITIES.—

(1) COST-SHARING.—The Secretary may require the recipient of a grant to defray, out of funds available from sources other than the Federal Government, a specific level of the operating expenses of the regional center for which the grant is made.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary, in awarding a grant, may impose any other terms and conditions for the use of the proceeds of the grant that the Secretary determines appropriate for carrying out the purpose of this section and to protect the interests of the United States.

(g) DEFINITIONS OF SMALL BUSINESS AND MEDIUM-SIZED BUSINESS.—

(1) SECRETARY TO PRESCRIBE.—The Secretary shall prescribe the definitions of the terms “small business” and “medium-sized business” for the purpose of this section.

(2) SMALL BUSINESS STANDARDS.—In defining the term “small business”, the Secretary shall apply the standards applicable for the definition of the term “small-business concern” under section 3 of the Small Business Act (15 U.S.C. 632).

(h) REGULATIONS.—The Secretary shall prescribe regulations for the grant program administered under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Commerce for carrying out this section \$125,000,000 for fiscal year 2002, and such sums as are necessary for each fiscal year thereafter.

*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 “Broadband Rural Research Investment Act of 2001”.

### SEC. 2. FINDINGS.

Congress find the following:

(1) The availability of broadband telecommunications services in rural America is critical to economic development, job creation, and new services such as distance learning and telemedicine.

(2) Existing broadband technology cannot be deployed in many rural areas, either because of technical limitations, or the cost of deployment relative to the available market.

(3) Research in new broadband technology that addresses these barriers could increase the availability of broadband telecommunications services in rural areas.

### SEC. 3. RESEARCH ON ENHANCEMENT OF BROADBAND TELECOMMUNICATIONS SERVICES.

(a) IN GENERAL.—The Director of the National Science Foundation (in this section, referred to as the “Director”) shall carry out research on the following:

(1) Means of enhancing or facilitating the availability of broadband telecommunications services in rural areas and other remote areas.

(2) Means of facilitating or enhancing access to the Internet through broadband telecommunications services.

(b) SCOPE OF AUTHORITY.—The Director may carry out research under subsection (a)

within the National Science Foundation or pursuant to such grants, agreements, or other arrangements as the Director considers appropriate.

(c) RESULTS OF RESEARCH.—The Director shall make available to the public, in such manner as the Director considers appropriate, the results of any research carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the National Science Foundation for purposes of activities under this section \$25,000,000 for fiscal year 2002, and such sums as are necessary for each fiscal year thereafter.

S. 431

*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 “Regional Skills Alliances Act of 2001”.

### SEC. 2. FINDINGS.

(1) Many small businesses lack the financial capacity to support the training of high-skilled workers.

(2) Many high-tech companies concerned about worker training consider recruiting employees from overseas because a shortage of information technology workers remains a significant problem.

(3) Too many highly educated workers in underserved communities do not have the specialized skills needed to meet the needs of local businesses.

(4) Regional skills alliances bring businesses and 4-year colleges and universities and community colleges together to help develop and implement effective programs to make sure workers have the training needed to compete in the modern workplace.

### SEC. 3. DEFINITION.

In this Act, the term “Secretary” means the Secretary of Labor.

### TITLE I—SKILL GRANTS

#### SEC. 101. AUTHORIZATION.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Commerce, shall award grants to eligible entities described in subsection (b) to assist such entities to improve the job skills necessary for employment in specific industries.

##### (b) ELIGIBLE ENTITIES DESCRIBED.—

(1) IN GENERAL.—An eligible entity described in this subsection is a consortium that—

(A) shall consist of representatives from not less than 5 businesses, or a lesser number of businesses if such lesser number of businesses employs at least 30 percent of the employees in the industry involved in the region (or a non-profit organization that represents such businesses);

(B) may consist of representatives from—

(i) labor organizations;

(ii) State and local government; and

(iii) educational institutions;

(C) is established to serve one or more particular industries; and

(D) is established to serve a particular geographic region.

(2) MAJORITY OF REPRESENTATIVES.—A majority of the representatives described in paragraph (1)(A).

(c) PRIORITY FOR SMALL BUSINESSES.—In providing grants under subsection (a), the Secretary shall give priority to an eligible entity if a majority of representatives forming the entity represent small-business concerns (as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a))).

(d) MAXIMUM AMOUNT OF GRANT.—The amount of a grant awarded to an eligible entity under subsection (a) may not exceed \$1,000,000 for any fiscal year.

#### SEC. 102. USE OF AMOUNTS.

(a) IN GENERAL.—The Secretary may not award a grant under section 101 to an eligible entity unless such entity agrees to use amounts received from such grant to improve the job skills necessary for employment by businesses in the industry with respect to which such entity was established.

##### (b) CONDUCT OF PROGRAM.—

(1) IN GENERAL.—In carrying out the program described in subsection (a), the eligible entity may provide for—

(A) an assessment of training and job skill needs for the industry;

(B) the development of a sequence of skill standards that are benchmarked to advanced industry practices;

(C) the development of curriculum and training methods, including, where appropriate, e-learning or technology-based training;

(D) the purchase, lease, or receipt of donations of training equipment;

(E) the identification of training providers and the development of partnerships between the industry and educational institutions, including community colleges;

(F) the development of apprenticeship programs;

(G) the development of training programs for workers, including dislocated workers;

(H) the development of training plans for businesses; and

(I) the development of the membership of the entity.

(2) ADDITIONAL REQUIREMENT.—In carrying out the program described in subsection (a), the eligible entity shall provide for the development and tracking of performance outcome measures for the program and the training providers involved in the program.

(c) ADMINISTRATIVE COSTS.—The eligible entity may use not more than 10 percent of the amount of a grant to pay for administrative costs associated with the program described in subsection (a).

#### SEC. 103. REQUIREMENT OF MATCHING FUNDS.

(a) IN GENERAL.—The Secretary may not award a grant under section 101 to an eligible entity unless such entity agrees that the entity will make available non-Federal contributions toward the costs of carrying out activities under the grant in an amount that is not less than \$2 for each \$1 of Federal funds provided under the grant, of which—

(1) \$1 shall be provided by the businesses participating in the entity; and

(2) \$1 shall be provided by the State or local government involved.

##### (b) OTHER CONTRIBUTIONS.—

(1) EQUIPMENT.—Equipment donations to facilities that are not owned or operated by the members of the eligible entity involved and that are shared by such members may be included in determining compliance with subsection (a).

(2) LIMITATION.—An eligible entity may not include in-kind contributions in complying with the requirement of subsection (a). The Secretary may consider such donations in ranking applications.

#### SEC. 104. LIMIT ON ADMINISTRATIVE EXPENSES.

The Secretary may use not more than 5 percent of the amounts made available to carry out this title to pay the Federal administrative costs associated with awarding grants under this title.

#### SEC. 105 AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$50,000,000 for each of the fiscal years 2002, 2003, and 2004, and such sums as are necessary for each fiscal year thereafter.

### TITLE II—PLANNING GRANTS

#### SEC. 201. AUTHORIZATION.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Commerce,

shall award grants to States to enable such states to assist businesses, organizations, and agencies described in section 101(b) in conducting planning to form consortia described in such section.

(b) MAXIMUM AMOUNT OF GRANT.—The amount of a grant awarded to a State under subsection (a) may not exceed \$500,000 for any fiscal year.

#### SEC. 202. APPLICATION.

The Secretary may not award a grant under section 201 to a State unless such State submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

#### SEC. 203. REQUIREMENT OF MATCHING FUNDS.

The Secretary may not award a grant under section 201 to a State unless such State agrees that it will make available non-Federal contributions toward the costs of carrying out activities under this title in an amount that is not less than \$1 for each \$1 of Federal funds provided under the grant.

#### SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$5,000,000 for fiscal year 2002.

S. 432

*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 “Entrepreneurial Incubators Development Act of 2001”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) While small businesses have been an engine of economic growth over the past decade, they often lack access to the technology available to larger businesses.

(2) Business incubators have proven an effective source of economic growth in the States.

(3) Scientific discoveries need to be quickly converted into job and community ventures.

#### SEC. 3. GRANTS FOR SUPPORT OF BUSINESS INCUBATOR ACTIVITIES.

(a) PURPOSE.—It is the purpose of this section to encourage entrepreneurial creativity and risk taking through the support of the furnishing of business incubator services for newly established small businesses and medium-sized businesses.

(b) GRANT PROGRAM.—to achieve the purpose of this section, the Secretary of Commerce (in this section, referred to as the “Secretary”) shall carry out a program to provide, through grants, financial assistance for the establishment and support of entities that provide business incubator services in support of the initiation and initial sustainment of business activities by newly established small businesses and medium-sized businesses.

#### (c) AWARDS OF GRANTS.—

(1) ELIGIBILITY REQUIREMENTS.—The Secretary shall prescribe the eligibility requirements for the awarding of grants under this section.

(2) COMPETITIVE SELECTION.—The Secretary shall use a competitive process for the awarding of grants under this section and, under that process, select recipients of the grant on the basis of merit, with priority given to underserved rural and urban communities.

(3) APPLICATIONS FOR GRANTS.—The Secretary shall prescribe the form and content of applications required for grants under this section.

#### (d) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

(1) COST-SHARING.—The Secretary may require the recipient of a grant under this sec-

tion to defray a specific level of its operating expenses for business incubator services out of funds available from sources other than the Federal Government.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary, in awarding a grant, may impose any other terms and conditions for the use of the proceeds of the grant that the Secretary determines appropriate for carrying out the purpose of this section and to protect the interests of the United States, including the requirement that entities providing business incubator services that receive a grant under this section develop a plan for ultimately becoming self-sufficient.

#### (e) DEFINITIONS.—

(1) BUSINESS INCUBATOR SERVICES.—In this section, the term “business incubator services” includes professional and technical services necessary for the initiation and initial sustainment of operations of a newly established business, including such services as the following:

(A) LEGAL SERVICES.—Legal services, including aid in preparing corporate charters, partnership agreements, and basic contracts.

(B) INTELLECTUAL PROPERTY SERVICES.—Services in support of the protection of intellectual property through patents, trademarks, or otherwise.

(C) TECHNOLOGY SERVICES.—Services in support of the acquisition and use of advanced technology, including the use of Internet services and web-based services.

#### (D) PLANNING.—Advice on—

(i) strategic planning; and

(ii) marketing, including advertising.

#### (2) SMALL BUSINESS AND MEDIUM-SIZED BUSINESS.—

(A) SECRETARY TO PRESCRIBE.—The Secretary shall prescribe the definitions of the terms “small business” and “medium-sized business” for the purpose of this section.

(B) SMALL BUSINESS STANDARDS.—In defining the term “small business” for the purpose of this section, the Secretary shall apply the standards applicable for the definition of the term “small business concern” under section 3 of the Small Business Act (15 U.S.C. 632).

(f) REGULATIONS.—The Secretary shall prescribe regulations for the grant program administered under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Commerce for carrying out this section \$50,000,000 for fiscal year 2002, and \$200,000,000 for each fiscal year thereafter.

#### ECONOMIC DEVELOPMENT PROPOSALS FOR THE NEW ECONOMY—SUMMARY

In too many parts of America, many of our communities are plagued by low job growth and economic stagnation. These communities, which historically have been the backbone of our nation, are deeply concerned about their economic prospects. This package of incentives focuses on encouraging new technology companies to move to places where they can take advantage of a well-educated workforce and a higher education infrastructure that is often available and underutilized.

*Technology Bonds:* In order to help states and local governments invest in telecommunications infrastructure, this proposal invests \$100 million a year in a new type of tax incentive: Technology Bonds. Localities would be allowed to use Technology Bonds to expand high-speed Internet access in their communities. These bonds would provide a significant incentive to state and local governments because they would not have to pay any interest on them, and, thus, would make no payments until maturity (15 years in the future). Because the program di-

rects its benefits to communities, it will better ensure that higher need communities receive the benefits.

*Small Business Jobs Tax Credit:* This tax credit for small businesses will promote jobs in smaller communities. This proposal will provide a tax credit for wages, up to \$3,000 per employee, for small businesses that locate in communities that are losing population, have low job growth rates and high poverty rates. Specifically, this proposal creates a 20% tax credit for wages of up to \$15,000 per year, which is a value of up to \$3,000 per employee, companies could receive the credit for up to five years. This initiative will focus on smaller communities by targeting communities with a population over 5,000. The program would designate roughly 100 communities and could subsidize roughly 8,000 jobs for each area.

*Broadband Expansion Grant Initiative of 2001:* This proposal complements Tech Bonds by creating a \$100 million initiative to accelerate private-sector deployment of broadband networks in under-served rural communities. Right now many families have to make long distances calls to connect to Internet. This initiative will support \$100 million in grants and loan guarantees to ensure the Internet is more cost-effective and only a local call away. It will connect industrial parks and small business incubators with high-speed links; and encourage trials of innovative deployment of broadband networks to provide cost-effective access to rural areas.

*Technology Extension Act of 2001:* During the early part of this century, the Federal government helped farmers gain access to new agricultural technologies through the Agriculture Extension Program at the Department of Agriculture. More recently, the Department of Commerce has successfully helped small manufacturers with new technologies through its Manufacturing Extension Program. Now it is time to provide small and medium-sized businesses with a technology extension program that provides the latest technology to improve productivity and promote economic growth. This initiative will build upon the Manufacturing Extension Program to address critical needs in areas such as technology applications, infrastructure upgrades and business practices, insurance and other forms. It would also work with universities and laboratories to transfer technologies to small and medium-sized businesses that will help them move products to markets faster. This program would be funded at \$25 million the first year, growing to \$125 million in fiscal year 2002.

*Broadband Rural Research Investment Act of 2001:* This proposal targets \$25 million in funding for research to ensure the availability of broadband in rural areas. This proposal supports additional investments at the National Science Foundation for research in new broadband technology to increase the availability of broadband telecommunications services in remote and rural areas.

*Regional Skills Alliances:* Throughout the nation, high-tech companies often consider recruiting employees from overseas because a shortage of information technology workers remains a significant problem throughout the state. Too many small firms do not have the resources to train the workers they need. This proposal creates Regional Skills Alliances to bring businesses, schools, and community college together to help create effective programs to ensure workers have the training needed to compete in the new economy. Without some kind of support to create alliances, small firms just don't have the time or resources to collaborate with anybody on training. In fact, almost all existing RSA's report that they would not have been able to get off the ground without an

independent, staffed entity to operate the alliance.

**Entrepreneurial Incubators:** This initiative would help entrepreneurs who have good ideas but cannot afford lawyers and consultants to access the help they need with legal complexities such as preparing corporate charters, partnership agreements, contracts, patent and intellectual property rules, and basic marketing strategies. This will especially help areas where universities can be key collaborators in entrepreneurial incubators. This proposal would initially invest \$50 million and up to \$200 million the following years, to increase business incubators nationally by a third.

[From the Associated Press]  
HOW DOES UPSTATE KEEP BEST AND  
BRIGHTEST?  
(By Michael Hill)

ALBANY, NY.—Jaclyn Welcher's college degree turned out to be a one-way ticket out of upstate New York.

After graduating from Siena College near Albany in 1998, Welcher tried to apply her marketing and management degree to a job around her parents' home in Queensbury. It didn't work out.

"I said: 'There's no point in this at all,'" Welcher recalled. "I'm outta here!" Welcher—now 24 and working in Los Angeles—is far from the only twenty-something to leave upstate New York.

Young New Yorkers have long been leaving for bigger paychecks and jazzier lifestyles in places like Boston, Austin and Atlanta. The exodus is considered a serious problem because young people are a vital cog in local economies—they take entry-level jobs, spend money and add vibrancy to an area. Employers and local officials have become concerned enough to try out some new strategies to attract and retain young workers.

Updated U.S. Census figures tracking local population changes by age won't be available until later this year. However, interviews with recent college graduates, employers and local leaders across New York reveal a widespread perception that upstate areas struggle in the competition for young workers.

Part of the problem is higher salaries offered elsewhere for certain jobs. For instance, the mean 1998 salary for a computer engineer in Rochester area was \$54,910; it was \$62,930 in the Raleigh-Durham-Chapel Hill area of North Carolina, according to federal Bureau of Labor Statistics data.

Lower pay can be mitigated by a relatively inexpensive costs of living—three-bedroom houses in Buffalo or Syracuse areas can be purchased for under \$100,000. Albany Molecular Research Inc. Vice President James Grates said when he tells potential recruits in Berkeley that homes in the Albany area can go for \$90,000-\$110,000—two or three times less than similar houses in the Bay Area of California—"their jaws drop to the table."

But inexpensive housing is a bigger draw for workers ready to settle down and have a family. People in their 20s have been known to have other priorities—like being around other people in their 20s.

"California, Boston, Texas—they have some glitter to them. Fancy nightclubs, bars, sports bars, restaurants, entertainment . . . the perception is here we don't have as much of that," said Rochester Institute of Technology President Albert Simone.

Take Atlanta, where Jonathan Cancro reports that there are so many of his fellow University of Buffalo graduates that he's helping start a local chapter of the college's alumni association. One obvious sign of the Buffalo connection, Cancro said, is the number of bars catering to Bills fans.

"There are tons of people down here from New York," said the 30-year-old Long Island native. "Not just UB."

The twentysomething exodus has been serious enough to show up on some politicians' radar. Erie County Executive Joel Giambra ran a successful campaign in 1999 on the slogan "Keep Our Kids." Sen. Hillary Rodham Clinton also lamented the loss of young people from New York while on the campaign trail last year.

Employers have noticed too, and have tried to sweeten the pot for young people. A survey last year by the Business Council of New York State employers bumping up starting pay and hastening first raises.

Companies also are experimenting with benefits that might be attractive to younger, childless workers. Media Logic, a marketing and advertising firm in Albany, includes yoga and stress classes as part of its employees benefits package.

Meanwhile, business groups in several cities are strengthening their links to local colleges in hopes in grabbing graduates to fill job slots.

In Syracuse, the Metropolitan Development Association is spending \$550,000 in state grant money for summer internship programs aimed at keeping area college students in the region after graduation.

In Rochester, presidents of a number of area schools—including RIT, the University of Rochester and the state universities at Geneseo and Brockport—have met with local employers to find ways to make it easier for small- and medium-sized businesses to recruit local talent.

In Albany, the Center for Economic Growth plans to bring together business leaders, students and maybe even guidance counselors to start dialogues on what young graduates look for in an employer.

"To tell a 22-year-old freshly minted college graduate that the reason they should come to work for my company is because I have this incredible 401k plan—it's probably not going to raise their eyebrows and make them go 'Yahoo!'" said center President Kelly Lovell. Also, there are new signs of nightlife in many old upstate cities, be it brew pubs or couch-crammed coffee houses. Buffalo's Chippewa Street might be the most dramatic transformation—once notorious for its sex trade, it is now a gentrified strip packed with bars, dance clubs and restaurants.

Syracuse also is showing signs of rebirth, said super booster Jeff Brown. The 36-year-old lawyer is helping start a unique program to draw young people back to his hometown. Under the "Come Home to Syracuse" program volunteers will work off of alumni lists from local colleges and high schools, contacting young expatriates to see if they want to come back. The volunteers will help returnees network for jobs.

A web site is planned and there's already a toll-free number: 1-866-BAK-2SYR. Brown seems qualified for the job. He was once one of those young people who left, in his case for Washington D.C. Brown said he liked the hubbub but missed his home community. "At some point in your life," he said, "you realize there's something more to life than 20 different Ethiopian restaurants."

[From the New York Post, Mar. 1, 2001]  
NEW YORK'S JOB GROWTH AGAIN TOPS U.S.  
RATE

(By Kenneth Lovett)

ALBANY.—Spurred by a surge in New York City, job growth in the state surpassed the nation's average, for the second straight year, in 2000.

The total number of jobs in the state grew by 2.3 percent last year, compared with the

national average of 2.1 percent, the state Labor Department reported yesterday. New York's 4.2 percent unemployment rate in January matched the nation's for the first time in nearly a decade.

The city had a 5.6 percent unemployment rate in January, down from 5.9 percent in December and 6.4 percent last January.

Overall, New York had 7,168 million private-sector jobs in January, the highest number on record.

"Our policies have better positioned New York to fend off a national economic slowdown," Gov. Pataki said. Mayor Giuliani recently said the city was the "economic engine" for the state as a whole. The numbers seem to back him up.

New York City saw a 3.3-percent increase in jobs last year, by far the largest jump in the state.

Upstate saw 1.2 percent growth, significantly lower than the state average.

Large urban regions like Buffalo-Niagara Falls, Syracuse and Rochester saw jobs grow by only .3 percent, .9 percent and 1.1 percent, respectively.

The health of the upstate economy looms as a major issue in next year's gubernatorial race. Republican Rick Lazio drew heavy criticism last year when he downplayed the region's economic woes in his failed Senate bid against Hillary Rodham Clinton.

Democrats have already targeted the upstate economy as one of the primary issues they will use against Pataki next year.

Mr. BAUCUS. Mr. President, I rise today to discuss a growing crisis in America's rural communities. We live in a time of balanced budgets, large surpluses, record unemployment, and average wages rising across the country. However, this wealth is not universal across the United States. Our rural areas are suffering the exact opposite effect with large outmigration and negative job growth. My highest priority is reversing this trend, stimulating economic growth and bringing higher paying jobs to my home State of Montana. I am pleased to join Senator CLINTON in introducing economic development legislation that is targeted to the areas of greatest need, our rural communities.

Our Nation has enjoyed unparalleled economic prosperity during the past decade. However, the boom on Wall Street has not extended to Main Street, MT. The rural areas of America and Montana have endured increased unemployment, the loss of family farms, and the transition from a traditional economy based on natural resources to a new economy where information and technology are highly valued. The effects have been disastrous. Small businesses, which are essential components of community, have been driven under as people have been forced to make the most difficult choice of all and leave their home towns seeking a new and better paying job.

In Montana, the problems are actually worse. Statewide, we are suffering. Comparatively we rank forty-seventh in per-capita personal income and second in the number of people holding more than one job. With such a massive economic down-turn, State and local governments are left unable to assist in this economic transition simply due to a lack of funding. The private sector invests where it can, but

there is not a company in existence that could finance the investment necessary to bring essential technology to sparsely populated areas.

Many of our small towns are left without hope because they are faced with no alternative to the current situation. The tools that are necessary to compete in the new economy are just not available to rural communities and the means to attain them do not exist. If rural America is to survive, we are charged with finding a way for these communities to compete on an equal footing with the more populous areas of this country and the world.

That is the intent of the legislative package that we are introducing today. In the same spirit that brought electricity and basic telephone service to our rural communities, we propose a mechanism for bringing broadband capabilities, cutting-edge technology equipment, and incentives for bringing new business to communities and regions that have been left behind.

The issues addressed by this legislation strike to the heart of the most pressing problems in my home State of Montana. Especially in Eastern Montana, the so-called "Digital Divide" is very real and presents a significant obstacle to economic growth and prosperity. Specifically, the Broadband Deployment Initiative and the Technology Extension Program will not only provide an incentive to the private sector to bring cutting-edge technology to the most rural areas, they will also provide the technical expertise to allow small and medium businesses to use these new tools to their maximum potential. They will be fully equipped to compete in a global economy.

I look forward to seeing this bipartisan legislation through Congress and enacted into law. I encourage my colleagues to assist us in this endeavor. It is our duty to ensure that all regions of America have a chance to achieve economic prosperity and have access to the necessary instruments of success.

By Mr. DASCHLE (for himself, Mr. JOHNSON and Mr. HAGEL):

S. 434. A bill to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands; to the Committee on Indian Affairs.

Mr. DASCHLE. Mr. President, today I am joining with Senators TIM JOHNSON and CHUCK HAGEL to introduce legislation to compensate the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for losses the tribes suffered when the Fort Randall and Gavins Point dams were constructed on the Missouri River over four decades ago.

As a result of the construction of these dams, more than 3,259 acres of land owned by the Yankton Sioux Tribe were flooded or subsequently lost to erosion. Also, approximately 600 acres of land located near the Santee

village and 400 acres on the Niobrara Island of the Santee Sioux Tribe Indian Reservation were flooded. The flooding of these fertile lands struck a significant blow to the economies of these tribes, a loss for which they have never been adequately compensated. This legislation attempts to redress that unfortunate reality by providing the tribes resources to rebuild their infrastructure and strengthen their economies.

To appreciate fully the need for this legislation, it is important to understand history. The Fort Randall and Gavins Point dams were constructed in South Dakota pursuant to the Flood Control Act (58 Stat. 887) of 1944. That legislation authorized implementation of the Missouri River Basin Pick-Sloan Plan for water development and flood control for downstream states.

The Fort Randall dam, which was an integral part of the Pick-Sloan project, initially flooded 2,851 acres of tribal land, forcing the relocation and resettlement of numerous families, including the traditional and self-sustaining community of White Swan, one of the four major settlement areas on the reservation. On other reservations, such as Crow Creek, Lower Brule, Cheyenne River, Standing Rock and Fort Berthold, communities affected by the Pick-Sloan dams were relocated to higher ground. In contrast, the White Swan community was completely dissolved and its residents dispersed to whatever areas they could settle and start again.

The bill I am introducing today, the Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act, follows the precedent established over the last ten years by a series of laws that address similar claims by other tribes in South Dakota for losses caused by the Pick-Sloan dams. In 1992, Congress granted the Three Affiliated Tribes of Fort Berthold Reservation and the Standing Rock Sioux Tribe compensation for direct damages, including lost reservation infrastructure, relocation and resettlement expenses, the general rehabilitation of the tribes and unfulfilled government commitments regarding replacement facilities. In 1996, Congress enacted legislation compensating the Crow Creek tribe for its losses and in 1997 legislation was enacted to compensate the Lower Brule tribe. Last year, the Cheyenne River Sioux Tribe also received compensation.

The Yankton Sioux Tribe and Santee Sioux Tribe have not yet received fair compensation for their losses. Their time has come.

The flooding caused by the Pick-Sloan projects touched every aspect of life on the Yankton and Santee Sioux reservations, as large portions of their communities were forced to relocate wherever they could find shelter. These effects were never fully considered when the federal government was acquiring these lands or designing the Pick-Sloan projects.

The Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act represents an important element of our continuing effort to compensate fairly the tribes of the Missouri River Basin for the sacrifices they made decades ago for the construction of the dams. Passage of this legislation will not only right a historic wrong, but in doing so it will also improve the lives of Native Americans living on these reservations.

It took decades for Congress to recognize the government's unfulfilled federal obligation to compensate the tribes for the effects of the construction of the Fort Randall and Gavins Point dams. We cannot, of course, reclaim the productive lands lost to those projects which are now covered with water and return them to the tribes. We can, however, help replace the forsaken economic potential of those lands by providing resources to improve the infrastructure on the reservations. This approach, in turn, will enhance opportunities for economic development that will benefit all members of the tribe.

I strongly urge my colleagues to approve the Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act this year. Providing compensation to the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska for past economic harm inflicted by the federal government is long overdue, and further delay only compounds that harm. 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. 434

*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 "Yankton Sioux Tribe and Santee Sioux Tribe Equitable Compensation Act".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the "Pick-Sloan program")—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the waters impounded for the Fort Randall and Gavins Point projects of the Pick-Sloan program have inundated the fertile, wooded bottom lands along the Missouri River that constituted the most productive agricultural and pastoral lands of, and the homeland of, the members of the Yankton Sioux Tribe and the Santee Sioux Tribe;

(3) the Fort Randall project (including the Fort Randall Dam and Reservoir) overlies the western boundary of the Yankton Sioux Tribe Indian Reservation;

(4) the Gavins Point project (including the Gavins Point Dam and Reservoir) overlies

the eastern boundary of the Santee Sioux Tribe;

(5) although the Fort Randall and Gavins Point projects are major components of the Pick-Sloan program, and contribute to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water, the reservations of the Yankton Sioux Tribe and the Santee Sioux Tribe remain undeveloped;

(6) the United States Army Corps of Engineers took the Indian lands used for the Fort Randall and Gavins Point projects by condemnation proceedings;

(7) the Federal Government did not give Yankton Sioux Tribe and the Santee Sioux Tribe an opportunity to receive compensation for direct damages from the Pick-Sloan program, even though the Federal Government gave 5 Indian reservations upstream from the reservations of those Indian tribes such an opportunity;

(8) the Yankton Sioux Tribe and the Santee Sioux Tribe did not receive just compensation for the taking of productive agricultural Indian lands through the condemnation referred to in paragraph (6);

(9) the settlement agreement that the United States entered into with the Yankton Sioux Tribe and the Santee Sioux Tribe to provide compensation for the taking by condemnation referred to in paragraph (6) did not take into account the increase in property values over the years between the date of taking and the date of settlement; and

(10) in addition to the financial compensation provided under the settlement agreements referred to in paragraph (9)—

(A) the Yankton Sioux Tribe should receive an aggregate amount equal to \$23,023,743 for the loss value of 2,851.40 acres of Indian land taken for the Fort Randall Dam and Reservoir of the Pick-Sloan program; and

(B) the Santee Sioux Tribe should receive an aggregate amount equal to \$4,789,010 for the loss value of 593.10 acres of Indian land located near the Santee village.

### SEC. 3. DEFINITIONS.

In this Act:

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

(2) SANTEE SIOUX TRIBE.—The term “Santee Sioux Tribe” means the Santee Sioux Tribe of Nebraska.

(3) YANKTON SIOUX TRIBE.—The term “Yankton Sioux Tribe” means the Yankton Sioux Tribe of South Dakota.

### SEC. 4. YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Yankton Sioux Tribe Development Trust Fund” (referred to in this section as the “Fund”). The Fund shall consist of any amounts deposited in the Fund under this Act.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) \$23,023,743; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury’s judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

### (d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

### (2) PAYMENTS TO SANTEE SIOUX TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Santee Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Santee Sioux Tribe has adopted a tribal plan under section 6.

(C) USE OF PAYMENTS BY SANTEE SIOUX TRIBE.—The Santee Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 6.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

### SEC. 6. TRIBAL PLANS.

(a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the tribal council of each of the Yankton Sioux and Santee Sioux Tribes shall prepare a plan for the use of the payments to the tribe under section 4(d) or 5(d) (referred to in this subsection as a “tribal plan”).

(b) CONTENTS OF TRIBAL PLAN.—Each tribal plan shall provide for the manner in which the tribe covered under the tribal plan shall expend payments to the tribe under subsection (d) to promote—

(1) economic development;

(2) infrastructure development;

(3) the educational, health, recreational, and social welfare objectives of the tribe and its members; or

(4) any combination of the activities described in paragraphs (1), (2), and (3).

### (c) TRIBAL PLAN REVIEW AND REVISION.

(1) IN GENERAL.—Each tribal council referred to in subsection (a) shall make available for review and comment by the members of the tribe a copy of the tribal plan for the Indian tribe before the tribal plan becomes final, in accordance with procedures established by the tribal council.

(2) UPDATING OF TRIBAL PLAN.—Each tribal council referred to in subsection (a) may, on an annual basis, revise the tribal plan prepared by that tribal council to update the tribal plan. In revising the tribal plan under this paragraph, the tribal council shall provide the members of the tribe opportunity to review and comment on any proposed revision to the tribal plan.

(3) CONSULTATION.—In preparing the tribal plan and any revisions to update the plan, each tribal council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

### (4) AUDIT.—

(A) IN GENERAL.—The activities of the tribes in carrying out the tribal plans shall be audited as part of the annual single-agency audit that the tribes are required to prepare pursuant to the Office of Management and Budget circular numbered A-133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by each tribe under this section for the period covered by the audits were expended to carry out the respective tribal plans in a manner consistent with this section; and

(ii) include in the written findings of the audits the determinations made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audits described in subparagraph (A) shall be inserted in the published minutes of each tribal council's proceedings for the session at which the audit is presented to the tribal councils.

(d) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this Act may be distributed to any member of the Yankton Sioux Tribe or the Santee Sioux Tribe of Nebraska on a per capita basis.

**SEC. 7. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.**

(a) IN GENERAL.—No payment made to the Yankton Sioux Tribe or Santee Sioux Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Yankton Sioux Tribe or Santee Sioux Tribe is otherwise entitled because of the status of the tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of a tribe under paragraph (1) is entitled because of the status of the individual as a member of the tribe.

(b) EXEMPTIONS FROM TAXATION.—No payment made pursuant to this Act shall be subject to any Federal or State income tax.

(c) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.

**SEC. 8. STATUTORY CONSTRUCTION.**

Nothing in this Act may be construed as diminishing or affecting any water right of an Indian tribe, except as specifically provided in another provision of this Act, any treaty right that is in effect on the date of enactment of this Act, any authority of the Secretary of the Interior or the head of any other Federal agency under a law in effect on the date of enactment of this Act.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act, including such sums as may be necessary for the administration of the Yankton Sioux Tribe Development Trust Fund under section 4 and the Santee Sioux Tribe of Nebraska Development Trust Fund under section 5.

**SEC. 10. EXTINGUISHMENT OF CLAIMS.**

Upon the deposit of funds under sections 4(b) and 5(b), all monetary claims that the Yankton Sioux Tribe or the Santee Sioux Tribe of Nebraska has or may have against the United States for loss of value or use of land related to lands described in section 2(a)(10) resulting from the Fort Randall and Gavins Point projects of the Pick-Sloan Missouri River Basin program shall be extinguished.

By Mrs. BOXER (for herself and Mr. GRAMM):

S. 435. A bill to provide that the annual drug certification procedures under the Foreign Assistance Act of 1961 not apply to certain countries with which the United States has bilateral agreements and other plans relating to counterdrug activities, and for other purposes; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, over the last several years, Congress has had no good options when it comes to the certification of major drug producing and drug transit countries. This has been most apparent in our annual debate

over the certification of Mexico's efforts in combating illicit drugs.

Certifying Mexico has been very difficult to do in light of the upsetting statistics showing that Mexico is a major point of production and transit for drugs entering the United States. I have also been, and continue to be, concerned about the influence of powerful drug cartels in Mexico. In fact, in 1998, I joined 44 other Senators in voting in favor of decertifying Mexico.

Nevertheless, I join many of my colleagues in the belief that the certification process does not work as it was intended. In some cases, what we have now is the worst of both worlds. The certification process subjects some of our closest allies and trading partners to an annual ritual of finger-pointing and humiliation rather than supporting mutual efforts to control illicit drugs.

Today, Senator GRAMM and I are reintroducing legislation which we hope will lead to a more honest and realistic way of addressing the international drug problem. By replacing confrontation with cooperation, we are encouraging nations to join the United States in fighting drugs while eliminating a process which strains our relations with allies such as Mexico.

Our legislation would exempt from the certification process those countries that have a bilateral agreement with the United States. These agreements would have to address issues relating to the control of illicit drugs—including production, distribution, interdiction, demand reduction, border security, and cooperation among law enforcement agencies.

This alternative will give both countries a way to work together for real goals with real results. Make no mistake, this will not give Mexico or any other country a free pass on fighting illicit drugs. On the contrary, our bill encourages the adoption of tough bilateral agreements. It specifically spells out issues that must be addressed in the agreements.

We specifically require the adoption of "timetables and objective and measurable standards." And we require semi-annual reports assessing the progress of both countries under the bilateral agreement. If progress is not made, the country returns to the annual certification process, which involves the possibility of sanctions.

This issue is particularly important to those of us from border states, which are hit so hard by the traffic in illegal drugs. I look forward to working with my colleagues on a bipartisan and comprehensive solution.

By Mr. KOHL (for himself, Mr. CHAFEE, Mrs. BOXER, Mr. DURBIN, Mr. SCHUMER, Mr. REED, Mr. KERRY, and Mr. CORZINE):

S. 436. A bill to amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun and provide safety standards for

child safety locks; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, today I introduce the Child Safety Lock Act of 2001, along with Senators CHAFEE, DURBIN, SCHUMER, REED, CORZINE, BOXER and KERRY. Our bipartisan measure will save children's lives by reducing the senseless tragedies that result when children get their hands on improperly stored and unlocked handguns.

Each year, teenagers and children are involved in more than 10,000 accidental shootings in which close to 800 people die. In addition, every year 1,300 children use firearms to commit suicide. Safety locks can be effective in deterring some of these incidents and in preventing others.

The sad truth is that we are inviting disaster every time an unlocked gun is stored but is still easily accessible to children. In fact, guns are kept in 43 percent of American households with children. In 23 percent of the gun households, the guns are kept loaded. And, in one out of every eight of those homes the guns are left unlocked.

That is wrong. It is unacceptable. But these cold statistics do not begin to describe in human terms the daily tragedies that could be prevented by the use of a safety lock.

Take, for example, the story of a teenage girl in Milwaukee last year who was killed when the gun her boyfriend found accidentally went off, shooting her in the chest. A lock certainly would have prevented this tragedy. A lock would have also saved both the three-year-old in New Orleans who shot himself in the head with his mother's gun two months ago or the two-year-old boy who shot himself in the forehead with his mother's pistol in Pennsylvania last October. Of course, no one will ever forget the story of six-year-old Kayla Rolland in Michigan killed last year by a classmate who had brought a gun to school. The stories could go on for pages, each more tragic than the last, but the most tragic fact of all is that many of them were entirely preventable.

Our legislation will help address this problem. It is simple, effective and straightforward. It requires that a child safety device, or trigger lock, be sold with every handgun. These devices vary in form, but the most common resemble a padlock that wraps around the gun trigger and immobilizes it. Trigger locks are already used by tens of thousands of responsible gun owners to protect their firearms from unauthorized use, and they can be purchased in virtually any gun store for less than ten dollars.

This year, for the first time, this child safety lock bill includes standards for the safety locks, building on the work of Senator KERRY on this issue. A recent study by the Consumer Product Safety Commission and a recent recall by the safety lock manufacturers conclusively demonstrates that child safety locks are not being made

well enough. A lock that is easily picked or one that breaks apart with little force defeats the safety purpose of this bill. We wouldn't use a lock that is less than foolproof to guard our most valuable possessions. We shouldn't use defective locks to protect what is most valuable to us—our children.

A child safety lock provision passed the Senate by an overwhelming vote of 78–20 last session as an amendment during the juvenile justice debate. This proposal is as popular with the rest of the country and the law enforcement community as it was with the last Senate. Polls show that between 75 and 80 percent of the American public, including gun owners, favor the mandatory sale of child safety locks with guns. When I surveyed almost 500 of Wisconsin's police chiefs and sheriffs last summer, approximately 90 percent responded that child safety locks should be sold with each gun.

In addition, according to published reports from last year's campaign, President Bush indicated that he supports the idea of mandatory child safety locks and would sign a bill that required the sale of a child safety lock with all new handguns. Attorney General Ashcroft confirmed that the administration supports the mandatory sale of child safety locks during his confirmation hearings before the Senate Judiciary Committee earlier this year.

This legislation is necessary to ensure that safety locks are provided with all handguns and to keep the pressure on handgun manufacturers to put safety first. We already protect children by requiring that seat belts be installed in all automobiles and that childproof safety caps be provided on medicine bottles. We should be no less vigilant when it comes to gun safety.

I ask unanimous consent that the full 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. 436

*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 "Child Safety Lock Act of 2001".

**SEC. 2. REQUIREMENT OF CHILD HANDGUN SAFETY LOCKS.**

(a) **DEFINITIONS.**—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(35) The term 'locking device' means a device or locking mechanism—

“(A) that—

“(i) if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock, is designed to prevent the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically, or electromechanically operated combination lock;

“(ii) if incorporated into the design of a firearm, is designed to prevent discharge of the firearm by any person who does not have

access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm; or

“(iii) is a safe, gun safe, gun case, lock box, or other device that is designed to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means; and

“(B) that is approved by a licensed firearms manufacturer for use on the handgun with which the device or locking mechanism is sold, delivered, or transferred.”.

**(b) UNLAWFUL ACTS.—**

(1) **IN GENERAL.**—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

**“(z) LOCKING DEVICES.—**

“(1) **IN GENERAL.**—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun.

“(2) **EXCEPTIONS.**—Paragraph (1) does not apply to—

**“(A) the—**

“(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a firearm; or

“(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a firearm for law enforcement purposes (whether on or off duty); or

“(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a firearm for purposes of law enforcement (whether on or off duty).”.

(2) **EFFECTIVE DATE.**—Section 922(y) of title 18, United States Code, as added by this subsection, shall take effect 180 days after the date of enactment of this Act.

**(c) LIABILITY; EVIDENCE.—**

(1) **LIABILITY.**—Nothing in this section shall be construed to—

(A) create a cause of action against any firearms dealer or any other person for any civil liability; or

(B) establish any standard of care.

(2) **EVIDENCE.**—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this section.

(3) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(y) of that title.

(d) **CIVIL PENALTIES.**—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

**“(p) PENALTIES RELATING TO LOCKING DEVICES.—**

**“(1) IN GENERAL.—**

“(A) **SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.**—With respect to each violation of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for hearing—

“(i) suspend or revoke any license issued to the licensee under this chapter; or

“(ii) subject the licensee to a civil penalty in an amount equal to not more than \$10,000.

“(B) **REVIEW.**—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

“(2) **ADMINISTRATIVE REMEDIES.**—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.”.

**SEC. 3. AMENDMENT OF CONSUMER PRODUCT SAFETY ACT.**

(a) **IN GENERAL.**—The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end thereof the following:

**“SEC. 38. CHILD HANDGUN SAFETY LOCKS.**

“(a) **ESTABLISHMENT OF STANDARD.**—

“(1) **IN GENERAL.**—

“(A) **RULEMAKING REQUIRED.**—Notwithstanding section 3(a)(1)(E) of this Act, the Commission shall initiate a rulemaking proceeding under section 553 of title 5, United States Code, within 90 days after the date of enactment of the Child Safety Lock Act of 2001 to establish a consumer product safety standard for locking devices. The Commission may extend the 90-day period for good cause. Notwithstanding any other provision of law, including chapter 5 of title 5, United States Code, the Commission shall promulgate a final consumer product safety standard under this paragraph within 12 months after the date on which it initiated the rulemaking. The Commission may extend that 12-month period for good cause. The consumer product safety standard promulgated under this paragraph shall take effect 6 months after the date on which the final standard is promulgated.

“(B) **STANDARD REQUIREMENTS.**—The standard promulgated under subparagraph (A) shall require locking devices that—

“(i) are sufficiently difficult for children to de-activate or remove; and

“(ii) prevent the discharge of the handgun unless the locking device has been de-activated or removed.

“(2) **CERTAIN PROVISIONS NOT TO APPLY.**—

“(A) **PROVISIONS OF THIS ACT.**—Sections 7, 9, and 30(d) of this Act do not apply to the rulemaking proceeding under paragraph (1). Section 11 of this Act does not apply to any consumer product safety standard promulgated under paragraph (1).

“(B) **CHAPTER 5 OF TITLE 5.**—Except for section 553, chapter 5 of title 5, United States Code, does not apply to this section.

“(C) **CHAPTER 6 OF TITLE 5.**—Chapter 6 of title 5, United States Code, does not apply to this section.

“(D) **NATIONAL ENVIRONMENTAL POLICY ACT.**—The National Environmental Policy Act of 1969 (42 U.S.C. 4321) does not apply to this section.

“(b) **NO EFFECT ON STATE LAW.**—Notwithstanding section 26 of this Act, this section does not annul, alter, impair, affect, or exempt any person subject to the provisions of this section from complying with any provision of the law of any State or any political subdivision thereof, except to the extent that such provisions of State law are inconsistent with any provision of this section, and then only to the extent of the inconsistency. A provision of State law is not inconsistent with this section if such provision affords greater protection to children in respect of handguns than is afforded by this section.

“(c) **ENFORCEMENT.**—Notwithstanding subsection (a)(2)(A), the consumer product safety standard promulgated by the Commission under subsection (a) shall be enforced under this Act as if it were a consumer product safety standard described in section 7(a).

“(d) **DEFINITIONS.**—In this section:

“(1) **CHILD.**—The term 'child' means an individual who has not attained the age of 13 years.

“(2) LOCKING DEVICE.—The term ‘locking device’ has the meaning given that term in clauses (i) and (iii) of section 921(a)(35)(A) of title 18, United States Code.”.

(b) CONFORMING AMENDMENT.—Section 1 of the Consumer Product Safety Act is amended by adding at the end of the table of contents the following:

“Sec. 38. Child handgun safety locks.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Consumer Product Safety Commission \$2,000,000 to carry out the provisions of section 38 of the Consumer Product Safety Act, such sums to remain available until expended.

By Mr. DEWINE (for himself, Mr. DODD, Mrs. MURRAY, and Mr. GRASSLEY):

S. 437. A bill to revise and extend the Safe and Drug-Free Schools and Communities Act of 1994; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 437

*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 “Safe and Drug-Free Schools and Communities Reauthorization Act”.

**SEC. 2. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.**

Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is amended to read as follows:

**“TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES**

**“SEC. 4001. SHORT TITLE.**

“This part may be cited as the ‘Safe and Drug-Free Schools and Communities Act of 1994’.

**“SEC. 4002. FINDINGS.**

“Congress makes the following findings:

“(1) Every student should attend a school in a drug- and violence-free learning environment.

“(2) The widespread illegal use of alcohol and drugs among the Nation’s secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to such students’ physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

“(3) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, positive school outcomes, and to reduce the demand for and illegal use of alcohol, tobacco and drugs throughout the Nation. Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together to combat the continuing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

“(4) Drug and violence prevention programs are most effective when implemented within a research-based, drug and violence

prevention framework of proven effectiveness.

“(5) Research clearly shows that community contexts contribute to substance abuse and violence.

“(6) Substance abuse and violence are intricately related and must be dealt with in a holistic manner.

“(7) Research has documented that parental behavior and environment directly influence a child’s inclination to use alcohol, tobacco or drugs.

**“SEC. 4003. PURPOSE.**

“The purpose of this part is to support programs that prevent violence in and around schools and prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related Federal, State, school, and community efforts and resources, through the provision of Federal assistance to—

“(1) States for grants to local educational agencies and educational service agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools for the development and implementation of policies that set clear and appropriate standards regarding the illegal use of alcohol, tobacco and drugs, and for violent behavior (including intermediate and junior high schools);

“(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention including community mobilization, early intervention, rehabilitation referral, and education;

“(3) States for development, training, technical assistance, and coordination activities; and

“(4) public and private nonprofit organizations to provide technical assistance, conduct training, demonstrations, and evaluation, and to provide supplementary services and community mobilization activities for the prevention of drug use and violence among students and youth.

**“SEC. 4004. FUNDING.**

“There are authorized to be appropriated—

“(1) \$700,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years, for State grants under part A;

“(2) \$150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years, for national programs under part B; and

“(3) \$75,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years, for the National Coordinator Initiative under section 4122.

**“PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS**

**“SEC. 4111. RESERVATIONS AND ALLOTMENTS.**

“(a) RESERVATIONS.—From the amount made available under section 4004(1) to carry out this part for each fiscal year, the Secretary—

“(1) shall reserve 1 percent of such amount for grants under this part to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary’s determination of their respective needs;

“(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

“(3) may reserve not more than \$2,000,000 for the national impact evaluation required by section 4117(a); and

“(4) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 4118.

**“(b) STATE ALLOTMENTS.**

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

“(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

“(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

“(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

“(3) REALLOTMENT.—The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallocations shall be made on the same basis as allotments are made under paragraph (1).

**“(4) DEFINITIONS.**—In this subsection:

“(A) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(B) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ includes educational service agencies and consortia of such agencies.

“(C) LIMITATION.—Amounts appropriated under section 4004(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4004(1) for the fiscal year involved are at least 10 percent greater than the amounts appropriated under such section 4004(1) for the previous fiscal year.

**“SEC. 4112. STATE APPLICATIONS.**

“(a) IN GENERAL.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

“(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer to provide safe, orderly, and drug-free schools and communities;

“(2) contains the results of the State’s needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities and the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

“(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State educational agency were developed together, with each such officer or State representative, in consultation and coordination with appropriate State officials and others, including the chief State school officer, the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

“(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4117(a);

“(5) contains assurances that the State education agency and the Governor will develop their respective applications in consultation with an advisory council that includes, to the extent practicable, representatives from school districts, businesses, parents, youth, teachers, administrators, pupil services personnel, private schools, appropriate State agencies, community-based organization, the medical profession, law enforcement, the faith-based community and other groups with interest and expertise in alcohol, tobacco, drug, and violence prevention;

“(6) contains assurances that the State education agency and the Governor involve the representatives described in paragraph (5), on an ongoing basis, to review program evaluations and other relevant material and make recommendations to the State education agency and the Governor on how to improve their respective alcohol, tobacco, drug, and violence prevention programs;

“(7) contains a list of the State's results-based performance measures for drug and violence prevention, that shall—

“(A) be focused on student behavior and attitudes and be derived from the needs assessment;

“(B) include targets and due dates for the attainment of such performance measures; and

“(C) include a description of the procedures that the State will use to inform local educational agencies of such performance measures for assessing and publicly reporting progress toward meeting such measures or revising them as needed; and

“(8) includes any other information the Secretary may require.

“(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4113(a) by the State educational agency that includes—

“(1) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4116

“(2) a description of how the State educational agency will use funds under section 4113(b), including how the agency will receive input from parents regarding the use of such funds;

“(3) a description of how the State educational agency will coordinate such agency's activities under this part with the chief executive officer's drug and violence prevention programs under this part and with the prevention efforts of other State agencies; and

“(4) a description of the procedures the State educational agency will use to review applications from and allocate funding to local educational agencies under section 4115 and how such review will receive input from parents.

“(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4114(a) by the chief executive officer that includes, with respect to each activity to be carried out by the State—

“(1) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

“(2) a description of how funds reserved under section 4114(a) will be used so as not to duplicate the efforts of the State educational

agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

“(3) a description of how the chief executive officer will award funds under section 4114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

“(4) a description of the special outreach activities that will be carried out to maximize the participation of community-based nonprofit organizations of demonstrated effectiveness which provide services in low-income communities;

“(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning and community mobilization activities; and

“(6) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).

“(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

“(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 2001 a 1-year interim application and plan for the use of funds under this part that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this part for a fiscal year subsequent to fiscal year 2001 unless the Secretary has approved such State's application and comprehensive plan in accordance with this part.

#### SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

“(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

“(b) STATE LEVEL PROGRAMS.—

“(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

“(A) voluntary training and technical assistance concerning drug and violence prevention for local educational agencies and educational service agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

“(B) the development, identification, dissemination, and evaluation of the most readily available, accurate, and up-to-date drug and violence prevention curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

“(C) making available to local educational agencies cost effective research-based programs for youth violence and drug abuse prevention;

“(D) demonstration projects in drug and violence prevention, including service-learning projects;

“(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

“(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this part; and

“(G) the evaluation of activities carried out within the State under this part.

“(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

“(c) STATE ADMINISTRATION.—

“(1) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

“(2) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—In carrying out its responsibilities under this part, a State shall implement a uniform management information and reporting system that includes information on the types of curricula, programs and services provided by the State, Governor, local education agencies, and other recipients of funds under this title.

“(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

“(1) IN GENERAL.—A State educational agency shall distribute not less than 91 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

“(2) DISTRIBUTION.—A State educational agency shall distribute amounts under paragraph (1) in accordance with any one of the following subparagraphs:

“(A) ENROLLMENT AND COMBINATION APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

“(i) at least 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

“(ii) not to exceed 30 percent of any amounts remaining after amounts are distributed under clause (i)—

“(I) to each local educational agency in an amount determined appropriate by the State education agency; or

“(II) to local educational agencies that the State education agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this part.

“(B) COMPETITIVE AND NEED APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

“(i) not to exceed 70 percent of such amount to local educational agencies that the State agency determines, through a competitive process, have the greatest need for funds to carry out drug and violence prevention programs based on criteria established by the State agency and authorized under this part; and

“(ii) at least 30 percent of any amounts remaining after amounts are distributed under clause (i) to local education agencies that the State agency determines have a need for additional funds to carry out the program authorized under this part.

“(3) CONSIDERATION OF OBJECTIVE DATA.—For purposes of paragraph (2), in determining which local educational agencies have the greatest need for funds, the State educational agency shall consider objective data which may include—

“(A) high or increasing rates of alcohol or drug use among youth;

“(B) high or increasing rates of victimization of youth by violence and crime;

“(C) high or increasing rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

“(D) the extent of illegal gang activity;

“(E) high or increasing incidence of violence associated with prejudice and intolerance;

“(F) high or increasing rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

“(G) high or increasing rates of referrals of youths to juvenile court;

“(H) high or increasing rates of expulsions and suspensions of students from schools;

“(I) high or increasing rates of reported cases of child abuse and domestic violence; and

“(J) high or increasing rates of drug related emergencies or deaths.

“(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 4115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

“(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—

“(1) RETURN.—Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency or educational service agency under this title receives its allocation under this title—

“(A) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

“(B) the State educational agency shall reallocate any such amount to local educational agencies or educational service agencies that have plans for using such amount for programs or activities on a timely basis.

“(2) REALLOCATION.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

“(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

“(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

#### SEC. 4114. GOVERNOR'S PROGRAMS.

“(a) USE OF FUNDS.—

“(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 4111(b)(1) for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

“(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the 20 percent described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section. The chief executive officer of a State may use amounts under this paragraph to award grants to State, county, or local law enforcement agencies, including district attorneys, in consultation with local education agencies or community-based agencies, for the purposes of carrying out drug abuse and violence prevention activities.

“(b) STATE PLAN.—Amounts shall be used under this section in accordance with a State plan submitted by the chief executive officer of the State. Such State plan shall contain—

“(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among

students who attend schools in the State (including private school students who participate in the State's drug and violence prevention programs) that is based on ongoing local assessment or evaluation activities;

“(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in schools and communities in the State;

“(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

“(A) a specification of the objectively measurable goals, objectives, and activities for the program;

“(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

“(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

“(4) a specification for the method or methods by which measurements of program goals will be achieved; and

“(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program.

“(c) PROGRAMS AUTHORIZED.—

“(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) directly for grants to or contracts with parent groups, schools, community action and job training agencies, community-based organizations, community anti-drug coalitions, law enforcement education partnerships, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (d) for—

“(A) children and youth who are not normally served by State or local educational agencies; or

“(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

“(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

“(d) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (c) shall be used to carry out the comprehensive State plan as required under section 4112(a)(1) through programs and activities such as—

“(1) disseminating information about drug and violence prevention;

“(2) the voluntary training of parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, or rehabilitation referral;

“(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, service-learning, mentoring, and other appropriate services;

“(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

“(5) activities to protect students traveling to and from school;

“(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

“(7) activities that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

“(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

“(9) developing and implementing strategies to prevent illegal gang activity;

“(10) coordinating and conducting school and community-wide violence and safety and drug abuse assessments and surveys;

“(11) service-learning projects that encourage drug- and violence-free lifestyles;

“(12) evaluating programs and activities assisted under this section;

“(13) developing and implementing community mobilization activities to undertake environmental change strategies related to substance abuse and violence; and

“(14) partnerships between local law enforcement agencies, including district attorneys, and local education agencies or community-based agencies.

#### SEC. 4115. LOCAL APPLICATIONS.

“(a) APPLICATION REQUIRED.—

“(1) IN GENERAL.—In order to be eligible to receive a distribution under section 4113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

“(2) DEVELOPMENT.—

“(A) CONSULTATION.—A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

“(B) DUTIES OF ADVISORY COUNCIL.—In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under subparagraph (A) shall, on an ongoing basis—

“(i) disseminate information about research-based drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

“(ii) advise the local educational agency regarding how best to coordinate such agency's activities under this part with other related programs, projects, and activities;

“(iii) ensure that a mechanism is in place to enable local educational agencies to have access to up-to-date information concerning the agencies that administer related programs, projects, and activities and any changes in the law that alter the duties of the local educational agencies with respect to activities conducted under this part; and

“(iv) review program evaluations and other relevant material and make recommendations on an active and ongoing basis to the local educational agency on how to improve such agency's drug and violence prevention programs.

“(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

“(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among

students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

“(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

“(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

“(A) a specification of the objectively measurable goals, objectives, and activities for the program, which shall include—

“(i) reductions in the use of alcohol, tobacco, and illicit drugs and violence by youth;

“(ii) specific reductions in the prevalence of identified risk factors;

“(iii) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; or

“(iv) other research-based goals, objectives, and activities that are identified as part of the application that are not otherwise covered under clauses (i) through (iii);

“(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

“(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

“(4) a specification for the method or methods by which measurements of program goals will be achieved;

“(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program;

“(6) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

“(A) appropriate and effective discipline policies that prohibit disorderly conduct, the possession of firearms and other weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

“(B) security procedures at school and while students are on the way to and from school;

“(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments; and

“(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

“(7) such other information and assurances as the State educational agency may reasonably require.

“(c) REVIEW OF APPLICATION.—

“(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

“(2) CONSIDERATIONS.—

“(A) IN GENERAL.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(6) and the extent to which the proposed plan provides a thorough assessment of the substance abuse and violence problem, uses objective data and the knowledge of a wide range of community members, develops measurable goals and objectives, and implements research-based programs that have been shown to be effective and meet identified needs.

“(B) DISAPPROVAL.—A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

“SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

“(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this part to adopt and carry out a comprehensive drug and violence prevention program which shall—

“(1) be designed, for all students and school employees, to—

“(A) prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by school employees;

“(B) prevent violence and promote school safety; and

“(C) create a disciplined environment conducive to learning;

“(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this part;

“(3) implement activities which shall only include—

“(A) a thorough assessment of the substance abuse violence problem, using objective data and the knowledge of a wide range of community members;

“(B) the development of measurable goals and objectives;

“(C) the implementation of research-based programs that have been shown to be effective and meet identified goals; and

“(D) an evaluation of program activities; and

“(4) implement prevention programming activities within the context of a research-based prevention framework.

“(b) USE OF FUNDS.—A comprehensive, age-appropriate, developmentally-, and research-based drug and violence prevention program carried out under this part may include—

“(1) drug or violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs or violence, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

“(2) programs of drug or violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

“(A) the dissemination of information about drug or violence prevention;

“(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

“(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as—

“(i) family counseling; and

“(ii) activities, such as community service and service-learning projects, that are de-

signed to increase students' sense of community;

“(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence, or otherwise decrease the prevalence of risk factors or increase the prevalence of protective factors, buffers, or assets in the community;

“(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

“(A) the dissemination of information about school safety and discipline;

“(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

“(C) the implementation of strategies, such as conflict resolution and peer mediation, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies), and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse; and

“(D) the development and implementation of character education programs, as a component of a comprehensive drug or violence prevention program, that are tailored by communities, parents and schools; and

“(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities and drug use;

“(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

“(6) the acquisition or hiring of school security equipment, technologies, personnel, or services such as—

“(A) metal detectors;

“(B) electronic locks;

“(C) surveillance cameras; and

“(D) other drug and violence prevention-related equipment and technologies;

“(7) professional development for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

“(8) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

“(9) other research-based prevention programming that is—

“(A) effective in reducing the prevalence of alcohol, tobacco or drug use, and violence in youth;

“(B) effective in reducing the prevalence of risk factors predictive of increased alcohol, tobacco or drug use, and violence; or

“(C) effective in increasing the prevalence of protective factors, buffers, and assets predictive of decreased alcohol, tobacco or drug use and violence among youth;

“(10) the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives;

“(11) community involvement activities including community mobilization;

“(12) voluntary parental involvement and training;

“(13) the evaluation of any of the activities authorized under this subsection;

“(14) the provision of mental health counseling (by qualified counselors) to students for drug or violence related problems;

“(15) consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and

“(16) the conduct of a nationwide background check of each local educational agency employee (regardless of when hired) and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's or prospective employee's fitness—

“(A) to have responsibility for the safety or well-being of children;

“(B) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

“(C) to otherwise be employed at all by the local educational agency.

“(c) LIMITATIONS.—

“(1) IN GENERAL.—Not more than 20 percent of the funds made available to a local educational agency under this part may be used to carry out the activities described in paragraphs (5) and (6) of subsection (b).

“(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this part for activities described in paragraphs (5) and (6) of subsection (b) if funding for such activities is not received from other Federal agencies.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this part by any local educational agency or school for the establishment or implementation of a school uniform policy so long as such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other research-based information.

#### SEC. 4117. EVALUATION AND REPORTING.

“(a) IMPACT EVALUATION.—

“(1) BIENNIAL EVALUATION.—The Secretary, in consultation with the National Advisory Committee, shall conduct an independent biennial evaluation of the impact of programs assisted under this part and of other recent and new initiatives to combat violence in schools. The evaluation shall report on—

“(A) whether funded community and local education agency programs—

“(i) provided a thorough assessment of the substance abuse and violence problem;

“(ii) used objective data and the knowledge of a wide range of community members;

“(iii) developed measurable goals and objectives; and

“(iv) implemented research-based programs that have been shown to be effective and meet identified needs;

“(v) conducted periodic program evaluations to assess progress made towards achieving program goals and objectives and whether they used evaluations to improve program goals, objectives and activities;

“(B) whether funded community and local education agency programs have been designed and implemented in a manner that specifically targets, if relevant to the program—

“(i) research-based variables that are predictive of drug use or violence;

“(ii) risk factors that are predictive of an increased likelihood that young people will use drugs, alcohol or tobacco or engage in violence or drop out of school; or

“(iii) protective factors, buffers, or assets that are known to protect children and youth from exposure to risk, either by reducing the exposure to risk factors or by changing the way the young person responds to risk, and to increase the likelihood of positive youth development;

“(C) whether funded community and local education agency programs have appreciably reduced the level of drug, alcohol and tobacco use and school violence and the presence of firearms at schools; and

“(D) whether funded community and local educational agency programs have conducted effective parent involvement and voluntary training programs.

“(2) DATA COLLECTION.—The National Center for Education Statistics shall collect data to determine the incidence and prevalence of social disapproval of drug use and violence in elementary and secondary schools in the States.

“(3) BIENNIAL REPORT.—Not later than January 1, 2003, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under paragraph (1) together with the data collected under paragraph (2) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use in elementary and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection (b)(2)(B).

“(b) STATE REPORT.—

“(1) IN GENERAL.—By December 1, 2002, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

“(A) on the implementation and outcomes of State programs under section 4114 and section 4113(b) and local educational agency programs under section 4113(d), as well as an assessment of their effectiveness;

“(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 4112; and

“(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts.

“(2) SPECIAL RULE.—The report required by this subsection shall be—

“(A) in the form specified by the Secretary;

“(B) based on the State's ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

“(C) made readily available to the public.

“(c) LOCAL EDUCATIONAL AGENCY REPORT.—

“(1) IN GENERAL.—Each local educational agency receiving funds under this part shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (b), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.

“(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.

“(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (b), the Secretary shall provide to the State education agency all of the necessary documentation required for compliance with this section.

#### “SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.

“(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(4) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Native Hawaiians.

“(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

#### “PART B—NATIONAL PROGRAMS

##### “SEC. 4121. FEDERAL ACTIVITIES.

“(a) PROGRAM AUTHORIZED.—From funds made available to carry out this part under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels from preschool through the post-secondary level. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

“(1) the development and demonstration of innovative strategies for the voluntary training of school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

“(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

“(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

“(4) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary schoolchildren;

“(5) program evaluations in accordance with section 10201 that address issues not addressed under section 4117(a);

“(6) direct services to schools and school systems afflicted with especially severe drug and violence problems or to support crisis situations and appropriate response efforts;

“(7) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

“(8) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

“(9) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

“(10) the implementation of innovative activities, such as community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

“(11) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking;

“(12) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes; and

“(13) other activities that meet unmet national needs related to the purposes of this title.

“(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

**SEC. 4122. NATIONAL COORDINATOR PROGRAM.**

“(a) IN GENERAL.—From amounts available to carry out this section under section 4004(3), the Secretary shall provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local education agencies for the hiring of drug prevention and school safety program coordinators.

“(b) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used by local education agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug free grant program at such schools.

**“SEC. 4123. SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is hereby established an advisory committee to be known as the ‘Safe and Drug Free Schools and Communities Advisory Committee’ (referred to in this section as the ‘Advisory Committee’) to—

“(A) consult with the Secretary under subsection (b);

“(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

“(C) develop core data sets and evaluation protocols for safe and drug free school- and community-based programs;

“(D) provide technical assistance and training for safe and drug free school- and community-based programs;

“(E) provide for the diffusion of research-based safe and drug free school- and community-based programs; and

“(F) review other regulations and standards developed under this title.

“(2) COMPOSITION.—The Advisory Committee shall be composed of representatives from—

“(A) the Department of Education,

“(B) the Centers for Disease Control and Prevention;

“(C) the National Institute on Drug Abuse;

“(D) the National Institute on Alcoholism and Alcohol Abuse;

“(E) the Center for Substance Abuse Prevention;

“(F) the Center for Mental Health Services;

“(G) the Office of Juvenile Justice and Delinquency Prevention;

“(H) the Office of National Drug Control Policy; and

“(I) State and local governments, including education agencies.

“(3) CONSULTATION.—In carrying out its duties under this section, the Advisory Com-

mittee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

“(b) PROGRAMS.—

“(1) IN GENERAL.—From amounts made available under section 4004(2) to carry out this part, the Secretary, in consultation with the Advisory Committee, shall carry out research-based programs to strengthen the accountability and effectiveness of the State, Governor’s, and national programs under this title.

“(2) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and nonprofit private organizations and individuals or through agreements with other Federal agencies.

“(3) COORDINATION.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

“(4) ACTIVITIES.—Activities that may be carried out under programs funded under this section may include—

“(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State education agencies and local education agencies to support high quality, effective programs that—

“(i) provide a thorough assessment of the substance abuse and violence problem;

“(ii) utilize objective data and the knowledge of a wide range of community members;

“(iii) develop measurable goals and objectives; and

“(iv) implement research-based activities that have been shown to be effective and that meet identified needs;

“(B) the provision of technical assistance and training to foster program accountability;

“(C) the diffusion and dissemination of best practices and programs;

“(D) the development of core data sets and evaluation tools;

“(E) program evaluations;

“(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the Clearinghouse for Alcohol and Drug Abuse Information established under section 501(d)(16) of the Public Health Service Act; and

“(G) other activities that meet unmet needs related to the purposes of this title and that are undertaken in consultation with the Advisory Committee.

**“SEC. 4124. HATE CRIME PREVENTION.**

“(a) GRANT AUTHORIZATION.—From funds made available to carry out this part under section 4004(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

“(b) USE OF FUNDS.—

“(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

“(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

“(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

“(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

“(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

“(2) IN GENERAL.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

“(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

“(A) a request for funds for the purposes described in this section;

“(B) a description of the schools and communities to be served by the grants; and

“(C) assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

“(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

“(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

“(B) a description of the program to be developed or augmented by such Federal and matching funds;

“(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

“(D) proper and efficient administration of such program; and

“(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

“(C) AWARD OF GRANTS.—

“(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

“(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

“(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

“(4) REPORTS.—The Secretary shall submit to the Congress a report every two years which shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

**PART C—GENERAL PROVISIONS**

**“SEC. 4131. DEFINITIONS.**

“In this part:

“(1) COMMUNITY-BASED ORGANIZATION.—The term ‘community-based organization’ means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

“(2) DRUG AND VIOLENCE PREVENTION.—The term ‘drug and violence prevention’ means—

“(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

“(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco by children and youth eligible for services under this title; and

“(C) with respect to violence, the promotion of school safety, such that students

and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

“(3) HATE CRIME.—The term ‘hate crime’ means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

“(4) NONPROFIT.—The term ‘nonprofit’, as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

“(5) OBJECTIVELY MEASURABLE GOALS.—The term ‘objectively measurable goals’ means prevention programming goals defined through use of quantitative epidemiological data measuring the prevalence of alcohol, tobacco, and other drug use, violence, and the prevalence of risk and protective factors predictive of these behaviors, collected through a variety of methods and sources known to provide high quality data.

“(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms ‘protective factor’, ‘buffer’, and ‘asset’ mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illicit drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

“(7) RISK FACTOR.—The term ‘risk factor’ means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illicit drug use, as well as violent behavior, by youth in the school and community.

“(8) SCHOOL-AGED POPULATION.—The term ‘school-aged population’ means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

“(9) SCHOOL PERSONNEL.—The term ‘school personnel’ includes teachers, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

#### SEC. 4132. MATERIALS.

“(a) ‘ILLEGAL AND HARMFUL’ MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is illegal and harmful.

“(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

#### SEC. 4133. PROHIBITED USES OF FUNDS.

“No funds under this part may be used for—

“(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

“(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or drugs.

#### “SEC. 4134. QUALITY RATING.

“(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

“(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

“(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

“(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

“(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

“(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

“(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

“(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

“(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

“(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

“(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program school designation in accordance with this section.”

By Mr. DEWINE:

S. 438. A bill to improve the quality of teachers in elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 438

*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 “Teacher Quality Act of 2001”.

#### TITLE I—EISENHOWER NATIONAL CLEARINGHOUSE IMPROVEMENT

##### SEC. 101. FINDINGS AND PURPOSE.

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

(1) The most important education tool in any classroom is a qualified, highly trained teacher.

(2) The collection and effective dissemination of best practices in education is a pri-

mary responsibility of the Federal Government.

(3) The Eisenhower National Clearinghouse is the Nation’s repository of kindergarten through grade 12 instructional materials in mathematics and science education, and disseminates information about these materials in a user-friendly format for educators.

(4) The Eisenhower National Clearinghouse collaborates with the national network of Eisenhower Regional Mathematics and Science Education Consortia and the collaboration includes twelve demonstration sites throughout the Nation.

(5) Since 1992, the Eisenhower National Clearinghouse has distributed 3,714,807 CD-ROM’s and print publications. Products are distributed to every school building in the Nation, colleges of education, and various education groups and professional organizations. The Eisenhower National Clearinghouse has received over 40,000,000 hits to their web site since the creation of the web site in 1994. In addition, the Eisenhower National Clearinghouse has established over 100 access centers across the Nation to expand direct service to more teachers.

(b) PURPOSE.—The purpose of this title is—

(1) to expand the activities of the Eisenhower National Clearinghouse to include collecting and reviewing instructional and professional development materials and programs for language arts and social studies; and

(2) to require the Eisenhower National Clearinghouse to collect and analyze the materials and programs.

#### SEC. 102. EXPANDED ACTIVITIES.

(a) IN GENERAL.—Section 2102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6622(b)) is amended—

(1) in subsection (a)(2), by striking “for Mathematics and Science”;

(2) in subsection (b)—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking “and science” each place the term appears and inserting “, science, language arts, and social studies”;

(ii) in subparagraph (B), by striking “and science” and inserting “, science, language arts, and social studies”;

(iii) in subparagraph (D), by striking “and science” and inserting “, science, language arts, and social studies”; and

(iv) by amending subparagraph (F) to read as follows:

“(F) gather (in consultation with the Department, national teacher associations, professional associations, and other reviewers and developers of education materials and programs) qualitative and evaluative materials and programs for the Clearinghouse, review the evaluation of the materials and programs, rank the effectiveness of the materials and programs on the basis of the evaluations, and distribute the results of the reviews to teachers in an easily accessible manner, except that nothing in this subparagraph shall be construed to permit the Clearinghouse to directly conduct an evaluation of the materials or programs.”;

(B) in paragraph (4), by striking “or science” and inserting “, science, language arts, or social studies”; and

(C) by adding at the end the following:

“(9) EFFECTIVE USE OF TECHNOLOGY.—In reviewing evaluations of materials and programs under this subsection the Clearinghouse shall give particular attention to the effective use of education technology in mathematics, science, language arts, and social studies.”

(b) CONFORMING AMENDMENT.—Section 13302(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8672(10)) is amended by striking “Mathematics and Science”.

**TITLE II—TEACHER MENTORING****SEC. 201. FINDINGS AND PURPOSE.**

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

(1) The American teaching force is aging. The average school teacher was 43 years old in academic year 1993–1994, an increase of 3 years over the average age of school teachers in academic year 1987–1998. Nearly a quarter of American teachers are over 50 years old and nearing retirement.

(2) On average public school teachers have slightly more than 15 years teaching experience, and over a third of the public school teachers have 20 or more years of teaching experience.

(3) The experience of America's veteran teachers should be utilized to help introduce beginning teachers to the profession and to their new school.

(4) Retention of beginning teachers is a growing problem, with approximately 25 percent of beginning teachers leaving the teaching profession within their first 3 years in the classroom.

(b) PURPOSE.—The purpose of this title is to increase teacher retention and improve the support and performance of teachers by encouraging and assisting States to develop and operate mentoring programs for beginning teachers.

**SEC. 202. DEFINITIONS.**

The terms used in this title have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

**SEC. 203. GRANT PROGRAM.**

(a) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies to enable the State educational agencies to carry out mentoring programs under which public elementary school or secondary school teachers with more than 3 years teaching experience serve as mentor teachers to public elementary school or secondary school teachers with less than 3 years teaching experience.

(b) AMOUNT.—Each State educational agency having an application approved under subsection (d) for a fiscal year shall receive a grant in an amount that bears the same relation to the amount appropriated under subsection (f) for the fiscal year as the number of elementary school and secondary school students in the State for the fiscal year bears to the number of such students in all States for the fiscal year.

(c) REALLOCATION.—The amount of a State educational agency's grant that will not be used by the State educational agency for a fiscal year shall be reallocated to the other State educational agency in the same manner as grants are awarded under subsection (b).

(d) APPLICATION.—Each State educational agency that desires a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain an assurance that funds provided under this title will be used to supplement and not supplant State or local public funds available for teacher mentoring programs; and

(3) contain an assurance that the State educational agency consulted with local educational agencies, school superintendents, school boards, parents, and institutions of higher education in the design and implementation of the teacher mentoring program to be assisted.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this title \$5,000,000 for each of the fiscal years 2002 and 2003.

**TITLE III—ALTERNATIVE CERTIFICATION AND LICENSURE OF TEACHERS****SEC. 301. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) the measure of a good teacher is how much and how well the teacher's students learn;

(2) the main teacher quality problem in 1998 was the lack of subject matter knowledge;

(3) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter the kindergarten through grade 12 classrooms as teachers;

(4) many talented professionals who have demonstrated a high level of subject area competence outside the education profession may wish to pursue careers in education, but have not fulfilled the traditional requirements to be certified or licensed as teachers;

(5) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession; and

(6) alternative routes can enable qualified individuals to fulfill State teacher certification or licensure requirements and will allow school systems to utilize the expertise of professionals and improve the pool of qualified individuals available to local educational agencies as teachers.

(b) PURPOSE.—It is the purpose of this title to improve the supply of well-qualified elementary school and secondary school teachers by encouraging and assisting States to develop and implement programs for alternative routes to teacher certification or licensure requirements.

**SEC. 302. ALLOTMENTS.****(a) ALLOTMENTS TO STATES.**

(1) IN GENERAL.—From the amount appropriated to carry out this title for each fiscal year, the Secretary shall allot to each State the lesser of—

(A) the amount the State applies for under section 303; or

(B) an amount that bears the same relation to the amount so appropriated as the total population of children ages 5 through 17 in the State bears to the total population of such children in all the States (based on the most recent data available that is satisfactory to the Secretary).

(2) REALLOCATION.—If a State does not apply for the State's allotment, or the full amount of the State's allotment, under paragraph (1), the Secretary may reallocate the excess funds to 1 or more other States that demonstrate, to the satisfaction of the Secretary, a current need for the funds.

(b) SPECIAL RULE.—Notwithstanding section 421(b) of the General Education Provisions Act (20 U.S.C. 1225(b)), funds awarded under this title shall remain available for obligation by a recipient for a period of 2 calendar years from the date of the grant.

**SEC. 303. STATE APPLICATIONS.**

(a) IN GENERAL.—Any State desiring to receive an allotment under this title shall, through the State educational agency, submit an application at such time, in such manner, and containing such information, as the Secretary may reasonably require.

(b) REQUIREMENTS.—Each application shall—

(1) describe the programs, projects, and activities to be undertaken with assistance provided under this title; and

(2) contain such assurances as the Secretary considers necessary, including assurances that—

(A) assistance provided to the State educational agency under this title will be used

to supplement, and not to supplant, any State or local funds available for the development and implementation of programs to provide alternative routes to fulfilling teacher certification or licensure requirements;

(B) the State educational agency has, in developing and designing the application, consulted with—

(i) representatives of local educational agencies, including superintendents and school board members (including representatives of their professional organizations if appropriate);

(ii) elementary school and secondary school teachers, including representatives of their professional organizations;

(iii) schools or departments of education within institutions of higher education;

(iv) parents; and

(v) other interested individuals and organizations; and

(C) the State educational agency will submit to the Secretary, at such time as the Secretary may specify, a final report describing the activities carried out with assistance provided under this title and the results achieved with respect to such activities.

(c) GEPA PROVISIONS INAPPLICABLE.—Sections 441 and 442 of the General Education Provisions Act (20 U.S.C. 1232d and 1232e), except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to this title.

**SEC. 304. USE OF FUNDS.****(a) USE OF FUNDS.**

(1) IN GENERAL.—A State educational agency shall use funds provided under this title to support programs, projects, or activities that develop and implement new, or expand and improve existing, programs that enable individuals to move to a teaching career in elementary or secondary education from another occupation through an alternative route to teacher certification or licensure.

(2) TYPES OF ASSISTANCE.—A State educational agency may carry out such programs, projects, or activities directly, through contracts, or through grants to local educational agencies, intermediate educational agencies, institutions of higher education, or consortia of such agencies or institutions.

(b) USES.—Funds received under this title may be used for—

(1) the design, development, implementation, and evaluation of programs that enable qualified professionals who have demonstrated a high level of subject area competence outside the education profession and are interested in entering the education profession to fulfill State teacher certification or licensure requirements;

(2) the establishment of administrative structures necessary for the development and implementation of programs to provide alternative routes to fulfilling State teacher certification or licensure requirements;

(3) training of staff, including the development of appropriate support programs, such as mentor programs, for teachers entering the school system through alternative routes to teacher certification or licensure;

(4) the development of recruitment strategies;

(5) the development of reciprocity agreements between or among States for the certification or licensure of teachers; or

(6) other programs, projects, and activities that—

(A) are designed to meet the purpose of this title; and

(B) the Secretary determines appropriate.

**SEC. 305. DEFINITIONS.**

In this title:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY; AND STATE EDUCATIONAL AGENCY.—

The terms “elementary school”, “local educational agency”, “secondary school”, “Secretary”, and “State educational agency” have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title \$15,000,000 for fiscal year 2002 and each of the 4 succeeding fiscal years.

**TITLE IV—TEACHER QUALITY**

**SEC. 401. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) individuals entering a classroom should have a sound grasp of the subject the individuals intend to teach, and the individuals should know how to teach;

(2) the quality of teachers impacts student achievement;

(3) people who enter the teaching profession through alternative certification programs can benefit from having the opportunity to attend a teacher training facility;

(4) teachers need to increase their subject matter knowledge;

(5) less than 40 percent of the individuals teaching the core subjects (English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects; and

(6) according to the Third International Mathematics and Science Study, American high school seniors finished near the bottom of the study in both science and mathematics.

(b) PURPOSE.—The purpose of this title is to strengthen teacher training programs by establishing a private and public partnership to create the best teacher training facilities in the world to ensure that teachers receive unlimited access to the most updated technology and skills training in education, so that students can benefit from the teachers’ knowledge and experience.

**SEC. 402. DEFINITIONS.**

In this title:

(1) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term “Secretary” means the Secretary of Education.

**SEC. 403. GRANTS.**

(a) IN GENERAL.—From amounts appropriated under section 404 for a fiscal year the Secretary shall award grants to local educational agencies to enable the local educational agencies to establish teacher training facilities for elementary and secondary school teachers.

(b) COMPETITIVE BASIS.—The Secretary shall award grants under this title on a competitive basis.

(c) PARTNERSHIP CONTRACT REQUIRED.—In order to receive a grant under this title, a local educational agency shall enter into a contract with a nongovernmental organization to establish a teacher training facility.

(d) APPLICATIONS.—Each local educational agency desiring a grant under this title shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain

an assurance that the local educational agency—

(1) will raise matching funds, from public or private sources, for the support of the teacher training facility in an amount equal to the amount of funds provided under the grant;

(2) will train the teachers employed by the local educational agency at the teacher training facility for a period of 10 years after the date the agency enters into the contract described in subsection (c); and

(3) will spend not less than 0.5 percent of the local educational agency’s total school budget for each fiscal year to support the teacher training facility.

(e) AMOUNT.—The Secretary shall award each grant under this section in an amount that is not less than \$1,000,000 and not more than \$4,000,000.

**SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title \$8,000,000 for fiscal year 2002, \$12,000,000 for fiscal year 2003, \$12,000,000 for fiscal year 2004, and \$16,000,000 for fiscal year 2005.

By Mr. FRIST (for himself and Mr. THOMPSON):

S. 439. A bill to authorize the establishment of a suboffice of the Immigration and Naturalization Service in Nashville, Tennessee; to the Committee on the Judiciary.

Mr. FRIST. Mr. President, today, I introduce the Nashville INS Sub-office Act along with Senator THOMPSON. This bill addresses important immigration issues facing Tennessee by authorizing funds for a much needed INS sub-office in Nashville.

The Mid-South region is experiencing exceptional population growth from not only other parts of the nation, but also from a significant number of foreign nationals looking to relocate. As a result of this new influx in population, the existing Memphis INS office is overstretched and facing an enormous backlog of cases. As the largest metropolitan area in the state, it only makes sense to open another INS office in Nashville.

The new office would be geographically positioned to better provide the necessary services for individuals living in Middle and East Tennessee. It would also help alleviate the excessive burden facing the Memphis office by transferring a large portion of its workload. The new Nashville sub-office would improve overall services and enables the INS to better address illegal immigration concerns in our area.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 439

*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 “Nashville INS Suboffice Act”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Immigration and Naturalization Service field office in Memphis, Tennessee, is designated as a suboffice within the jurisdiction of the district office in New Orleans, Louisiana.

(2) Over the past 10 years, the foreign national population has grown substantially in the jurisdictional area of the Memphis sub-office.

(3) It is estimated that more than 200,000 foreign nationals are residing in the jurisdictional area of the Memphis suboffice.

(4) The Memphis suboffice has pending an equal or greater number of cases, and receives as many new cases, as the New Orleans district office.

(5) Approximately 46 percent of the total number of permanent resident applications received by the Memphis suboffice come from individuals residing in middle and eastern Tennessee.

(6) In many instances, such individuals have to travel 3 to 6 hours each way to Memphis to receive service.

(7) Nashville is a logical location for a new Immigration and Naturalization Service sub-office because its central location will reduce such travel time and allow the Immigration and Naturalization Service to provide better and more efficient service to such individuals.

(8) As the largest metropolitan area in the State of Tennessee, major routes from across the State flow into Nashville and air transportation is readily available there.

(9) Establishment of a Nashville suboffice would make a strong statement about the commitment of the Immigration and Naturalization Service to gaining control over illegal immigration and would facilitate legal immigration and citizenship initiatives in central and eastern Tennessee.

(10) Congress has identified Nashville as a region underserved by the Immigration and Naturalization Service.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$5,000,000 for each fiscal year to establish and operate an Immigration and Naturalization Service suboffice in Nashville, Tennessee. Such suboffice shall have jurisdiction over the following counties in the State of Tennessee: Anderson, Bedford, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Cheatham, Claiborne, Clay, Cocke, Coffee, Cumberland, Davidson, DeKalb, Dickson, Fentress, Franklin, Giles, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hardin, Hawkins, Hickman, Houston, Humphries, Jackson, Jefferson, Johnson, Knox, Lawrence, Lewis, Lincoln, Loudon, Macon, Marion, Marshall, Maury, McMinn, Meigs, Moore, Monroe, Montgomery, Morgan, Overton, Perry, Pickett, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Scott, Sevier, Sequatchie, Smith, Stewart, Sullivan, Sumner, Trousdale, Unicoi, Union, Van Buren, Warren, Washington, Wayne, White, Williamson, and Wilson.

By Mr. CAMPBELL:

S. 440. A bill to establish a matching grant program to help State and local jurisdictions purchase bullet-resistant equipment for use by law enforcement departments; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today I am introducing a package of four bills that will help improve our nation’s justice system and honor those law enforcement officers and firefighters who gave their lives in the line of duty.

The first bill I am introducing is the Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 2001, an updated version of legislation I introduced during the last Congress.

This bill is named in honor of Officer Dale Claxton of Cortez, CO, a fine law enforcement officer and family man, who was fatally shot through the windshield of his patrol car on May 29, 1998, after stopping a stolen truck. His assailants turned out to be dangerous fugitives and a large-scale man hunt was launched. Officer Claxton was tragically and prematurely taken away from his wife and four children.

The Officer Dale Claxton Act would help law enforcement agencies acquire bullet resistant equipment including bullet resistant glass for law enforcement vehicles, hand-held shields and any other equipment that officers may need when they serve on the front lines of law enforcement. Specifically, this legislation would help our nation's state and local law enforcement officers acquire the bullet resistant equipment they need to protect themselves from would-be killers. This legislation would authorize the Department of Justice's Bureau of Justice Assistance to administer a \$40 million matching grant program to assist these agencies purchase bullet resistant equipment.

This legislation is a worthy companion, and similar in many ways, to the Bulletproof Vest Partnership Grant Act, P.L. 105-181, which I introduced and the President signed into law on June 16, 1998. The legislation I am introducing today would help state and local law enforcement agencies acquire a wider array of bullet resistant equipment to supplement bullet proof vests.

As a former deputy sheriff, I am personally aware of the dangers which law enforcement officers face on the front lines every day. One way in which the federal government can improve their safety is to help them acquire bullet resistant glass and other equipment for patrol cars. These partnership grants are especially crucial for officers who serve in small local jurisdictions that often lack the funds to provide their officers with the life saving equipment they may need.

The second component of this legislation would launch an expedited and targeted research and development by authorizing \$3 million over 3 years for the Justice Department's National Institute of Justice, NIJ, to conduct research and development of a new bullet resistant technologies, such as bonded acrylic, polymers, polycarbons, aluminized material, and transparent ceramics.

Promising new bullet resistant materials now being developed could be as revolutionary in coming years as the development of Kevlar was in the 1970s for the manufacture of body armor. These exciting new technologies promise to be lighter, more versatile and hopefully less expensive than traditional heavy bulletproof glass.

Our Nation's police officers, sheriffs and deputies regularly put their lives in harm's way as they protect the people and preserve the peace. They deserve to have access to the bullet resistant equipment they need. The Offi-

cer Dale Claxton bill will both accelerate the development of new life-saving bullet resistant technologies and then help get them deployed into the field where they are needed. Officers' lives will be saved.

I ask unanimous consent that the Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 2001 be printed in the RECORD.

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

S. 440

*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 "Officer Dale Claxton Bulletproof Police Protective Equipment Act of 2001".

**SEC. 2. FINDINGS; PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet-resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet-resistant equipment;

(3) according to studies, between 1990 and 2000, 1,700 law enforcement officers in the United States were shot and killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet-resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest; and

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet-resistant equipment and video cameras.

**SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT BULLET-RESISTANT EQUIPMENT.**

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the part designation and part heading and inserting the following:

**"PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT"**

**"Subpart A—Grant Program for Armor Vests";**

(2) by striking "this part" each place that term appears and inserting "this subpart"; and

(3) by adding at the end the following:

**"Subpart B—Grant Program for Bullet-Resistant Equipment"**

**"SEC. 2511. PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet-resistant equipment for use by State, local, and tribal law enforcement officers.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of bullet-resistant equipment for law enforcement officers in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for bullet-resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'State and Local Law Enforcement Assistance' of the Departments of Commerce Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (Public Law 106-553).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

**"SEC. 2512. APPLICATIONS.**

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program, described under the heading 'State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (Public Law 106-553), during a

fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet-resistant equipment, but did not, or does not expect to use such funds for such purpose.

**SEC. 2513. DEFINITIONS.**

“In this subpart—

“(1) the term ‘equipment’ means windshield glass, car panels, shields, and protective gear;”

“(2) the term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

“(3) the term ‘unit of local government’ means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

“(4) the term ‘Indian tribe’ has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

“(5) the term ‘law enforcement officer’ means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

“(23) There are authorized to be appropriated to carry out part Y—

“(A) \$25,000,000 for each of fiscal years 2002 through 2004 for grants under subpart A of that part; and

“(B) \$40,000,000 for each of fiscal years 2002 through 2004 for grants under subpart B of that part.”

**SEC. 4. SENSE OF CONGRESS.**

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

**SEC. 5. TECHNOLOGY DEVELOPMENT.**

Section 202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

“(e) BULLET-RESISTANT TECHNOLOGY DEVELOPMENT.—

“(1) IN GENERAL.—The Institute is authorized to—

“(A) conduct research and otherwise work to develop new bullet-resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

“(B) inventory bullet-resistant technologies used in the private sector, in surplus military property, and by foreign countries; and

“(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet-resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

“(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in

testing and engineering surveys to law enforcement partnerships developed in coordination with high-intensity drug trafficking areas.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$3,000,000 for fiscal years 2002 through 2004.”

By Mr. CAMPBELL (for himself, Mr. McCONNELL, Mr. FEINGOLD, Mr. INOUYE, Mr. LEVIN, Mr. DAYTON, Mr. LUGAR, and Mr. STEVENS):

S. 441. A bill to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty; to the Committee on Rules and Administration.

Mr. CAMPBELL. Mr. President, the second bill I am introducing today is the “Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2001.”

I am pleased to be joined today by my colleagues, Senators McCONNELL, FEINGOLD, INOUYE, LEVIN, DAYTON, STEVENS, and LUGAR who are original co-sponsors.

This bill would help honor the sacrifice of the men and women who lost their lives in the line of duty by providing Capitol-flown flags to the families of deceased law enforcement officers and firefighters.

Under this legislation, the family of a deceased law enforcement officer can request from the Attorney General a flag flown over the U.S. Capitol in honor of the slain officer. The Department of Justice shall pay the cost of the flags, including shipping, out of discretionary grant funds, and provide them to the victim’s family.

As a former deputy sheriff, I know firsthand the risks which law enforcement officers face everyday on the front lines protecting our communities. I also have great appreciation, as the Co-Chair of the Congressional Fire Caucus, for the service that our nation’s firefighters provide, day in and day out, and that all too often, they end up sacrificing their lives while saving others.

I believe providing a Capitol-flown flag is a fitting way to show our appreciation for fallen officers and firefighters who make the ultimate sacrifice. It also lets their families know that Congress and the nation are grateful for their loved ones’ service.

I ask unanimous consent that the Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2001 be printed in the RECORD.

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

S. 441

*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 “Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2001”.

**SEC. 2. CAPITOL-FLOWN FLAGS FOR FAMILIES OF DECEASED LAW ENFORCEMENT OFFICERS.**

(a) AUTHORITY.—

(1) IN GENERAL.—The family of a deceased law enforcement officer may request, and the Attorney General shall provide to such family, a Capitol-flown flag, which shall be supplied to the Attorney General by the Architect of the Capitol. The Department of Justice shall pay the cost of such flag, including shipping, out of discretionary grant funds.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date on which the Attorney General establishes the procedure required by subsection (b).

(b) PROCEDURE.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish a procedure (including any appropriate forms) by which the family of a deceased law enforcement officer may request, and provide sufficient information to determine such officer’s eligibility for, a Capitol-flown flag.

(c) APPLICABILITY.—This Act shall only apply to a deceased law enforcement officer who died on or after the date of enactment of this Act.

(d) DEFINITIONS.—In this Act—

(1) the term “Capitol-flown flag” means a United States flag flown over the United States Capitol in honor of the deceased law enforcement officer for whom such flag is requested; and

(2) the term “deceased law enforcement officer” means a person who was charged with protecting public safety, who was authorized to make arrests by a Federal, State, Tribal, county, or local law enforcement agency, and who died while acting in the line of duty.

**SEC. 3. CAPITOL-FLOWN FLAGS FOR FAMILIES OF DECEASED FIREFIGHTERS.**

(a) AUTHORITY.—The family of a paid or volunteer firefighter who dies in the line of duty may request, and the Director of the Federal Emergency Management Agency shall provide to such family, a capitol-flown flag, which shall be supplied to the Director by the Architect of the Capitol. The Federal Emergency Management Agency shall pay the cost of such flag, including shipping, out of discretionary grant funds.

(b) EFFECTIVE DATE.—This section shall take effect on the date on which the Attorney General establishes the procedure required by section 2(b).

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

S. 442. A bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States’ concealed weapons permits; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, the third bill I am introducing today is a bill to authorize states to recognize each other’s concealed weapons laws and exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms. This legislation is designed to support the rights of States and to facilitate the right of law-abiding citizens as well as law enforcement officers to protect themselves, their families, and their property.

The language of this bill is based on S. 727, which I introduced in the 106th Congress. Specifically, this bill allows States to enter into agreements, known as “compacts,” to recognize the concealed weapons laws of those States included in the compacts. This is not a

Federal mandate; it is strictly voluntary for those States interested in this approach. States would also be allowed to include provisions which best meet their needs, such as special provisions for law enforcement personnel.

Currently, a Federal standard governs the conduct of nonresidents in those States that do not have a right-to-carry statute. Many of us in this body have always worked to protect the interests of States and communities by allowing them to make important decisions on how their affairs should be conducted. We are taking to the floor almost every day to talk about mandating certain things to the States. This bill would allow States to decide for themselves.

I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD.

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

S. 442

*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 "Law Enforcement Protection Act of 2001".

**SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.**

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

**"SEC. 926B. CARRYING OF CONCEALED FIREARMS BY QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS.**

"(a) IN GENERAL.—Notwithstanding any provision of the law of any State or any political subdivision of a State, an individual may carry a concealed firearm if that individual is—

"(1) a qualified law enforcement officer or a qualified former law enforcement officer; and

"(2) carrying appropriate written identification.

**(b) Effect on Other Laws.**

"(1) COMMON CARRIERS.—Nothing in this section shall be construed to exempt from section 46505(B)(1) of title 49—

"(A) a qualified law enforcement officer who does not meet the requirements of section 46505(D) of title 49; or

"(B) a qualified former law enforcement officer.

"(2) FEDERAL LAWS.—Nothing in this section shall be construed to supersede or limit any Federal law or regulation prohibiting or restricting the possession of a firearm on any Federal property, installation, building, base, or park.

"(3) STATE LAWS.—Nothing in this section shall be construed to supersede or limit the laws of any State that—

"(A) grant rights to carry a concealed firearm that are broader than the rights granted under this section;

"(B) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(C) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(4) DEFINITIONS.—In this section:

"(A) APPROPRIATE WRITTEN IDENTIFICATION.—The term 'appropriate written identi-

fication' means, with respect to an individual, a document that—

"(i) was issued to the individual by the public agency with which the individual serves or served as a qualified law enforcement officer; and

"(ii) identifies the holder of the document as a current or former officer, agent, or employee of the agency.

"(B) FIREARM.—The term 'firearm' means, any firearm that has, or of which any component has, traveled in interstate or foreign commerce.

"(C) QUALIFIED FORMER LAW ENFORCEMENT OFFICER.—The term 'qualified former law enforcement officer' means, an individual who is—

"(i) retired from service with a public agency, other than for reasons of mental disability;

"(ii) immediately before such retirement, was a qualified law enforcement officer with that public agency;

"(iii) has a nonforfeitable right to benefits under the retirement plan of the agency;

"(iv) was not separated from service with a public agency due to a disciplinary action by the agency that prevented the carrying of a firearm;

"(v) meets the requirements established by the State in which the individual resides with respect to—

"(I) training in the use of firearms; and

"(II) carrying a concealed weapon; and

"(vi) is not prohibited by Federal law from receiving a firearm.

"(D) QUALIFIED LAW ENFORCEMENT OFFICER.—The term 'qualified law enforcement officer' means an individual who—

"(i) is presently authorized by law to engage in or supervise the prevention, detection, or investigation of any violation of criminal law;

"(ii) is authorized by the agency to carry a firearm in the course of duty;

"(iii) meets any requirements established by the agency with respect to firearms; and

"(iv) is not the subject of a disciplinary action by the agency that prevents the carrying of a firearm.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926A the following:

"926B. Carrying of concealed firearms by qualified current and former law enforcement officers."

**SEC. 3. AUTHORIZATION TO ENTER INTO INTER-STATE COMPACTS.**

(a) IN GENERAL.—The consent of Congress is given to any 2 or more States—

(1) to enter into compacts or agreements for cooperative effort in enabling individuals to carry concealed weapons as dictated by laws of the State within which the owner of the weapon resides and is authorized to carry a concealed weapon; and

(2) to establish agencies or guidelines as they may determine to be appropriate for making effective such agreements and compacts.

(b) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal this section is hereby expressly reserved by Congress.

By Mr. CAMPBELL:

S. 443. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, the fourth bill I am introducing today is the "Stolen Gun Penalty Enhancement Act of 2001" which would increase the

maximum prison sentences for violating existing stolen gun laws.

Many crimes in our country are being committed with stolen guns. The extent of this problem is reflected in a number of recent studies and news reports which indicate that almost half a million guns are stolen each year.

This problem is especially alarming among young people. A Justice Department study of juvenile inmates in four states shows that over 50 percent of those inmates had stolen a gun. In the same study, gang members and drug sellers were more likely to have stolen a gun.

Specifically, this bill would increase the maximum penalty for violating four provisions of the firearms laws. Under title 18 of the U.S. Code, it is illegal to knowingly transport or ship a stolen firearm or stolen ammunition. It is also illegal to knowingly receive, possess, conceal, store, sell, or otherwise dispose of a stolen firearm or stolen ammunition. The penalty for violating either of these provisions is a fine, a maximum term of imprisonment of 10 years, or both. My bill increases the maximum prison sentence to 15 years.

Mr. President, I am a strong supporter of the rights of law-abiding gun owners. However, I firmly believe we need tough penalties for the illegal use of firearms.

The Stolen Gun Penalty Enhancement Act of 2001 will send a strong signal to criminals who are even thinking about stealing a firearm. I urge my colleagues to join in support of this legislation.

Mr. PRESENT, I ask unanimous consent that the Stolen Gun Penalty Enhancement Act of 2001 be printed in the RECORD.

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

S. 443

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

**SECTION 1. STOLEN FIREARMS.**

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "(i), (j),"; and

(B) by adding at the end the following:

"(7) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.";

(2) in subsection (i)(1), by striking "10 years" and inserting "15 years"; and

(3) in subsection (1), by striking "10 years" and inserting "15 years".

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

By Mr. WELLSTONE (for himself, Mr. KENNEDY, and Mr. SCHUMER):

S. 444. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to support teacher corps programs, and for other purposes; to

the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, if there is one thing we all can agree on in education, it is that quality teachers are absolutely critical to how well children learn. Yet, the nation confronts one of the worst teacher shortages in history. With expanding enrollment, decreasing class size and one third of the nation's teachers nearing retirement age, public schools will need to hire as many as 2.2 million teachers over the next decade.

The need is greatest in specific subject areas such as mathematics, science, special education and bilingual education, all important subjects if the nation is to have an educated work force to keep it competitive in the world marketplace.

Teacher shortages are also greatest in specific geographical areas such as the inner city and rural areas. Ironically, it is the most educationally and socio-economically disadvantaged students that are under-served. If there is one action we can take that is guaranteed to help struggling schools and children, it is to provide states and school districts the means to ensure that there is a highly qualified teacher in every class room.

My bill, Teacher Corps, which I am proud to introduce today with my colleagues, Senators KENNEDY and SCHUMER, who for so long have fought to bring the best possible educational opportunities to all of America's children, is designed to do just that. Its components are based on a definite need and sound research concerning effective mechanisms for meeting that need.

Teacher Corps would fund collaboratives between state education agencies, local education agencies and institutions of higher education. The collaboratives would recruit top ranked college students and qualified mid career individuals, who have not yet been trained as teachers, to teach in the nation's poorest schools in the areas of greatest need—both geographically and academically. Districts and universities would work together to recruit only candidates who have an academic major or extensive and substantive professional experience in the subject in which they will teach.

The collaboratives would provide recruits a tuition free alternative route to certification which includes intensive study and a teaching internship. The internship would include mentoring, co-teaching and advanced course work in pedagogy, state standards, technology and other areas.

After the internship period, the collaboratives would offer individualized follow up training and mentoring in the first two years of full time teaching.

Corps members that become certified will be given priority in hiring within that district in exchange for a commitment to teach in low income schools for 3 years.

A good teacher can mean the world to any child whether it is through caring or through providing children with the skills they need to open their own doors to the future. Every time I enter schools in Minnesota, I am in awe of teachers' work. When a skilled, energetic teacher creates an invigorating learning environment for his or her students it is truly a magical thing. In my travels to schools around Minnesota and the country I see a great deal of that magic happening.

That is why it is so tragic to think that there are so many children that do not have access to qualified teachers, at the same time that many people interested in teaching are either not entering the profession or are not staying there once they have qualified.

Teacher Corps will help meet the growing need for teachers in low income urban and rural schools, and in high need subject areas such as math, science, bilingual and special education.

It will do so because Teacher Corps is rooted in three fundamental parts. Recruitment, retention and innovative, flexible, high quality training programs for college graduates and mid-career professionals who want to teach in high need areas.

The first principle is recruitment. As I mentioned before, we may need to hire as many as 2.2 million new teachers in the next decade to ensure that there are enough teachers in our schools. But, overall quantity is not the only issue. Quality and shortages in specific geographic and curriculum areas are equally critical. While there are teacher surpluses in some areas, certain states and cities are facing acute teacher shortages. In California, 1 out of every 10 teachers lacks proper credentials. Fifty-eight percent of new hires in Los Angeles are not certified.

There are also crucial shortages in some subject areas such as math, science, bilingual and special education. In my home state of Minnesota, 90 percent of principals report a serious shortage of strong candidates in at least one curriculum area. Fifty-four percent of the mathematics teachers in the state of Idaho and 48 percent of the science teachers in Florida and Tennessee did not major in the subject of their primary assignment.

The report recently released by the Commission chaired by our former colleague John Glenn highlights this problem in the area of math and science teaching. The Glenn Commission—in its report ominously, but accurately, titled “Before It's Too Late”—called on all the decision-makers in our country to establish an ongoing system to improve the quality of mathematics and science teaching in our elementary and secondary schools and to improve the quality of those teachers' preparation for the classroom.

Teacher Corps would meet this need because it would recruit and train thousands of high quality teachers into

the field to meet the specific teaching needs of local school districts.

It would recruit and train top college students and mid-career professionals from around the country, who increasingly want to enter the teaching profession.

More college students want to enter teaching today than have wanted to join the profession in the past 30 years. In the surveys of incoming college students that UCLA conducts each fall, in recent years over 10 percent of all freshman consistently have said they want to teach in elementary and secondary schools.

Second, the design of the program ensures that the needs of local school districts will be considered so that only those candidates who meet the specific needs of that district will be recruited and trained. If, for example, there is a shortage of special education, bilingual, math and science teachers in a particular district, Teacher Corps would train people with only those skills. In setting up collaboratives in this way, teacher corps helps avoid the overproduction of candidates in areas where they are not needed.

Finally, Teacher Corps gives priority to high-need rural, inner suburban and urban districts to ensure that new teachers will enter where they are needed most.

However, it does not help to recruit teachers into high-need schools and train them if we cannot retain them in the profession. Teaching is one of the hardest, most important jobs there is. We ask teachers to prepare our children for adulthood. We ask them to educate our children so that they may be productive members of society. We entrust them with our children's minds and with their future. It is a disgrace how little support we give them in return. It is no surprise that one of the major causes of our teacher shortage is that teachers decide to change professions before retirement. Seventy-three percent of Minnesota teachers who leave the profession, leave for reasons other than retirement. In urban schools, 50 percent of teachers leave the field within five years of when they start teaching.

To retain high quality teachers in the profession, we must give teachers the support they deserve. Teachers, like doctors, need mentoring and support during the first years of their professional life. Teacher Corps offers new teachers the training, mentoring and support they need to meet the profession's many challenges. It includes methods of support that have proven effective in ensuring that teachers stay in schools. The key elements for effective teacher retention were laid out by the National Commission on Teaching and America's Future in 1996. Effective programs organize professional development around standards for teachers and students; provide a year long, pre-service internship; include mentoring and strong evaluation of teacher skills; offer stable, high quality professional development.

Each of these criteria are included in the Teacher Corps program.

Further, Teacher Corps supports people who choose teaching by paying for their training. Through this financial and professional support, Teacher Corps will go a long way toward keeping recruits in teaching.

But, it is still not enough to recruit and retain teachers. Quality must be of primary importance. Research shows that the most important predictor of student success is not income, but the quality of the teacher. Despite this need, studies show that as the proportion of students of color and students from low-income families increases in schools, the test scores of teachers decline.

This is wrong. We are denying children from low income areas, children from racial minorities, children with limited English proficiency, access to what we know works. Several studies have shown that if poor and minority students are taught by high quality teachers at the same rate as other students, a large part of the gap between poor and minority students and their more affluent white counterparts would disappear. For example, one Alabama study shows that an increase of one standard deviation in teacher test scores leads to a two-third reduction in the gap between black/white tests scores.

We cannot turn our back on this knowledge. We must act on it. We must give low income, minority and limited English proficiency children the same opportunities that all children have and we must do it now.

The very essence of Teacher Corps is to funnel high quality teachers where they are needed most. Teacher Corps would help ensure quality by using a selective, competitive recruitment process. It would provide high quality training, professional development, mentoring and evaluations of corps member performance, all of which have been proven to increase the quality of the teaching force and the achievement of the students they teach.

Further, by creating strong connections between universities and districts and by implementing effective professional development projects within districts, we are setting up powerful structures to benefit all teachers and students.

We have an opportunity to do what we know works to help children who need our help most. Good teachers have an extraordinary impact on children's lives and learning. We need to be sure that all children have access to such teachers and all children have the opportunity to learn so that all children may take advantage of the many opportunities this country provides.

By Mr. WELLSTONE:

S. 445. A bill to provide for local family information centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President: I rise today to introduce legislation that

will go a long way to increase the accountability of our schools and to help parents become more involved in their children's education. We all know that families are crucial to improving our nation's schools. To ensure that schools and students meet challenging educational goals, families must be involved. Parents must insist that their children get the best education. They must understand, shape and support the reforms in their schools; and, they must work with schools to help all children meet their goals.

We know that when families are fully engaged in the educational process, students have: higher grades and test scores; better attendance and more homework done; fewer placements in special education; more positive attitudes and behavior; higher graduation rates; and greater enrollment in postsecondary education.

For school reforms to help all children, we must move to ensure that all parents are involved in their children's education. For many parents, this is not an easy task. Parents, particularly those who have limited English proficiency, those who are homeless, or those who have a troubled history with the school system, often need outside help to get the information, support, and training they need to help their children navigate through the school system.

Parent involvement is more important now than ever before. As we move in the direction of increased accountability, high stakes testing and expanded public school choice, it is critical that parents know everything that is required of them and their children. They need to be sure that they have access to every aspect of their child's schooling, or their child could easily be left behind.

Current provisions in Title I of the Elementary and Secondary Education Act provide for excellent and important ways for parents to get involved in their children's education. However, in some cases, parent involvement of the type envisioned by Title I remains a distant goal. Many Title I schools, though not all, have failed to fully bring parents into the development of parent involvement policies, school-parent compacts, and into planning and improvement for the school as provided for in Title I. Therefore, it is essential for families to have an independent source of information and support that they understand and trust so that they can participate in an informed and effective manner and help move the schools toward the goal of full parental participation.

To achieve this critical end, this legislation would provide competitive grants to community-based organizations to establish Local Family Information Centers. These centers, made up of community members as well as professionals from the Title I schools in the area, should have a track record of effective outreach and work with low income communities. They, in con-

sultation with the school district, would develop a plan to provide parents with the full support that they need to be partners in their children's education. For example, they would help parents understand standards, tests, and accountability systems; support activities that are likely to improve student achievement in Title I schools; understand and analyze data that schools, districts, and states must provide under reporting requirements of ESEA and other laws; understand and participate in the implementation of parent involvement requirements of ESEA, including; understand school choice options; and, communicate effectively with school personnel.

This legislation is essential because it would reach and assist parents most isolated from participation by poverty, race, limited English proficiency and other factors. It is essential because ultimately, it should be parents that are the greatest lever for strong accountability in schools. It is essential because of what we know about how children learn—that children who are the farthest behind make the greatest gains when their parents are part of their school life.

Many schools do a very good job of involving parents in education reform. This bill does nothing but ensure that parents have the option of an independent voice in districts where schools do not do such a good job. If we are to educate our children, we must also educate and empower their parents. This legislation provides one necessary means to do so.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 446. A bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes; to the Committee on the Judiciary.

Mr. CRAPO. Mr. President, I rise to introduce the State Water Sovereignty Protection Act, a bill to preserve the authority of the States over waters within their boundaries, to delegate the authority of the Congress to the States to regulate water, and for other purposes.

Since 1866, Congress has recognized and deferred to the States the authority to allocate and administer water within their borders. The Supreme Court has confirmed that this is an appropriate role for the States. Additionally, in 1952, the Congress passed the McCarran amendment which provides for the adjudication of State and Federal Water claims in State water courts.

However, despite both judicial and legislative edicts, I am deeply concerned that the administration, Federal agencies, and some in the Congress are setting the stage for ignoring long established statutory provisions concerning State water rights and State water contracts. The Endangered Species Act, the Clean Water Act, the Federal Land Policy Management Act, and

wilderness designations have all been vehicles used to erode State sovereignty over it water.

It is imperative that States maintain sovereignty over management and control of their water and water systems. All rights to water or reservations of rights for any purpose in States should be subject to the substantive and procedural laws of that State, not the Federal Government. To protect State water rights, I am introducing the State Water Sovereignty Protection Act.

The State Water Sovereignty Protection Act provide that whenever the United States seeks to appropriate water or acquire a water right, it will be subject to State procedural and substantive water law. The Act further holds that States control the water within their boundaries and that the Federal Government may exercise management or control over water only in compliance with State law. Finally, in any administrative or judicial proceeding in which the United States participates pursuant to the McCarran Amendment, the United States is subject to all costs and fees to the same extend as costs and fees may be imposed on a private party.

By Mr. CRAPO (for himself, Mr. CRAIG and Mr. HELMS):

S. 447. A bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I rise to introduce the Water Adjudication Fee Fairness Act of 2001. This bill would require the federal government to pay the same filing fees and costs associated with state water rights' adjudications as is currently required of states and private parties.

To establish relative rights to water—water that is the lifeblood of many states, particularly in the west—states must conduct lengthy, complicated, and expensive proceedings in water rights' adjudications. In 1952, Congress recognized the necessity and benefit of requiring federal claims to be adjudicated in these state proceedings by adopting the McCarran amendment. The McCarran amendment waives the sovereign immunity of the United States and requires the federal government to submit to state court jurisdiction and to file water rights claims in state general adjudication proceedings.

These federal claims are typically among the most complicated and largest of claims in state adjudications, and federal agencies are often the primary beneficiary of adjudication proceedings where states officially quantify and record their water rights. However, in 1992, the United States Supreme Court held that, under existing law, the U.S. need not pay fees for processing federal claims.

When the United States does not pay a proportionate share of the costs asso-

ciated with adjudications, the burden of funding the proceedings unfairly shifts to other water users and often delays completion of the adjudications by diminishing the resources necessary to complete them. Delays in completing adjudications result in the inability to protect private and public property interests or determine how much unappropriated water may remain to satisfy important environmental and economic development priorities.

Additionally, because they are not subject to fees and costs like other water users in the adjudication, federal agencies can file questionable claims without facing court costs, inflating the number of their claims for future negotiation purposes. This creates an unlevel playing field favoring the federal agencies and places a further financial and resources burden on the system.

For example, in the Snake River Basin adjudication, which is in Idaho and is probably the largest water adjudication proceeding in the country, the United States Forest Service filed more than 3,700 federal claims. The Idaho Department of Water Resources expended thousands of dollars giving notice to all other claimants, additionally the State of Idaho and private claimants spent over \$800,000 preparing objections to the Federal Service's claims. On the eve of the objection deadline, the US withdrew all but 71 of the claims—the Department of Justice's explanation: litigation strategy.

This example is not an isolated incident. At best, the taxpayers and states should not be forced to incur these costs simply because the agency does not take the time to seriously evaluate its claims. At worst, the taxpayers should not bear the brunt of the federal government's Machiavellian tactics.

I recognize that the federal government has a legitimate right to some reserved water rights; however, the federal government should play by the same rules as the states and other private users. The Water Adjudication Fee Fairness Act is legislation that remedies this situation by subjecting the United States, when party to a general adjudication, to the same fees and costs as state and private users in water rights adjudications.

This measure has the full support of the Western States Water Council and the Western Governor's Association. I ask my colleagues to join me in supporting water users, taxpayers, the states, and welcome their co-sponsorship.

I ask unanimous consent that a copy of this legislation be printed in the RECORD.

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

S. 447

*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 "Water Adjudication Fee Fairness Act of 2001".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) Generally, water allocation in the western United States is based upon the doctrine of prior appropriation, under which water users' rights are quantified under State law. Appropriative rights carry designated priority dates that establish the relative right of priority to use water from a source. Most States in the West have developed judicial and administrative proceedings, often called general adjudications, to quantify and document these relative rights, including the rights to water claimed by the United States Government under either State or Federal law.

(2) State general adjudications are typically complicated, expensive civil court and administrative actions that can involve hundreds or even thousands of claimants. Such adjudications give certainty to water rights, provide direction for water administration, and reduce conflict over water allocation and water usage. Those claiming and establishing rights to water are the primary beneficiaries of State general adjudication proceedings.

(3) The Congress has recognized the benefits of the State general adjudication system, and by enactment of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666; popularly known as the "McCarran Amendment"), required the United States to submit to State court jurisdiction and to file claims in State general adjudication proceedings.

(4) Water rights claims by Federal agencies under either State or Federal law are often the largest or most complex claims in State general adjudications. However, the United States Supreme Court, in the case *United States v. Idaho*, 508 U.S. 1 (1992), determined that the McCarran Amendment does not require the United States to pay some filing fees simply because they were misconstrued or perceived to be the same as costs taxed against all parties.

(5) Since Federal agency water rights claims are among the most difficult to adjudicate, and since the United States is not required to pay some fees and costs paid by non-Federal claimants, the burden of funding adjudication proceedings unfairly shifts to private water users and State taxpayers.

(6) The lack of Federal Government funding to support State water rights adjudications in relation to the complexity of the claims involved has produced significant delays in completion of many State general adjudications. These delays inhibit the ability of both the States and Federal agencies to protect private and public property interests. Also, failure to complete the final adjudication of claims to water restricts the ability of resource managers to determine how much unappropriated water is available to satisfy environmental and economic development demands.

**SEC. 3. LIABILITY OF UNITED STATES FOR FEES AND COSTS IN WATER USE RIGHTS PROCEEDINGS.**

(a) IN GENERAL.—In any State administrative or judicial proceeding for the adjudication or administration of rights to the use of water in which the United States is a party, the United States shall be subject to the imposition of fees and costs on its claims to water rights under either State or Federal law to the same extent as a private party to the proceeding.

(b) APPLICATION.—Subsection (a) shall apply to proceedings pending on or initiated after the date of enactment of this Act, including with respect to fees and costs imposed in such a proceeding before the date of the enactment of this Act.

(c) REPORT TO CONGRESS.—The head of any Federal agency that files or has pending any

water rights claim shall prepare and submit to the Congress, within 90 days after the end of each fiscal year, a report that identifies—

(1) each such claim filed by the agency that has not yet been decreed;

(2) all fees and costs imposed on the United States for each claim identified under paragraph (1);

(3) any portion of such fees and costs that has not been paid; and

(4) the source of funds used to pay such fees and costs.

(d) FEES AND COSTS DEFINED.—In this section, the term “fees and costs” means any administrative fee, administrative cost, claim fee, judicial fee, or judicial cost imposed by a State on a party claiming a right to the use of water under either State or Federal law in a State proceeding referred to in subsection (a).

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

S. 448. A bill to provide permanent appropriations to the Radiation Exposure Compensation Trust Fund to make payments under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); to the Committee on Appropriations.

S. 449. A bill to ensure the timely payment of benefits to eligible persons under the Radiation Exposure Compensation Act (42 U.S.C. 2210); to the Committee on Appropriations.

Mr. DOMENICI. Mr. President, I rise today to introduce two bills that will provide full funding for the Radiation Exposure Compensation Trust Fund.

One of the unfortunate consequences of our country's rapid development of its nuclear weapons programs was that many of those who worked in the early uranium mines became afflicted with debilitating and too often deadly diseases, including various cancers and respiratory illnesses.

These miners and their families lived under tough conditions. Some lived in one-room houses located as close as 200 feet from the mine shafts. Their children played near the mines and their families drank underground water that exposed them to radiation. The miners endured long, uncomfortable days many feet underground.

One such miner was Paul Hicks, for whom this bill is named. Mr. Hicks of Grants, NM was a uranium miner for twelve years in New Mexico. He later worked as lead miner, a shift boss, and ended his career as a mine foreman. Paul was the President of the New Mexico Uranium Miners Council and he championed the fight on behalf of miners of the Navajo Nation, Acoma Pueblo, Grants, NM, Dove Creek, and Grand Junction, CO. Unfortunately, Paul passed away from bone cancer last year.

Although Paul is no longer with us, his voice on behalf of uranium miners will forever be heard. As long as I'm in the United States Senate I will carry his torch until justice for all uranium miners is realized.

Paul was not alone in his suffering. Other New Mexico uranium miners have been stricken by radiation-related diseases. Indeed, many of these miners

were Native Americans—primarily from the Navajo Nation. As many as 1,500 Navajos worked in the uranium mines from 1947-1971.

To these Americans, the Federal government owes a special duty of care. The government has a longstanding trust relationship with Native Americans based on treaties and agreements. I regret to say that as for the Navajo miners our government has failed miserably in protecting this trust relationship.

After all, these Native American miners and all uranium miners helped build our nuclear arsenal—the arsenal that is, at least in part, responsible for ending the Cold War. Our nation owes them a debt of gratitude. Yet, despite their enormous sacrifice, the federal government failed to protect their health. The government had adequate warning about the radiation hazards associated with uranium mining. Nonetheless, prior to federal regulations in 1971, the miners were sent into poorly ventilated mines with almost no warnings about the dangers of radiation.

After a 13-year fight we finally passed legislation to rectify this injustice in 1990. The Radiation Exposure Compensation Act was intended to provide fair and swift compensation for those miners, federal workers, and downwinders who had contracted certain radiation-related illnesses.

Since 1990, more than 3500 claims have been paid by the federal government under RECA. However, by mid-2000 the fund had run dry.

The bottom line is that there is not enough money for the RECA trust fund. In fact, the Justice Department, who administers this program, has been sending IOU's to individuals who have already been approved for benefits.

Frankly, this is unconscionable. Those who helped protect our nation's security through their work on our nuclear programs must be compensated for the enormous price they paid. Anything less is unacceptable.

Senator HATCH and I propose a bill seeking \$84 million in emergency supplemental appropriations to pay those claims that have already been approved as well as the projected number of approved claims for FY 2001. We are also introducing legislation to make all future payments for approved claims mandatory.

With this legislation, we will ensure that those who gave so much for our nation will at least receive their deserved benefits. We must never again let their sacrifice go unanswered.

Mr. President, I ask unanimous consent that a Department of Justice IOU letter be printed in the RECORD.

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

DEPARTMENT OF JUSTICE,  
CIVIL DIVISION,  
Washington, DC.

Re RECA Claim No. 201

Claimant: \_\_\_\_\_

DEAR MR. \_\_\_\_\_. I am pleased to inform you that your claim for compensation

under the Radiation Exposure Compensation Act has been approved. Regrettably, because the money available to pay claims has been exhausted, we are unable to send a compensation payment to you at this time. When Congress provides additional funds, we will contact you to commence the payment process.

Thank you for your understanding.

Sincerely,

GERARD W. FISCHER,  
Assistant Director,  
Torts Branch, Civil Division.

Mr. HATCH. Mr. President, today I am joining with my esteemed colleague and chairman of the Budget Committee, Senator DOMENICI, in introducing two pieces of legislation that will ensure the full funding of the Radiation Exposure Compensation Act, RECA, Trust Fund.

As the original sponsor of the Radiation Exposure Compensation Act of 1990 and the subsequent amendments to the Act, S. 1515 which was enacted last year, I am pleased that this program has provided much needed compassionate compensation to thousands of individuals. And, although many RECA eligible individuals have received compensation, it is now apparent that a funding shortfall exists within the program resulting in hundreds of individuals not receiving their payments.

The legislation Senator DOMENICI and I are introducing today is designed to meet the funding shortfall so that all eligible individuals who are approved for compensation will receive their payment and not an “IOU” from the Justice Department.

The first bill ensures the timely payment of benefits to eligible persons by providing \$84 million to the RECA Trust Fund for fiscal year 2001. The money will be available to the Justice Department to fund the existing claims that have already been processed as well as anticipated claims of the remainder of this fiscal year.

The second bill provides for a permanent appropriation to the RECA Trust Fund beginning in fiscal year 2002, and thereafter, such sums as may be necessary to meet the financial obligations of approved claims.

Both of these bills are needed in order to pay those individuals who have qualified under the original 1990 Act and the RECA 2000 amendments, as signed into law last July 10, 2000, but who have not received their payment because the fund is currently depleted. Moreover, as a result of the passage of RECA 2000, we have extended compensation to additional deserving citizens who have suffered mightily as a result of the cold war atomic testing programs.

In addition, the legislation we are introducing today provides that funding for the RECA trust fund be made through a permanent appropriation. This provision will provide certainty and stability in financing the trust fund and, thereby, ensure eligible individuals receive their compensation.

I want to thank my colleague, Senator DOMENICI, for his commitment to

resolving this very difficult problem that many individuals are now facing. It is simply unfair for the federal government to promise compensation to harmed individuals and then tell these same people that there are no federal dollars to pay their claims. This situation is completely unacceptable.

I would also like to add, in this context, that within the next few weeks I will be introducing additional legislation that will not only complement the bills introduced today but also provide for necessary refinements and technical changes to improve the administration of the RECA program. I will have more to say about this legislation when it is introduced within the next several weeks.

I urge my colleagues to join me in supporting these important measures.

By Mr. NELSON of Florida:

S. 450. A bill to amend the Gramm-Leach-Bliley Act to provide for enhanced protection of nonpublic personal information, including health information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 451. A bill to establish civil and criminal penalties for the sale or purchase of a social security number; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to express my grave concern about the administration's decision that apparently favors the interests of big insurance companies over the health privacy rights of Americans.

I was dismayed to learn on Tuesday that the Secretary of Health and Human Services prevented new medical privacy rules from coming into effect. In essence, these rules would have prevented doctors and insurers from sharing private medical information about their patients.

The delay ostensibly is to allow further discussion. But it makes no sense. The rules have been debated in Washington for nearly 10 years. The Secretary's decision was unfortunate. There are no acceptable excuses for their delay. Consumers deserve to have their personally identifiable information protected from prying eyes.

I promised the people of my State in the course of the last 6 to 8 months of the discussion in the course of the campaign that I would make protecting their privacy one of my top priorities, because too often these days, personally identifiable medical and financial information is being shared, bought, or sold, and it is being done without the consent of the consumer. This practice must stop. It is our job to pass legislation that will stop it.

Today, I am going to be introducing two bills that begin to address aspects of the privacy crisis. Both bills build upon the undeniable principle that information gathered for one purpose should never be disclosed, made available, or otherwise used for another purpose without the consumer's consent.

Clearly, we should be able to share information with our doctor that we

don't want revealed to other people, particularly an employer or a money lender. I am going to work hard to try to pass these privacy protections for every American.

The first bill prohibits banks and financial institutions from selling or sharing private customer information. I strongly believe that financial institutions should not be allowed to pass along confidential customer, financial, or medical information to affiliates, business partners, or others who wish to turn a profit from an individual's personal data.

I have a little bit of background in this because 6 years ago, when I had the privilege of being the elected insurance commissioner of the State of Florida, there was a case in front of the U.S. Supreme Court entitled *Barnett Banks v. Bill Nelson*, in my capacity as insurance commissioner. The issue was on a technical question of a 1916 Federal law as to whether or not banks could sell insurance. The Court ruled, on the basis of that law, that it pertained to the business of insurance, the upshot of which was that banks could sell insurance. In our argument, we noted that if that occurred, there was always the possibility that you had to protect against coercion and protect against privacy rights being invaded.

As a result of that unanimous Supreme Court decision, Congress then, in 1999, enacted the Financial Services Modernization Act. In the 11th hour of the closing of the session in October, the promise was made that, if you can pass this bill now, we will come back next year—the year 2000—and enact the privacy protections. That promise was not fulfilled in the year 2000.

For under the present condition of the law, there is a gaping loophole on privacy protection. In an era of mergers, under the new law, banks can now join with insurance companies and then evaluate the medical information of their affiliates' policyholders before deciding whether or not to issue a loan.

What my legislation will do is require the express written consent of the consumer before any personally identifiable medical information can be shared or sold, and the express consent of the consumer before any personally identifiable financial information can be shared or sold.

For the consumer, privacy should always be the assumption. To prevent coercion, this legislation I am introducing prohibits banks and financial companies from denying service to customers who refuse to consent to the sale of their personally identifiable financial and medical information. To make sure financial institutions take this law seriously, under the legislation, officers of the company can incur personal liability for failing to comply.

This is a serious problem: the invasion of our privacy under the current condition of the law. It demands a serious remedy. I am going to be encouraging all of our colleagues to join with me and fulfill the promise that the

Congress made in 1999 in the enactment of the Financial Services Modernization Act by plugging this gaping loophole where there is no privacy protection.

There is a second bill that I am introducing today. It makes the selling or purchasing of an individual's Social Security number a Federal crime. Social Security numbers are often the key to unlocking vast stores of personal information, both in the private sector and the Federal Government. If there is any personal identification number, it is the Social Security number. We look all around us and we see that identity theft has grown at an alarming rate during the past decade—in many cases, through the Social Security number abuse.

My goodness, we have heard of credit cards being established in somebody else's name by the theft of their Social Security number and running up huge bills. We have heard these stories over and over, and even the confusion caused by identity theft, where crimes are reported to be attributed to an individual who does not have anything to do with it.

When a Social Security number falls into the wrong hands, tremendous financial and personal damage can be incurred. To tackle this terrible problem, this legislation that I am introducing today establishes criminal and monetary penalties. The bill creates both prison terms and fines of up to \$100,000 for buying or selling Social Security numbers.

I hope in this field of privacy protection that the Senate is going to ultimately fulfill the promise that it made 2 years ago and move quickly in this session to protect the privacy of our American citizens.

I ask unanimous consent that the text of both bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 450

*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 "Financial Institution Privacy Protection Act of 2001".

**SEC. 2. PROTECTION OF PRIVATE HEALTH INFORMATION.**

Section 509(4) of the Gramm-Leach-Bliley Act (15 U.S.C. 6809(4)) is amended by adding at the end the following:

"(D) The term 'nonpublic personal information' includes health information, defined as any information, including genetic information, demographic information, and tissue samples collected from an individual, whether oral or recorded in any form or medium—

"(i) that is created or received by a health care provider, health researcher, health plan, health oversight agency, public health authority, employer, health or life insurer, school or university; and

"(ii) that—

"(I) relates to the past, present, or future physical or mental health or condition of an individual (including individual cells and their components), the provision of health

care to an individual, or the past, present, or future payment for the provision of health care to an individual; and

“(II) that identifies an individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.”.

**SEC. 3. OPT-IN FOR SHARING OF INFORMATION.**

Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802) is amended—

(1) in subsection (a)—

(A) by inserting “any affiliate or” before “a nonaffiliate”;

(B) by striking “unless such” and inserting the following: “unless—

“(1) the institution provides”; and

(C) by striking the period at the end and inserting the following: “; and

“(2) the consumer to whom the information pertains—

“(A) has affirmatively consented (in writing, in the case of health information, as defined in section 509(4)(D)), in accordance with rules prescribed under section 504, to the disclosure of such information; and

“(B) has not withdrawn such consent.”; and

(2) by striking subsection (b) and inserting the following:

“(b) DENIAL OF SERVICE PROHIBITED.—A financial institution may not deny a financial product or a financial service to any consumer based on the refusal by the consumer to grant the consent required by this section.”.

**SEC. 4. COMPLIANCE OFFICERS.**

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

“(c) COMPLIANCE OFFICERS.—Each financial institution shall designate a privacy compliance officer, who shall be responsible for ensuring compliance by the institution with the requirements of this title and the privacy policies of the institution.”.

**SEC. 5. LIABILITY.**

Section 505 of the Gramm-Leach-Bliley Act (15 U.S.C. 6805) is amended by adding at the end the following:

“(e) CIVIL PENALTIES.—The Attorney General of the United States may bring a civil action in the appropriate district court of the United States against any financial institution that engages in conduct constituting a violation of this title, and, upon proof of such violation—

“(1) the financial institution shall be subject to a civil penalty of not more than \$100,000 for each such violation; and

“(2) the officers and directors of the financial institution shall be subject to, and shall be personally liable for, a civil penalty of not more than \$10,000 for each such violation.”.

—  
S. 451

*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 “Social Security Number Protection Act of 2001”.

**SEC. 2. PROHIBITION OF THE SALE OR PURCHASE OF A SOCIAL SECURITY NUMBER.**

(a) DEFINITIONS.—In this section:

(1) PURCHASE.—The term “purchase” means providing directly or indirectly, anything of value in exchange for a social security number.

(2) SALE.—The term “sale” means obtaining, directly or indirectly, anything of value in exchange for a social security number.

(3) SOCIAL SECURITY NUMBER.—The term “social security number” has the meaning given that term in section 208(c) of the Social Security Act (42 U.S.C. 408(c)), and in-

cludes a social security account number (as defined in such section) and any identifying portion or derivative of such a number.

(b) PROHIBITION OF THE SALE OR PURCHASE OF A SOCIAL SECURITY NUMBER.—No person may sell or purchase a social security number.

(c) CIVIL MONEY PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated subsection (b) shall be subject, in addition to any other penalties that may be prescribed by law, to a civil money penalty of not more than—

(A) in the case of an individual, \$10,000 for each such violation; and

(B) in the case of any other person, \$100,000 for each such violation.

(2) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) (other than subsections (a), (b), (f), (h), (i), (j), and (m), and the first sentence of subsection (c)), and the provisions of subsections (d) and (e) of section 205 of the Social Security Act (42 U.S.C. 405), shall apply to a civil money penalty imposed under this subsection in the same manner as such provisions apply, respectively, to a penalty or proceeding under section 1128A(a) of that Act or to a hearing, investigation, or other proceeding authorized or directed under title II of that Act, except that, for purposes of this paragraph, any reference in section 1128A of that Act to “the Secretary” and any reference in section 205 of that Act to “the Commissioner of Social Security” shall be deemed to be a reference to the “Attorney General”.

(d) CRIMINAL SANCTIONS.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting “or” after the semicolon; and

(2) by inserting after paragraph (8) the following new paragraph:

“(9) knowingly and willfully sells or purchases (as such terms are defined in section 2(a) of the Social Security Number Protection Act of 2001) a social security number (as defined in subsection (c));”.

By Mr. NICKLES (for himself,  
Mr. ENZI, Mr. BOND, and Mr.  
HUTCHINSON):

S.J. Res. 6. A joint resolution providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics; to the Committee on Health, Education, Labor, and Pensions.

S.J. RES. 6

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to ergonomics (published at 65 Fed. Reg. 68261 (2000)), and such rule shall have no force or effect.*

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 40—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. GRAMM submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration.

**S. RES. 40**

*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 Banking, Housing, and Urban Affairs 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 nonreimbursable 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 \$2,741,526 of which amount (1) not to exceed \$11,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 201(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$496 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 of October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed \$4,862,013 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 \$850 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 of October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed \$2,079,076 of which amount (1) not to exceed \$8,333 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 \$354 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).

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.

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 disbursement 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 Stationery, 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