

applicability of early retirement eligibility requirements to military reserve technicians.

S. 170

At the request of Mr. REID, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 177

At the request of Mr. AKAKA, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 177, a bill to amend the provisions of title 19, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 250

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. BAYH) was added as cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 256

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 256, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers.

S. 264

At the request of Ms. SNOWE, the name of the Senator from South Carolina (Mr. THURMOND) was added as cosponsor of S. 264, a bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the medicare program to all individuals at clinical risk for osteoporosis.

S. 272

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as cosponsor of S. 272, a bill to rescind fiscal year 2001 procurement funds for the V-22 Osprey aircraft program other than as necessary to maintain the production base and to require certain reports to Congress concerning that program.

S. 280

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) 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 Pennsyl-

vania (Mr. SPECTER) 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 Oregon (Mr. SMITH) 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. 361

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

S. 367

At the request of Mrs. BOXER, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 413

At the request of Mr. COCHRAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 534

At the request of Mr. CAMPBELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 534, a bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

S. 539

At the request of Mr. LEVIN, the name of the Senator from Delaware (Mr. BIDEN) was withdrawn as a cosponsor of S. 539, a bill to amend the Truth in Lending Act to prohibit finance charges for on-time payments.

S. 596

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes.

S. 597

At the request of Mr. BINGAMAN, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 597, a bill to provide for a comprehensive and balanced national energy policy.

S. 598

At the request of Mr. BREAUX, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 598, a bill to provide for the reissuance of a rule relating to ergonomics.

S. 604

At the request of Mr. COCHRAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 604, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 605

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 605, a bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system.

S.J. RES. 4

At the request of Mr. HOLLINGS, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors 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. 44

At the request of Mr. COCHRAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 44, a resolution designating each of March 2001, and March 2002, as "Arts Education Month."

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI:

S. 609. A bill to close loopholes in the firearms laws which allow the unregulated manufacture, assembly, shipment, or transportation of firearms or firearm parts, and for other purposes; to the Committee on the Judiciary.

Mr. TORRICELLI. Mr. President, today I introduce the Gun Parts Trafficking Act.

For years, I have fought along with many of my colleagues against the gun violence that has plagued America. We have sought to keep firearms from the hands of children and those who would use them to do harm. After long debate, we succeeded in enacting a ban on assault weapons, as well as the Brady bill requiring a criminal background at the time of a firearms purchase, positive steps in the effort to protect our communities from gun violence.

Gun violence, however, continues to have a devastating impact on our Nation. The statistics have been well documented, but bear repeating. In 1997 alone, more than 32,000 Americans were shot and killed. Fourteen children die

from gunfire every day. The economic toll of firearms deaths and injuries on our country, \$33 billion each year, is astronomical.

In light of these staggering figures it seems obvious that we must do more, including regulating guns like any other consumer product. But while we look forward, we must also be mindful of attempts by some to subvert the progress we have made.

Some gun dealers are exploiting a loophole in current law that allows them to sell, through the U.S. mail, gun kits containing virtually every single item needed to build an automatic weapon. When we enacted a ban on these deadly automatic weapons, we exempted automatic weapons legally owned prior to the ban. We also allowed replacement parts to be legally sold so that these grand-fathered weapons could be repaired by their owners, and we allowed these parts to be shipped through the mail.

These provisions, however, have been exploited and replacement part kits that can convert a legally owned firearm into an illegal automatic weapon are readily available and heavily advertised in numerous publications. Some of these kits even go so far as to provide a template that shows how to make this conversion. This is a flagrant effort to evade the laws of the United States. This activity must be stopped in order to maintain the integrity of our ban on assault weapons and protect our communities from gun violence.

To that end, I am reintroducing the Gun Parts Trafficking Act, legislation that I first introduced in the 106th Congress. This bill is designed to close the loopholes in existing law and end the sale of kits designed to convert legally owned firearms into illegal automatic weapons. It will expand the definition of "firearm" to include the main components of the weapon and will prohibit the manufacture or assembly of guns by an individual who does not have a license to do so.

I urge my colleagues to join me in support of the "Gun Parts Trafficking Act" and 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. 609

*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 "Gun Parts Trafficking Act of 2001".

**SEC. 2. PROHIBITION AGAINST SHIPMENT OR TRANSPORTATION OF FIREARM PARTS, WITH CERTAIN EXCEPTIONS.**

Section 921(a)(3) of title 18, United States Code, is amended by striking "or (D) any destructive device." and inserting "(D) any destructive device; or (E) any parts or combination of parts that when assembled on a frame or receiver would constitute a firearm, as defined in this paragraph."

**SEC. 3. PROHIBITION AGAINST MANUFACTURE OR ASSEMBLY OF FIREARMS BY PERSONS OTHER THAN LICENSED MANUFACTURERS.**

Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(Z) It shall be unlawful for any person other than a licensed manufacturer to manufacture or assemble a firearm."

**SEC. 4. INCREASE IN FEE FOR LICENSE TO MANUFACTURE FIREARMS.**

Section 923(a)(1)(B) of title 18, United States Code, is amended by striking "\$50" and inserting "\$500".

**SEC. 5. PROHIBITION AGAINST POSSESSION OR TRANSFER OF CERTAIN COMBINATIONS OF MACHINEGUN REPLACEMENT PARTS.**

Section 5845(b) of the Internal Revenue Code of 1986 (known as the National Firearms Act) is amended in the second sentence by striking "designed and intended solely and exclusively, or combination of parts designed and intended," and inserting "or combination of parts designed and intended".

**SEC. 6. EFFECTIVE DATE.**

The amendments made by this Act shall apply to conduct engaged in after the 60-day period beginning on the date of enactment of this Act.

By Mr. TORRICELLI:

S. 610. A bill to provide grants to law enforcement agencies to purchase firearms needed to perform law enforcement duties; to the Committee on the Judiciary.

Mr. TORRICELLI. Mr. President today I introduce a bill that will reduce the number of firearms on the street and help keep guns out of the hands of criminals. In the wake of the tragic shooting this year outside of San Diego, we are reminded of what happens when the wrong people have access to guns. Such tragic shootings become even more troubling when they involve a former police gun or firearms previously involved in a crime.

It is vital that law enforcement agencies have the very best equipment available to ensure their safety and to protect America's communities, but purchasing new weapons can be expensive, particularly for smaller cash-strapped municipalities. Thus, to offset the costs of purchasing new weapons, law enforcement agencies have often in the last two decades either sold their old guns to dealers or auctioned them off to the public. However, this practice has led to an unintended result, increased risk that these guns would end up back on the streets and in the hands of criminals.

In the past 10 years, firearms once used by law enforcement agencies have been involved in more than 3,000 crimes throughout the United States, including 293 homicides, 301 assaults, and 279 drug-related crimes. In 1999, Buford Furrow, a white supremacist, used a Glock pistol that was decommissioned and sold by a police agency in the State of Washington to terrorize and shoot children at a Jewish community center in Los Angeles and then kill a postal worker. Members of the Latin Kings, a violent Chicago street gang, used guns formerly owned by the Miami-Dade Police Department in

Florida to commit violent crimes in Illinois. And a 1996 investigation by the New York State inspector general found that weapons used by New York law enforcement officers had been used in crimes in at least two other States.

It is time that we help our law enforcement agencies do what they are trying to do—get out of the business of selling guns. With the help of the bill I am introducing, law enforcement agencies will no longer be forced to resell their old guns or guns seized from criminals to help them obtain the new weapons that are necessary to carry out their duties. Instead, this bill would provide grants to State or local law enforcement agencies to assist them in purchasing new firearms. In order to receive these grants, the law enforcement agencies must simply agree to either destroy their decommissioned guns or not sell them to the public.

A growing number of States and cities have already decided to ban the practice of pouring old police guns into the consumer market. They recognize that the extra money gained from selling old police guns is not worth the possibility that those guns would contribute to additional suffering or loss of life. It is simply bad public policy for governments to be suppliers of guns and potentially add to the problem of gun violence in America. Regardless of where one stands on gun control, logic, common sense, and decency demand that we also recognize this simple truth and unite behind moving this bill to passage.

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. 610

*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 "Police Gun Buyback Assistance Act".

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

(a) FINDINGS.—Congress finds the following:

(1) Buford Furrow, a white supremacist, used a Glock pistol decommissioned and sold by a law enforcement agency in the State of Washington, to shoot children at a Jewish community center in Los Angeles and kill a postal worker.

(2) Twelve firearms were recently stolen during shipment from the Miami-Dade Police Department to Chicago, Illinois. Four of these firearms have been traced to crimes in Chicago, Illinois, including a shooting near a playground.

(3) In the past 9 years, decommissioned firearms once used by law enforcement agencies have been involved in more than 3,000 crimes, including 293 homicides, 301 assaults, and 279 drug-related crimes.

(4) Many State and local law enforcement departments also engage in the practice of reselling firearms that were involved in the commission of a crime and confiscated. Often these firearms are assault weapons that were in circulation prior to the restrictions imposed by the Violent Crime Control and Law Enforcement Act of 1994.

(5) Law enforcement departments in the States of New York and Georgia, the City of Chicago, and other localities have adopted the practice of destroying decommissioned firearms.

(b) **PURPOSE.**—The purpose of this Act is to reduce the number of firearms on the streets by assisting State and local law enforcement agencies in eliminating the practice of transferring decommissioned firearms to any person.

### SEC. 3. PROGRAM AUTHORIZED.

(a) **GRANTS.**—The Attorney General may make grants to States or units of local government—

(1) to assist States and units of local government in purchasing new firearms without transferring decommissioned firearms to any person; and

(2) to destroy decommissioned firearms.

(b) **ELIGIBILITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), to be eligible to receive a grant under this Act, a State or unit of local government shall certify that it has in effect a law or official policy that—

(A) eliminates the practice of transferring any decommissioned firearm to any person; and

(B) provides for the destruction of a decommissioned firearm.

(2) **EXCEPTION.**—A State or unit of local government may transfer a decommissioned firearm to a law enforcement agency.

(c) **USE OF FUNDS.**—A State or unit of local government that receives a grant under this Act shall only use that grant to purchase new firearms.

### SEC. 4. APPLICATIONS.

(a) **STATE APPLICATIONS.**—To request a grant under this Act, the chief executive of a State shall submit an application, signed by the Attorney General of the State requesting the grant, to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(b) **LOCAL APPLICATIONS.**—To request a grant under this Act, the chief executive of a unit of local government shall submit an application, signed by the chief law enforcement officer in the unit of local government requesting the grant, to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

### SEC. 5. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to implement this Act, which shall specify the information that must be included and the requirements that the States and units of local government must meet in submitting applications for grants under this Act.

### SEC. 6. REPORTING.

(a) **IN GENERAL.**—A State or unit of local government shall report to the Attorney General not later than 2 years after funds are received under this Act, regarding the implementation of this Act.

(b) **BUDGET ASSURANCES.**—The report required under subsection (a) shall include budget assurances that any future purchase of a firearm by a law enforcement agency will be possible without transferring a decommissioned firearm.

### SEC. 7. DEFINITION.

In this Act:

(1) **DECOMMISSIONED FIREARM.**—The term “decommissioned firearm” means a firearm—

(A) that is no longer in service or use by a law enforcement agency; or

(B) that was involved in the commission of a crime and was confiscated and is no longer needed for evidentiary purposes.

(2) **FIREARM.**—The term “firearm” has the same meaning given that term in section 921(a)(3) of title 18, United States Code.

(3) **PERSON.**—The term “person” has the same meaning given that term in section 1 of title 1, United States Code.

### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$10,000,000 for each of the fiscal years 2001 through 2005.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Ms. SNOWE, Mr. DORGAN, Ms. COLLINS, Mr. JOHNSON, Mr. SCHUMER, Mr. LEAHY, Mr. DODD, Mr. BINGAMAN, and Mr. DASCHLE):

S. 611. A bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I rise today to talk about an issue that is very important to me, very important to my constituents in Maryland and very important to government workers and retirees across the Nation. I am reintroducing a bill to modify a cruel rule of government that is unfair and prevents current workers from enjoying the benefits of their hard work during retirement.

Under current law, a Social Security spousal benefit is reduced or entirely eliminated if the surviving spouse is eligible for a pension from a local, State or Federal Government job that was not covered by Social Security. This policy is known as the Government Pension Offset.

This is how the current law works. Consider a surviving spouse who retires from government service and receives a government pension of \$600 a month. She also qualifies for a Social Security spousal benefit of \$645 a month. Because of the Pension Offset law (which reduces her Social Security benefit by 2/3 of her government pension), her spousal benefit is reduced to \$245 a month. So instead of \$1245, she will receive only \$845 a month. That is \$400 a month less to pay the rent, purchase a prescription medication, or buy groceries. I think that is wrong.

My bill does not repeal the government pension offset entirely, but it will allow retirees to keep more of what they deserve. It guarantees that those subject to the offset can keep at least \$1200 a month in combined retirement income. With my modification, the 2/3 offset would apply only to the combined benefit that exceeds \$1200 a month. So, in the example above, the surviving spouse would face only a \$30 offset, allowing her to keep \$1215 in monthly income.

Unfortunately, the current law disproportionately affects women. Women are more likely to receive Social Security

spousal benefits and to have worked in low-paying or short-term government positions while they were raising families. It is also true that women receive smaller government pensions because of their lower earnings, and rely on Social Security benefits to a greater degree. My modification will allow these women who have contributed years of important government service and family service to rely on a larger amount of retirement income.

In the last Congress, the Senate unanimously voted for and passed H.R. 5, The Senior Citizens' Freedom to Work Act of 1999. This legislation ensured that senior citizens who choose to work or who must work can earn income after retirement without losing a portion of their Social Security benefit. That law helps senior citizens who earn above \$17,000 per year. In contrast, my bill specifically targets those with much lower retirement incomes, around \$13,000 per year and less. I believe that we must work to ensure a safety net for all of our seniors, including those retired federal employees who every day are forced to make difficult choices between rent, food, and prescription drugs due to the drastic effects of the government pension offset.

Why do we punish people who have committed a significant portion of their lives to government service? We are talking about workers who provide some of the most important services to our community, teachers, firefighters, and many others. Some have already retired. Others are currently working and looking forward to a deserved retirement. These individuals deserve better than the reduced monthly benefits that the Pension Offset currently requires.

Government employees work hard in service to our Nation, and I work hard for them. I do not want to see them penalized simply because they have chosen to work in the public sector, rather than for a private employer, and often at lower salaries and sometimes fewer benefits. If a retired worker in the private sector received a pension, and also received a spousal Social Security benefit, they would not be subject to the Offset. I think we should be looking for ways to reward government service, not the other way around. I believe that people who work hard and play by the rules should not be penalized by arcane, legislative technicalities.

Frankly, I would like to repeal the offset all together. But, I realize that budget considerations make that unlikely. As a compromise, I hope we can agree that retirees who have worked hard all their lives should not have this offset applied until their combined monthly benefit, both government pension and Social Security spousal benefit, exceeds \$1,200.

I also strongly believe that we should ensure that retirees buying power keeps up with the cost of living. That's why I have also included a provision in

this legislation to index the \$1,200 amount to inflation so retirees will see their minimum benefits increase along with the cost of living.

The Social Security Administration recently estimated that enacting the provisions contained in my bill will have a negligible long-term impact on the Social Security Trust Fund, about 0.005 percent of taxable payroll. Additionally, my bill is bipartisan and is strongly supported by CARE, the Coalition to Assure Retirement Equity with 43 member organizations including the National Association of Retired Federal Employees, NARFE, the American Federation of Federal State County and Municipal Employees, AFSCME, the National Education Association, NEA, and the National Treasury Employees Union, NTEU.

I urge my colleagues to join me in this effort and support my legislation to modify the Government Pension Offset.

By Mr. FIENGOLD (for himself and Mr. BOND):

S. 612. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to develop and implement an annual plan for outreach regarding veterans benefits, and for other purposes; to the Committee on Veterans' Affairs.

Mr. FEINGOLD. Mr. President, today I am introducing a measure that will help ensure that all of our nation's veterans who earned benefits through their service receive those benefits. I am pleased to be joined today by the senior Senator from Missouri, Senator BOND. As chairman of the Appropriations Subcommittee on Veterans, Housing and Urban Development, he has long been a strong advocate for our veterans.

Late last year the Wisconsin Department of Veterans Affairs (WDVA) launched a statewide program called I Owe You. Under the direction of Secretary Ray Boland, the I Owe You program encourages veterans to apply, or re-apply, for benefits that they earned from their service to the United States.

As part of this program, WDVA held an outreach event in Milwaukee where veterans could apply for benefits—more than 1,500 veterans and family members attended the event and many started the process of receiving the benefits owed to them. This was only the first of their “supermarkets of veterans benefits” that they plan to hold across the State.

The State of Wisconsin is performing a service that is clearly the obligation of the Department of Veterans Affairs. These are federal benefits that we owe our veterans and it is the Federal Government's obligation to make sure that they receive them. Obviously, we must make a greater effort if more than 1,500 people in the Milwaukee area alone attended this event.

This bill calls upon the Department of Veterans Affairs to take on the responsibility of better informing our

veterans about the benefits and services they have earned. Under the National I Owe You Act, the Secretary of the Department of Veterans Affairs will develop and implement a plan to encourage veterans to apply for their benefits, identify those entitled to benefits who aren't currently receiving them, and notify veterans of any modifications to veterans benefits programs.

The American people are indebted to our nation's veterans. As a result of their loyal service and sacrifice, we maintain our freedoms and rights. It's time that we do right by our veterans and honor the commitment that we made to the men and women who served our country in the Armed Forces.

I urge my colleagues to support the National I Owe You Act to ensure that this commitment is honored.

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. 612

*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 “National I Owe You Act”.

**SEC. 2. DEVELOPMENT AND IMPLEMENTATION OF ANNUAL PLAN FOR OUTREACH REGARDING VETERANS BENEFITS.**

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

(1) The mission of the Department of Veterans Affairs includes acting as a principal advocate for veterans in order to assure that veterans receive the benefits to which they are entitled as a result of service to the nation.

(2) The Veterans Benefits Administration of the Department of Veterans Affairs is responsible for the timely and accurate distribution of benefits to veterans and their dependents.

(3) Only 2,600,000 of the 24,000,000 living United States veterans are receiving benefits through the Department of Veterans Affairs.

(4) There may be veterans entitled to veterans benefits who are not aware of their entitlement to such benefits.

(5) The Veterans Benefits Administration needs to take more aggressive actions to ensure that all veterans are aware of the veterans benefits to which they are entitled.

(6) The State of Wisconsin Department of Veterans Affairs recently initiated a program that permits veterans to apply at one location for benefits such as health care, disability compensation, education, and job training.

(b) ANNUAL PLAN.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

**“§531. Annual plan for outreach regarding veterans benefits**

“(a) DEVELOPMENT.—The Secretary shall, on an annual basis, develop a plan for the outreach activities of the Department regarding veterans benefits during the year covered by such plan.

“(b) PLAN ELEMENTS.—(1) Each plan under this section shall include the following elements:

“(A) A program to encourage veterans to apply for veterans benefits.

“(B) A program to identify veterans entitled to veterans benefits who are not currently receiving such benefits.

“(C) A program to notify veterans of any modifications to veterans benefits programs.

“(D) Such other programs or elements as the Secretary considers appropriate.

“(2) A plan under this section for a year may consist of an update of the plan under this section for the previous year, taking into account changes in circumstances over time.

“(c) CONSULTATION.—In developing a plan under subsection (a), the Secretary shall consult with directors of the veterans agencies of the States, appropriate representatives of veterans service organizations and other veterans advocacy groups, and such other persons as the Secretary considers appropriate.

“(d) IMPLEMENTATION.—The Secretary shall implement each plan developed under this section.

“(e) VETERANS BENEFITS DEFINED.—In this section the term ‘veterans benefits’ means benefits for veterans under the laws administered by the Secretary.”

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of that title is amended by inserting after the item relating to section 530 the following new item:

“531. Annual plan for outreach regarding veterans benefits.”

By Mr. FITZGERALD:

S. 613. A bill to amend the Internal Revenue Code of 1986 to enhance the use of the small ethanol producer credit, to the Committee on Finance.

Mr. FITZGERALD. 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. 613

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

**SECTION 1. SMALL ETHANOL PRODUCER CREDIT.**

(a) ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.—Section 40(g) of the Internal Revenue Code of 1986 (relating to alcohol used as fuel) is amended by adding at the end the following new paragraph:

“(6) ALLOCATION OF SMALL ETHANOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—

“(A) ELECTION TO ALLOCATE.—

“(i) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

“(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

“(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons under subparagraph (A)—

“(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year,

“(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron for which the patronage dividends for the taxable year described in subparagraph (A) are included in gross income, and

“(iii) shall be included in gross income of such patrons for the taxable year in the manner and to the extent provided in section 87.

“(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

“(i) such reduction, over

“(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G.”.

(b) IMPROVEMENTS TO SMALL ETHANOL PRODUCER CREDIT.—

(1) DEFINITION OF SMALL ETHANOL PRODUCER.—Section 40(g) of the Internal Revenue Code of 1986 (relating to definitions and special rules for eligible small ethanol producer credit) is amended by striking “30,000,000” each place it appears and inserting “60,000,000”.

(2) SMALL ETHANOL PRODUCER CREDIT NOT A PASSIVE ACTIVITY CREDIT.—Clause (i) of section 469(d)(2)(A) of such Code is amended by striking “subpart D” and inserting “subpart D, other than section 40(a)(3).”.

(3) ALLOWING CREDIT AGAINST MINIMUM TAX.—

(A) IN GENERAL.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) SPECIAL RULES FOR SMALL ETHANOL PRODUCER CREDIT.—

“(A) IN GENERAL.—In the case of the small ethanol producer credit—

“(i) this section and section 39 shall be applied separately with respect to the credit, and

“(ii) in applying paragraph (1) to the credit—

“(I) subparagraphs (A) and (B) thereof shall not apply, and

“(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the small ethanol producer credit).

“(B) SMALL ETHANOL PRODUCER CREDIT.—For purposes of this subsection, the term ‘small ethanol producer credit’ means the credit allowable under subsection (a) by reason of section 40(a)(3).”.

(B) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by striking “(other)” and all that follows through “credit)” and inserting “(other than the empowerment zone employment credit or the small ethanol producer credit)”.

(4) SMALL ETHANOL PRODUCER CREDIT NOT ADDED BACK TO INCOME UNDER SECTION 87.—Section 87 of such Code (relating to income inclusion of alcohol fuel credit) is amended to read as follows:

**“SEC. 87. ALCOHOL FUEL CREDIT.**

“Gross income includes an amount equal to the sum of—

“(1) the amount of the alcohol mixture credit determined with respect to the taxpayer for the taxable year under section 40(a)(1), and

“(2) the alcohol credit determined with respect to the taxpayer for the taxable year under section 40(a)(2).”.

(c) CONFORMING AMENDMENT.—Section 1388 of such Code (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following new subsection:

“(k) CROSS REFERENCE.—For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(g)(6).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. HUTCHINSON (for himself and Mr. BOND):

S. 616. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals, to raise the exemption for small businesses from such tax, and for other purposes; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, today I am proud to join with the Chairman of the Senate Small Business Committee, Senator KIT BOND, in introducing the Real AMT Relief Act of 2001. This legislation is intended to provide the hard working taxpayers of America relief from the onerous Alternative Minimum Tax, AMT.

The AMT, set up more than 30 years ago to help ensure that wealthy taxpayers paid their fair share of taxes, is hitting middle-income families the hardest. Most vulnerable are the hard working taxpayers with several children, interest deductions from second mortgages, capital gains, high state and local taxes, and incentive stock options.

While only 19,000 people paid the AMT in 1970, roughly 1,000,000 taxpayers had to pay it in 1999. According to the Joint Tax Committee, it is estimated that by 2011, more than 16 million taxpayers will have to struggle with the AMT.

Another group of taxpayers being slammed by the AMT are America's small business owners. As my good friend Senator BOND has said, the complexity of the AMT forces many small businesses to spend valuable resources on tax professionals and high priced accountants to determine whether or not the AMT applies to them. Many small business owners in Arkansas have told me that instead of spending the time and the money trying to comply with the AMT, they would rather use those resources to hire new workers and provide benefits to their workers.

The AMT has also had a dramatic impact on high tech communities all across the country. The recent stock market collapse has left many high tech employees, from executives to the rank and file, facing enormous AMT bills based on long-gone paper profits. Some who exercised incentive options and owe the tax may have no choice but to plunder 401(k)s, sell homes, borrow from parents, arrange IRS payment plans and consider bankruptcy.

In this scenario, the AMT is based on paper profits on the day you exercise the option and buy stock even if the stock later crashes and you lose the

profits. It's triggered when you exercise an incentive stock option in one year and hold the stock into a later calendar year. One thing is clear about stock options: Too many people know too little about them. An Oppenheimer Funds survey last year indicated that 75 percent of stock-option holders weren't familiar with the Alternative Minimum Tax, and that 52 percent knew “little” or “nothing at all” about the tax implications of exercising options.

The time to help these taxpayers is now. The Real AMT Relief Act of 2001 provides badly needed relief to all taxpayers. Based on the recommendations of the IRS National Taxpayer Advocate, the Real AMT Relief Act of 2001 completely repeals the individual AMT. Eliminating 20 percent of the AMT each year until it is completely eliminated in 2006. This helps lift the burden off both the individual as well as the small business taxpayer. We further help to completely protect the small business owner by expanding the small business exemption from \$5 million to \$10 million.

I look forward to helping provide this badly needed tax relief to America's growing middle class. It is truly an honor to be joined in this effort with the distinguished Chairman of the Senate Small Business Committee, Senator BOND. His knowledge and passion for this issue is second to none. I urge my colleagues to support passage of the Real AMT Relief Act of 2001.

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. 616

*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 “Real AMT Relief Act of 2001”.

**SEC. 2. ALTERNATIVE MINIMUM TAX.**

(a) REPEAL OF ALTERNATIVE MINIMUM TAX ON INDIVIDUALS.—

(1) IN GENERAL.—Section 55(a) of the Internal Revenue Code of 1986 (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

“For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2004, shall be zero.”.

(2) REDUCTION OF TAX ON INDIVIDUALS PRIOR TO REPEAL.—Section 55 of such Code (relating to alternative minimum tax imposed) is amended by adding at the end the following new subsection:

“(f) PHASEOUT OF TAX ON INDIVIDUALS.—

“(1) IN GENERAL.—The tax imposed by this section on a taxpayer other than a corporation for any taxable year beginning after December 31, 2000, and before January 1, 2005, shall be the applicable percentage of the tax which would be imposed but for this subsection.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined in accordance with the following table:

<b>"For taxable years beginning in calendar year—</b>	<b>The applicable percentage is—</b>
2001 .....	80
2002 .....	60
2003 .....	40
2004 .....	20."

**(3) NONREFUNDABLE PERSONAL CREDITS FULLY ALLOWED AGAINST REGULAR TAX LIABILITY.—**

(A) IN GENERAL.—Section 26(a) of such Code (relating to limitation based on amount of tax) is amended to read as follows:

"(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the taxpayer's regular tax liability for the taxable year."

(B) CHILD CREDIT.—Section 24(d) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

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

**(b) INCOME AVERAGING NOT TO INCREASE ALTERNATIVE MINIMUM TAX LIABILITY.—**

(1) IN GENERAL.—Section 55(c) of the Internal Revenue Code of 1986 (relating to regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

"(2) COORDINATION WITH INCOME AVERAGING FOR FARMERS.—Solely for purposes of this section, section 1301 (relating to averaging of farm income) shall not apply in computing the regular tax."

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

**(c) EXPANSION OF THE EXEMPTION FROM THE ALTERNATIVE MINIMUM TAX FOR SMALL CORPORATIONS.—**

(1) IN GENERAL.—Section 55(e)(1)(A) of the Internal Revenue Code of 1986 (relating to exemption for small corporations) is amended to read as follows:

"(A) \$10,000,000 GROSS RECEIPTS TEST.—The tentative minimum tax of a corporation shall be zero for any taxable year if the corporation's average annual gross receipts for all 3-taxable-year periods ending before such taxable year does not exceed \$10,000,000. For purposes of the preceding sentence, only taxable years beginning after December 31, 1997, shall be taken into account."

(2) GROSS RECEIPTS TEST FOR FIRST 3-YEAR PERIOD.—Section 55(e)(1)(B) of such Code (relating to exemption for small corporations) is amended to read as follows:

"(B) \$7,500,000 GROSS RECEIPTS TEST FOR FIRST 3-YEAR PERIOD.—Subparagraph (A) shall be applied by substituting '\$7,500,000' for '\$10,000,000' for the first 3-taxable-year period (or portion thereof) of the corporation which is taken into account under subparagraph (A)."

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

Mr. BOND. Mr. President, I rise today to join my colleague from Arkansas, Senator HUTCHINSON, in introducing the Real AMT Relief Act of 2001. This bill focuses on an issue of growing concern to many individual taxpayers and especially small business owners, the Alternative Minimum Tax, AMT.

The Real AMT Relief Act addresses the increasingly onerous consequences of the individual AMT as well as the corporate AMT. According to the Joint Tax Committee, in 1998, the most recent taxpayer data available, there were 853,000 individual tax returns that paid AMT. That number constituted 0.7

percent of all individual income tax returns—a relatively small number of returns. In contrast, the Joint Tax Committee estimates that by 2011, 11.2 percent of individual income tax returns will have AMT liability, that's more than 16 million taxpayers who will have to grapple with this burdensome tax.

Sadly, many of these AMT taxpayers will be individuals in the middle income brackets and not because they are taking advantage of special tax loopholes to avoid paying their share of taxes. No, these hardworking men and women will be hit with the AMT because they are taking advantage of the tax benefits that Congress accorded them, such as the child tax credit, the adoption tax credit, the dependent care tax credit, and the HOPE Scholarship and Lifetime Learning tax credit, to name a few. So instead of receiving a few extra dollars to help raise their children, these taxpayers lose much of these benefits and get to deal with the complex AMT rules as a bonus prize.

For other taxpayers, the AMT will not increase their tax bill. But because the AMT is a separate tax system, they will have to calculate their taxes twice, once under the regular rules and a second time under the AMT, just to make sure they do not owe additional taxes. With an already complicated set of tax rules for the regular tax, the last thing these individuals need is a second set of calculations.

Another significant group of taxpayers who have largely been forgotten in the AMT debate are the small business owners. According to recent IRS estimates, there were more than 20.7 million tax returns filed by sole-proprietorships, partnerships, and S corporations with receipts of less than \$1 million. In contrast, there were 2.75 million C corporations. As a result, a whopping 88 percent of these businesses, with receipts under \$1 million, are pass-through entities, businesses that are taxed only at the individual owner level.

For these sole proprietors, partners, and S corporation shareholders, the individual AMT increases their tax liability by, among other things, reducing depreciation and depletion deductions, limiting net operating loss treatment, eliminating the deductibility of State and local taxes, and curtailing the expensing of research and experimentation costs. In addition, because of its complexity, this tax forces small business owners to waste precious funds on tax professionals to determine whether the AMT even applies. Just think of the economic growth and new jobs that could be created if we could eliminate the compliance costs of the individual AMT.

The Real AMT Relief Act does just that. Based on the recommendation of the IRS National Taxpayer Advocate in his 2001 Report to Congress, the bill provides for the complete repeal of the individual AMT. This will be accomplished by eliminating 20 percent of the

AMT each year until it is completely repealed in 2006. That's welcome relief for individual taxpayers and an enormous burden lifted off the shoulders of America's small businesses.

For small corporations, the AMT story is much the same, high compliance costs and additional taxes draining away scarce capital from their businesses. In fact, the Committee on Small Business, which I chair, received testimony at a hearing in the last Congress that the corporate AMT resulted in a \$95,000 tax bill for one small business in Kansas City, all because the company purchased life insurance on the father, who was the primary owner of the business, to prevent the estate tax from closing the company down. That type of nonsense must come to an end here and now.

In 1997, Congress established an exemption from the corporate AMT for small businesses that are organized as taxable corporations if they meet certain gross receipt tests. Under that exemption, a corporation initially qualifies if its average gross receipts were \$5 million or less during its first three taxable years beginning after December 31, 1993. Thereafter, a small corporation can continue to qualify for the AMT exemption for so long as its average gross receipts for the prior three-year period do not exceed \$7.5 million.

With the growth and success of small corporations, it is time to expand that exemption and continue to provide these small enterprises with relief from the corporate AMT. Accordingly, for small corporate taxpayers, the Real AMT Relief Act increases the current exemption from the corporate AMT. As a result, a small corporation will initially qualify for the exemption if its average gross receipts are \$7.5 million or less during its first three taxable years. In subsequent years, a small corporation will continue to qualify for as long as its average gross receipts for the prior 3-year period do not exceed \$10 million.

Mr. President, small businesses represent more than 99 percent of all employers, employ 53 percent of the private work force, and create about 75 percent of the new jobs in this country. In addition, these small firms contribute 57 percent of all sales in this country, and they are responsible for 51 percent of the private gross domestic product. With that kind of performance, small businesses deserve tax relief and simplification. The Real AMT Relief Act comes through on both accounts. I applaud Senator Hutchinson for his leadership on this issue, and I am proud to be the chief co-sponsor of this important legislation.

By Mr. COCHRAN:

S. 617. A bill to amend the Elementary and Secondary Education Act of 1965 to improve student and teacher performance and access to education in the critically challenged Lower Mississippi Delta region; to the Committee

on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today I am introducing the Lower Mississippi Delta Education Access and Improvement Act of 2001.

The character and fabric of our Nation have been significantly enhanced by the Mississippi Delta's unique blend of the talents that created blues music and Pulitzer Prize literature. But the problems facing this region today overshadow the triumphs of the past and foretell a future without hope. These problems include: below average reading skills among elementary school children, low graduation rates and ACT scores among high school students, lower levels of accreditation among teachers, and poor scores from the State Department of Education Performance Based Accreditation System. Poverty is another issue facing the school districts, evidenced by the fact that 86 percent of the students are eligible for free lunch.

However, there is a sense of optimism among community leaders and educators about overcoming the difficulties that confront the educational system of the area. Universities, community based organizations, and schools are developing comprehensive initiatives to achieve new success in teacher training and retention, preschool learning readiness, parental education, school-wide performance, birth to kindergarten preventative health care and immunization delivery. These are the people who best know their problems, and more importantly, how to solve them. In my opinion, these are efforts that deserve federal support.

This bill will authorize grants to institutions of higher learning located in the Lower Mississippi Delta for the improvement of education and student and teacher performance.

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. 617

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

**SECTION 1. LOWER MISSISSIPPI DELTA EDUCATION ACCESS AND IMPROVEMENT.**

Title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8601 et seq.) is amended by adding at the end the following:

**“Part E—Lower Mississippi Delta Education Access and Improvement**

**“SEC. 13501. SHORT TITLE.**

“This part may be cited as the “Lower Mississippi Delta Education Access and Improvement Act”.

**“SEC. 13502. DEFINITIONS.**

“In this part:

“(1) **ELIGIBLE INSTITUTION.**—The term ‘eligible institution’ means an institution of higher education—

“(A) that has a school or college of education located in the Lower Mississippi Delta; and

“(B) that has an established, working partnership or consortium with one or more local

educational agencies and nonprofit and community organizations, with the purpose of such partnership or consortium being the improvement of education in the Lower Mississippi Delta.

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

“(3) **LOWER MISSISSIPPI DELTA.**—The term ‘Lower Mississippi Delta’ means those counties designated as being part of the Delta Regional Authority jurisdiction in the States of Mississippi, Arkansas, Louisiana, and Tennessee.

“(4) **MEDICALLY UNDERSERVED POPULATION.**—The term ‘medically underserved population’ has the meaning given the term in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3)).

**“SEC. 13503. PROGRAM AUTHORIZED.**

“(a) **IN GENERAL.**—The Secretary is authorized to award grants to eligible institutions to allow such eligible institutions to carry out the activities described in section 13506.

“(b) **LIMITATION.**—The Secretary may award not fewer than 1 or more than 4 grants under this part in each fiscal year.

“(c) **PERIOD.**—Grants under this part may be awarded for periods of up to 5 years.

**“SEC. 13504. APPLICATION.**

“(a) **IN GENERAL.**—Each eligible institution desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(b) **CONTENTS.**—Each application submitted under subsection (a) shall contain a description of the activities that the eligible institution desires to carry out using funds made available under this part, including a description of the specific population to be served by such activities.

**“SEC. 13505. PRIORITY.**

“In awarding grants under this part, the Secretary shall give priority to applications describing proposed projects in counties—

“(1) that possess no single incorporated municipality having a population of more than 75,000 people;

“(2) in which the local school districts serve populations of which more than 50 percent of all students are eligible for free or reduced priced lunches; and

“(3) in which more than 50 percent of the population is medically underserved.

**“SEC. 13506. AUTHORIZED ACTIVITIES.**

“(a) **IN GENERAL.**—Each eligible institution receiving a grant under this part shall use amounts received under the grant for activities that focus on research, development, and dissemination of programs, plans or demonstration projects designed to improve the following:

- “(1) School-wide performance.
- “(2) Teacher and administrator training.
- “(3) Teacher retention.
- “(4) Parent and mentor education.
- “(5) Assessment.
- “(6) Cultural based education and regional identity building.
- “(7) Workforce.
- “(8) Family literacy.
- “(9) Preschool learning readiness.
- “(10) Birth to kindergarten components of early preventative health care, educational intervention, and immunization delivery.

“(b) **LIMITATION.**—Grants awarded under this part shall be used for projects only in the predominately rural and agriculture-centered counties and communities of the Lower Mississippi Delta.

**“SEC. 13507. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to carry out this part \$18,000,000,000 for fiscal

year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

By Mr. SPECTER:

S. 618. A bill to designate certain lands in the Valley Forge National Historical Park as the Valley Forge National Cemetery, to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, today I renew my efforts that began on September 29, 1998, to authorize the creation of the Valley Forge National Cemetery. I am introducing this bill to coincide with a news conference that Congressman JOSEPH HOFFFEL is holding today in Montgomery County, PA, and I join with the entire Pennsylvania delegation in the House, in announcing our joint intention to see this matter resolved this year. Congressman HOFFFEL will introduce a companion bill, and I am pleased to join him in this effort. I had hoped to be with Congressman HOFFFEL at Valley Forge today, but was not able to join him due to a prior commitment. I nevertheless commend him, and the entire Pennsylvania delegation in the House, for their leadership in advancing this legislation. I am anxious to begin the fight for this worthy endeavor.

A national cemetery located at Valley Forge would not only be a fitting final resting place for the Nation's veterans because of the area's historical significance, it would also provide the veterans of southeastern Pennsylvania and southern New Jersey with their only national cemetery burial option within a reasonable distance from the homes of their loved ones.

This legislation would designate 200 acres of land within the Valley Forge National Historic Park for use by the Department of Veterans Affairs, VA, to create a national cemetery. The cemetery would fall under the jurisdiction of VA's National Cemetery Administration, the agency charged with administering 119 national cemeteries nationwide.

The need for a national cemetery at or near Valley Forge first gained my attention in 1998. Back then, I joined with then-Congressman Jon Fox, and the entire Pennsylvania delegation in the House, in introducing legislation, S. 2530, to create the Valley Forge National Cemetery. Unfortunately, that measure was not acted on after its referral to the Senate Energy and Natural Resource Committee. It is my understanding that opposition to the legislation arose due to concerns, misplaced concerns, in my estimation, that the presence of a veterans' cemetery might somehow be inconsistent with the historic nature of the Valley Forge Park site.

I am advised that the National Park Service, NPS, the agency charged with administering over 3,000 acres of federally owned land at the Valley Forge National Historic Park, has expressed reservations about giving up Valley Forge land for cemetery use. I am told that NPS is concerned that a cemetery

would denigrate the historical significance of the Park. While these concerns may be held in good faith, I believe the presence of national cemeteries at other historical sites proves that the historical significance of an event or area is heightened not degraded, by the presence of a cemetery honoring those who served in the military.

Two NPS-administered cemeteries, Gettysburg National Cemetery and Andersonville National Cemetery, prove my point. Although Gettysburg is not closed for new burials, it is the final resting place of veterans from all of the country's major wars; Andersonville is still open to new burials. Does the presence of deceased veterans at these Civil War sites detract from their solemnity? I think not. In any case, the acreage that would be transferred to VA under my bill is not the site of the original 1777 encampment of General Washington and his men.

The need for a national cemetery in the Philadelphia area is particularly acute. The three closest national cemeteries for Philadelphians—the Philadelphia, Beverly, and Finns Point national cemeteries—have been closed to new burials since the 1960s. The closest open national cemetery at Indiantown Gap, PA, is over 2 hours away and, at best, will only remain open for new burials until 2030.

Pennsylvania has the fifth largest 65-and-older veteran population in the United States. Estimates from the VA indicate that WWII veterans are passing away at a rate of 1,000 a day, and that the number of annual veteran deaths will reach its peak in 2008. Since national cemeteries take, on average, 7 years to build, we must move quickly to provide an appropriate burial option for Philadelphia-area veterans.

Our Nation's national cemeteries provide a lasting, dignified memorial to the service so many veterans have given to our country. I have received many letters from widows and family members of veterans explaining how much having their loved ones; service honored by an appropriate burial can mean. Providing lasting tributes to this country's heroes sends several messages to all our citizens. It reminds them that we uphold the virtues of serving in the military; we honor the sacrifices veterans have made; and we will never forget that our freedoms are linked with their sacrifices. It is time to move expeditiously to provide Philadelphia area veterans with the opportunity to be so remembered and honored by authorizing a national cemetery at Valley Forge.

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. 618

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

**SECTION 1. DESIGNATION OF LANDS AS VALLEY FORGE NATIONAL CEMETERY.**

(a) IN GENERAL.—Not more than 200 acres of land located within the Valley Forge National Historical Park on the day before the date of the enactment of this Act are hereby designated as the Valley Forge National Cemetery. Administrative jurisdiction over such lands is hereby transferred to the Secretary of Veterans Affairs and such lands shall be administered as a national cemetery in accordance with chapter 24 of title 38, United States Code (relating to national cemeteries and memorials).

(b) ADJUSTMENT OF PARK BOUNDARIES.—Subsection (b) of section 2 of the Act entitled “An Act to authorize the Secretary of the Interior to establish the Valley Forge National Historical Park in the Commonwealth of Pennsylvania, and for other purposes” (16 U.S.C. 410aa-1) is amended by striking “map entitled ‘Valley Forge National Historical Park’, dated June 1979, and numbered VF-91,001” and inserting “map entitled ‘Valley Forge National Historical Park’, dated \_\_\_\_, and numbered \_\_\_\_”.

By Mr. DEWINE (for himself, Mr. HUTCHINSON, Mr. WARNER, Mr. ALLEN, Mr. HELMS, Mr. HAGEL, Mr. GRASSLEY, Mr. SANTORUM, and Mr. SESSIONS):

S. 619. A bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, today I rise to introduce Project Exile: The Safe Streets and Neighborhoods Act of 2001, along with my distinguished colleagues Senator HUTCHINSON from Arkansas, and Senators WARNER, ALLEN, HAGEL, HELMS, GRASSLEY, and SANTORUM. I introduced this bill in the 106th Congress, and today, we again are taking a commonsense step to reduce gun violence and help make our communities safer and more secure.

Often, in the heat of the rhetoric, the real issue in gun control debate has become lost in the flurry of words. We must not, however, lose sight of the real issue, that is the need to reduce gun violence. While gun control efforts are often controversial, there is nothing controversial about protecting our children, our families, our communities by keeping guns out of the wrong hands, not those of law-abiding citizens, but those of criminals and violent offenders.

Criminals with guns are killing our children. They are killing our friends and our neighbors. I am very troubled by gun violence. However, I firmly believe that the Bush Administration will aggressively go after those who commit crimes with a gun.

Right now, current law makes it a federal crime for a convicted felon to ever possess a firearm. It is also against federal law to use a gun to commit any crime, even a State crime. Under federal law, the sentences for these kinds of crimes are mandatory, no second chance, no parole.

In the late 1980s, President George Bush made enforcement of these gun laws a priority. His Justice Depart-

ment told local sheriffs, chiefs of police, and prosecutors that if they caught someone committing a crime in which a gun was used, or even caught a felon with a gun, the Federal Government would take the case, and put that criminal behind bars for at least five years, no exceptions. During the last 18 months of the Bush Administration, more than 2,000 criminals with guns were put behind bars.

Unfortunately, consistent, effective enforcement ended once the Clinton administration took office. Between 1992 and 1998, for example, the number of gun cases filed for prosecution dropped from 7,048 to about 3,807, that's a 46 percent decrease. As a result, the number of federal criminal convictions for firearms offenses has fallen dramatically.

For 6 years, the Clinton Justice Department refused to prosecute those criminals who use a gun to commit State crimes, even though the use of a gun to commit those crimes could be charged as a Federal crime. The only cases they would prosecute were those in which a federal crime had been committed and a gun was used in the commission of that crime.

Even worse, some federal gun laws were almost never enforced by the prior administration. For instance, while Brady law background checks have stopped nearly 300,000 prohibited purchasers of firearms from buying guns, less than .1 percent have actually been prosecuted.

I questioned Attorney General Ashcroft during his recent confirmation hearing, as well as in private, about the aggressive prosecution of gun cases. He shared our view that current law prohibits violent felons from possessing guns, and so we should aggressively enforce the laws that take guns away from violent criminals. We should take those guns away before they use them to injure and kill people.

We have often heard that 6 percent of the criminals commit 70 percent of the crimes. Well, if you have a violent criminal who illegally possesses a gun, I can bet you that he is part of that 6 percent! He's one of the bad guys, and we should put him away before he has a chance to use that gun again.

Our goal should be to take all of these armed criminals off the streets. That is how we can reduce crime and save lives. And, we can do it now, before another student, or any American, becomes a victim of gun violence.

This bill offers the kind of practical solution we need to thwart gun crimes, now. It would provide \$100 million in grants over 5 years to those States that agree to enact their own mandatory minimum five-year jail sentences for armed criminals who use or possess an illegal gun. As an alternative, a State also can qualify for the grants by turning armed criminals over for Federal prosecution under existing firearms laws. This would be done in the same manner in which it was done in the prior Bush administration. In our bill,

however, a State wishing to participate in this program has the option of prosecuting armed felons in either State or federal court.

Qualifying States can use their grants for any variety of purposes that would strengthen their criminal or juvenile justice systems' ability to deal with violent criminals.

This approach works, as Senators WARNER and ALLEN can tell you firsthand. In Virginia, for example, the State instituted a program in 1997, also called "Project Exile." Their program is based on one simple principle: Any criminal caught with a gun will serve a minimum mandatory sentence of 5 years in prison. Period. End of story. As a result, gun-toting criminals are being prosecuted six times faster, and serving sentences up to four times longer than they otherwise would under State law. Moreover, the homicide rate in Richmond already has dropped 50-percent!

Every State should have the opportunity to implement Project Exile in their high-crime communities. The bill that we have introduced will make this proven, commonsense approach to reducing gun violence available to every State.

It will take guns out of the hands of violent criminals. It will make our neighborhoods safer. It will save lives. I urge my colleagues on both sides of the aisle to support and pass this legislation.

Mr. President, I ask 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. 619

*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 "Project Exile: The Safe Streets and Neighborhoods Act of 2001".

#### SEC. 2. FIREARMS SENTENCING INCENTIVE GRANTS.

(a) PROGRAM ESTABLISHED.—Title II of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1815) is amended—

(1) by redesignating subtitle D as subtitle E; and

(2) by inserting after subtitle C the following:

##### "Subtitle D—Firearms Sentencing Incentive Grants

#### "SEC. 20351. DEFINITIONS.

"In this subtitle:

"(1) FIREARM.—The term 'firearm' has the meaning given the term in section 921(a) of title 18, United States Code.

"(2) PART 1 VIOLENT CRIME.—The term 'part 1 violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault, as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"(3) SERIOUS DRUG TRAFFICKING CRIME.—The term 'serious drug trafficking crime' means an offense under State law for the manufacture or distribution of a controlled substance, for which State law authorizes to be imposed a sentence to a term of imprisonment of not less than 10 years.

"(4) STATE.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

"(5) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' has the meaning given the term in section 901(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)).

"(6) VIOLENT CRIME.—The term 'violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault, or a crime in a reasonably comparable class of serious violent crimes, as approved by the Attorney General.

#### "SEC. 20352. AUTHORIZATION OF GRANTS.

"(a) IN GENERAL.—From amounts made available to carry out this subtitle, the Attorney General shall award Firearms Sentencing Incentive Grants to eligible States in accordance with this subtitle.

"(b) ALLOWABLE USES.—Grants awarded under this subtitle may be used by a State only—

"(1) to support—

"(A) law enforcement agencies;

"(B) prosecutors;

"(C) courts;

"(D) probation officers;

"(E) correctional officers;

"(F) the juvenile justice system;

"(G) the expansion, improvement, and coordination of criminal history records; or

"(H) case management programs involving the sharing of information about serious offenders;

"(2) to carry out a public awareness and community support program described in section 20353(a)(2); or

"(3) to build or expand correctional facilities.

"(c) SUBGRANTS.—A State may use grants awarded under this subtitle directly or by making subgrants to units of local government within that State.

#### "SEC. 20353. FIREARMS SENTENCING INCENTIVE GRANTS.

"(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant award under this section, a State shall submit an application to the Attorney General, which shall comply with the following requirements:

"(1) FIREARMS SENTENCING LAWS.—The application shall demonstrate that the State has implemented firearms sentencing laws requiring 1 or both of the following:

"(A) Any person who, during and in relation to any violent crime or serious drug trafficking crime, uses or carries a firearm, shall, in addition to the punishment provided for that crime of violence or serious drug trafficking crime, be sentenced to a term of imprisonment of not less than 5 years (without the possibility of parole during that term).

"(B) Any person who, having not less than 1 prior conviction for a violent crime, possesses a firearm, shall, for such possession, be sentenced to a term of imprisonment of not less than 5 years (without the possibility of parole during that term).

"(2) PUBLIC AWARENESS AND COMMUNITY SUPPORT PROGRAM.—The application shall demonstrate that the State has implemented, or will implement not later than 6 months after receiving a grant under this subtitle, a public awareness and community support program that seeks to build support for, and warns potential violators of, the firearms sentencing laws implemented under paragraph (1).

"(3) COORDINATION WITH FEDERAL GOVERNMENT; CRIME REDUCTION IN HIGH-CRIME AREAS.—The application shall provide assurances that the State—

"(A) will coordinate with Federal prosecutors and Federal law enforcement agencies whose jurisdictions include the State, so as to promote Federal involvement and cooperation in the enforcement of laws within that State; and

"(B) will allocate its resources in a manner calculated to reduce crime in the high-crime areas of the State.

"(b) ALTERNATE ELIGIBILITY REQUIREMENT.—

"(1) IN GENERAL.—A State that is unable to demonstrate in its application that the State meets the requirement of subsection (a)(1) shall be eligible to receive a grant award under this subtitle notwithstanding that inability, if that State, in such application, provides assurances that the State has in effect an equivalent Federal prosecution agreement.

"(2) EQUIVALENT FEDERAL PROSECUTION AGREEMENT.—For purposes of paragraph (1), an equivalent Federal prosecution agreement is an agreement with appropriate Federal authorities that ensures that 1 or more of the following:

"(A) If a person engages in the conduct specified in subsection (a)(1)(A), but the conviction of that person under State law for that conduct is not certain to result in the imposition of an additional sentence as specified in that subsection, that person is prosecuted for that conduct under Federal law.

"(B) If a person engages in the conduct specified in subsection (a)(1)(B), but the conviction of that person under State law for that conduct is not certain to result in the imposition of a sentence as specified in that subsection, that person is prosecuted for that conduct under Federal law.

#### "SEC. 20354. FORMULA FOR GRANTS.

"(a) IN GENERAL.—The amount available for grants under this subtitle for any fiscal year shall be allocated to each eligible State, in the ratio that the number of part 1 violent crimes reported by the State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all eligible States to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

"(b) UNAVAILABLE DATA.—If data regarding part 1 violent crimes in any State is substantially inaccurate or is unavailable for the 3 years preceding the year in which the determination is made, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of the allocation of funds under this subtitle.

#### "SEC. 20355. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this subtitle—

"(1) \$10,000,000 for fiscal year 2001;

"(2) \$15,000,000 for fiscal year 2002;

"(3) \$20,000,000 for fiscal year 2003;

"(4) \$25,000,000 for fiscal year 2004; and

"(5) \$30,000,000 for fiscal year 2005.

"(b) LIMITATIONS ON FUNDS.—

"(1) USES OF FUNDS.—Funds made available pursuant to this subtitle shall be used only to carry out the purposes described in section 20352(b).

"(2) NONSUPPLANTING REQUIREMENT.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

"(3) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds made available

pursuant to this section for a fiscal year shall be available to the Attorney General for purposes of administration, research and evaluation, technical assistance, and data collection.

“(4) CARRYOVER OF APPROPRIATIONS.—Funds appropriated pursuant to this section during any fiscal year shall remain available until expended.

“(5) MATCHING FUNDS.—The Federal share of a grant awarded under this subtitle may not exceed 90 percent of the costs of a proposal as described in an application approved under this subtitle.

“SEC. 20356. REPORT BY THE ATTORNEY GENERAL.

“Beginning on October 1, 2001, and on each subsequent July 1 thereafter, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this subtitle. The report shall include information regarding the eligibility of States under section 20353 and the distribution and use of funds under this subtitle.”

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1796) is amended—

(1) by redesignating the item relating to subtitle D of title II as an item relating to subtitle E of that title; and

(2) by inserting after the item relating to subtitle C of title II the following:

“Subtitle D—Firearms Sentencing Incentive Grants

“Sec. 20351. Definitions.

“Sec. 20352. Authorization of grants.

“Sec. 20353. Firearms sentencing incentive grants.

“Sec. 20354. Formula for grants.

“Sec. 20355. Authorization of appropriations.

“Sec. 20356. Report by the Attorney General.”

Mr. HUTCHINSON. Mr. President, I am honored to rise today as an original cosponsor of Senator DEWINE's legislation, Project Exile: the Safe Streets and Neighborhood Act 2001. This legislation will go a long way towards the goal of effectively reducing gun violence and saving lives.

Like many of my colleagues, I am extremely concerned about gun violence. However, unlike many of my colleagues, I do not believe that more gun control laws are needed to make our Nation safer. Rather, I agree with the thousands of Arkansans who have written asking me to simply enforce the laws already in effect. I also point to the experience of States and cities around the Nation which have seen reductions in violent crime when the existing gun laws were aggressively enforced.

The Project Exile legislation will provide the additional resources needed to expand this effort. It authorizes \$100 million in block grants over 5 years to those States that agree to enact and enforce laws with mandatory minimum sentences for anyone who uses a firearm to commit any violent or drug trafficking crime as well as for any person convicted of a violent felony who is in possession of a firearm. If a State does not wish to change its laws, it can simply agree to ensure that these offenders will be turned over to

the appropriate United States Attorney's office for prosecution under Federal firearms statutes.

For some time now, I have been working to see Project Exile implemented in Arkansas, and I support this legislation because it will authorize the additional funding necessary to allow Arkansas and other states to implement a program which has been proven to reduce gun violence. Finally, I support this legislation because it is the right approach.

By Mr. HARKIN (for himself and Mr. WELLSTONE):

S. 620. A bill to amend the Elementary and Secondary Education Act of 1965 regarding elementary school and secondary school counseling; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, you have heard the old saying that an ounce of prevention is worth a pound of cure. Today, I am introducing the Elementary and Secondary School Counseling Improvement Act of 2001 to provide that ounce of prevention.

After the unspeakable act of violence at Columbine High in 1999, CNN and USA Today conducted a public opinion poll of Americans. They asked what would make a difference in preventing a future outbreak of violence in our Nation's schools.

The leading response was to restrict access to firearms. The second most popular response, a response selected by 60 percent of those polled, was to increase the number of counselors in our nation's schools.

Counseling programs, especially in our elementary schools are an ounce of prevention. However, too many children do not have access to a well-trained counselor when they need one.

Experts tell us that to be effective, there should be at least one counselor for every 250 students. Unfortunately, the current student: counselor ratio is more than double the recommended level: 551:1. That means counselors are stretched to the limit and cannot devote the kind of attention to children that is needed.

Children today are subjected to unprecedented social stresses, including the fragmentation of the family, drug and alcohol abuse, violence, child abuse and poverty. The legislation I am introducing today reauthorizes the Elementary School Counseling Demonstration Act and expands services to secondary schools.

The Elementary School Counseling Program is modeled on a successful program in the Des Moines school district. The counseling program, Smoother Sailing, operates on the simple premise that we must get to kids early to prevent problems rather than waiting for a crisis.

The schools participating in Smoother Sailing have seen a dramatic reduction in the number of students referred to the office for disciplinary reasons. Teachers report fewer classroom dis-

turbances and principals notice fewer fights in the cafeteria and on the playground. The schools and classrooms have become more disciplined learning environments.

The legislation authorizes \$100 million. However, since the counselor shortage is particularly acute in elementary schools, the legislation requires that the first \$60 million appropriated would go to provide grants for elementary schools.

Earlier this month, the Nation was shocked to learn about a school shooting in Santee, California. We have a desperate need to improve counseling services in our Nation's schools and this legislation will be an important step in addressing this critical issue. I urge my colleagues to support this legislation.

#### STATEMENTS ON SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 64—CONGRATULATING THE CITY OF DETROIT AND ITS RESIDENTS ON THE OCCASION OF THE TRICENTENNIAL OF ITS FOUNDING

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 64

Whereas Detroit is the 10th most populous city in the United States and the most populous city in Michigan;

Whereas Detroit is the oldest major city in the Midwest, and 2001 is the 300th anniversary of Detroit's founding;

Whereas Detroit began as a French community on the Detroit River when Antoine de la Mothe Cadillac founded a strategic garrison and fur trading post on the site in 1701;

Whereas Detroit was named Fort Pontchartrain de' Etroit (meaning "strait") at the time of its founding and became known as Detroit because of its position along the Detroit River;

Whereas the Detroit region served as a strategic staging area during the French and Indian War, became a British possession in 1760, and was transferred to the British by the peace treaty of 1763;

Whereas the Ottawa Native American Chief Pontiac attempted a historic but unsuccessful campaign to wrest control of the garrison at Detroit from British hands in 1763;

Whereas in the nineteenth century, Detroit was a vocal center of antislavery advocacy and, for more than 40,000 individuals seeking freedom in Canada, an important stop on the Underground Railroad;

Whereas Detroit entrepreneurs, including Henry Ford, perfected the process of mass production and made automobiles affordable for people from all walks of life;

Whereas Detroit is the automotive capital of the Nation and an international leader in automobile manufacturing and trade;

Whereas the contributions of Detroit residents to civilian and military production have astounded the Nation, contributed to United States victory in World War II, and resulted in Detroit being called the Arsenal of Democracy;

Whereas residents of Detroit played a central role in the development of the organized labor movement and contributed to protections for workers' rights;