gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 581

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 581, a bill to amend title 10, United States Code, to authorize Army arsenals to undertake to fulfill orders or contracts for articles or services in advance of the receipt of payment under certain circumstances.

S. 587

At the request of Mr. CONRAD, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 612

At the request of Mr. FEINGOLD, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of 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.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 643

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 643, a bill to implement the agreement establishing a United States-Jordan free trade area.

S. 677

At the request of Mr. BREAUX, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. CON. RES. 3

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

S. CON. RES. 8

At the request of Mr. CORZINE, his name was withdrawn as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress regarding subsidized Canadian lumber exports.

S. RES. 55

At the request of Mr. WELLSTONE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Georgia (Mr. MILLER), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Res. 55, a resolution designating the third week of April as ''National Shaken Baby Syndrome Awareness Week'' for the year 2001 an all future years.

S. RES. 63

At the request of Mr. CAMPBELL, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 65

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. Res. 65, a resolution honoring Neil L. Rudenstine, President of Harvard University.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 678. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, I rise today to introduce the Fishable Waters Act with my colleague from Arkansas, Senator LINCOLN. I ask unanimous consent that Senator LINCOLN be listed as a cosponsor. This is consensus legislation from a uniquely diverse spectrum of interests to establish a comprehensive, voluntary, incentive-based, locally-led program to improve and restore our fisheries.

Put simply, this legislation enables local stakeholders to get together to design water quality projects in their own areas that will be eligible for some $350 million in federal assistance to implement for the benefit of our fisheries and water quality. It does not change any existing provisions, regulatory or otherwise, of the Clean Water Act.

The Fishable Waters Act complements existing clean water programs that are designed to encourage, rather than coerce the participation of landowners. This legislation will work because it will empower people at the local level who have a stake in its success and who will have hands-on involvement in its implementation.

It is supported by members of the Fishable Waters Coalition which includes the American Sportfishing Association, Trout Unlimited, the Izaak Walton League of America, the National Corn Growers Association, the National Council of Farmer Cooperatives, the Bass Anglers Sportsman Society, the American Fisheries Society, the International Association of Fish and Wildlife Agencies, and the Pacific Rivers Council. These groups have labored quietly but with great determination for several years to produce this consensus proposal to build on the success of the Clean Water Act.

As my colleagues understand, it is at great peril that anyone in this town undertakes to address clean water-related issues but the need is too great and this approach too practical to not embrace it, introduce it, and work to achieve the wide-spread support it merits.

A companion bill, H.R. 325, has been introduced by Congressman JOHN TANNER in the House. That bipartisan measure is cosponsored by Representatives ABERCROMBIE, BLUNT, BOEHLERT, ALLEN, CLEMENT, NATHAN, DINGELL, ENGLISH, CHRISTOPHER, JOHNSON, LEACH, PALLONE, SAXTON, STENHOLM, and WHITFIELD.

Joining us last year for the kickoff were representatives of the Fishable Waters Coalition and a special guest, a fishing enthusiast who some may know otherwise as a top-ranked U.S. golfer, David Duval. ''Why am I here? I like to fish. I've done it as long as I can remember,'' Duval said. ''I want my kids to be able to have healthy habitats for fish. I want my grandkids and my great-grandkids to be able to do what I enjoy so much, and I think this could make a big difference.''

This bipartisan and consensus legislation is intended to capture opportunities to build on the success of the Clean Water Act. It enables local stakeholders to get together with farmers who own 70 percent of our nation's land to design local water quality projects that will be eligible for some $350 million in federal assistance for the benefit of our fisheries and water quality.

Instead of Washington saying, ''you do this and you pay for it'' and instead of Washington saying, ''you do this but we'll help you pay for it'', this legislation lets local citizens design projects that can be eligible for federal assistance. For farmers, the idea of protecting land for future generations is not an abstract notion because the farmers in my State know that good stewardship is good for them and their families. Their challenge is that while they feed this nation and provide some $50 billion in exports, they do not have the ability to pass additional costs onto consumers like corporations do. For the 2 million people who farm to provide environmental benefits for themselves and the rest of the nation's 270 million people, they need partners because they cannot afford to do it by themselves. This legislation recognizes that reality.

While one can expect a great deal of controversy surrounding any comprehensive Clean Water effort, the consensus that has built around this approach is cause for great optimism that this legislation will be the vehicle to make significant additional progress in improving water quality.

I am pleased to continue work on the Fishable Waters Act with the broad coalition to move the legislation forward to passage and I thank my colleagues Senator LINCOLN and Congressman TANNER. This new generation approach empowers people at the local level who have the greatest understanding and the most at stake in the success of environmental protection. I will be working with new members of the Bush Administration aggressively because I believe that this is philosophically consistent with their modern approach to environmental protection.

I congratulate members of the Coalition for producing and supporting this consensus legislation and I look forward to working with Senator LINCOLN and my other Senate colleagues to move this legislation forward.

I ask unanimous consent to print the text of a one-page summary of the bill in the RECORD.

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

FISHABLE WATERS ACT BILL SUMMARY IN BRIEF

PURPOSE

This legislation begins with the premise the while great progress has been made in improving water quality under the Clean Water Act, more opportunities remain. The particular emphasis on this legislation is on opportunities to address fisheries habitat and water quality needs.

The findings include that it shall be the policy of the United States to protect, restore, and enhance fisheries habitat and related uses through voluntary watershed planning at the state and local level that leads to sound fisheries conservation on an overall watershed basis.

To carry out this objective, a new section is added to the Clean Water Act.

PROGRAM

The legislation authorizes the establishment of voluntary and local Watershed Councils to consider the best available science to plan and implement a program to protect and restore fisheries habitat with the consent of affected landowners.

Each comprehensive plan must consider the following elements: characterization of the watershed in terms of fisheries habitat; objectives both near- and long-term; ongoing factors affecting habitat and access; specific projects that need to be undertaken to improve fisheries habitat; and any necessary incentives, financial or otherwise, to facilitate implementation of best management practices to better deal with non-point source pollution including sediments impairing waterways.

Projects and measures that can be implemented or strengthened with the consent of affected landowners to improve fisheries habitat including stream side vegetation, instream modifications and structures, modifications to flood control measures and structures that would improve the connection of rivers to low-lying backwaters, oxbows, and tributary mouths.

With the consent of affected landowners, those projects, initiatives, and restoration measures identified in the approved plan become eligible for funding through a Fisheries Habitat Account.

Funds from the Fisheries Habitat Account may be used to provide up to 15 percent for the non-federal matching requirement under including the following conservation programs:-The Wetlands Reserve Program; The Environmental Quality Incentives Program; The National Estuary Program; The Emergency Conservation Program; The Farmland Protection Program; The Conservation Reserve Program; The Wildlife Habitat Incentives Program; The North American Wetlands Conservation Program; The Federal Aid in Sportfish Restoration Program; The Flood Hazard Mitigation and Riverine Ecosystem Restoration Program; The Environmental Management Program; and The Missouri and Middle Mississippi Enhancement Project.

The Secretary of the Interior is authorized to develop an urban waters revitalization program ($25m/yr) to improve fisheries and related recreational activities in urban waters with priority given to funding projects located in and benefitting low-income or economically depressed areas

$250 million is authorized annually through Agriculture for the planning and implementation of projects contained in approved plans.

States with approved programs may, if they choose, transfer up to 20 percent of the funds provided to each state through the Clean Water Act's $200 million Section 319 non-point source program to implement planned projects.

Up to $25 million is authorized annually through Interior for measures to restrict livestock access to streams and provide alternative watering opportunities and $50 million is authorized annually to provide, with the cooperation of landowners, minimum instream flows and water quantities.

Mrs. LINCOLN. Mr. President, I rise today to join my neighbor and colleague from Missouri, KIT BOND, in introducing the Fishable Waters Act. This bill is aimed at restoring and maintaining clean water in our Nation's rivers, lakes, and streams. This bill will provide much needed funding for programs with a proven track record of conserving land, cleaning up the environment, and promoting clean and fishable waters. This legislation takes the right approach to reducing non-point source pollution. It's voluntary. Its incentive-based. And it encourages public-private partnerships.

Our State Motto, ''The Natural State,'' reflects our dedication to preserving the unique natural landscape that we cherish in Arkansas. We have towering mountains, rolling foothills, an expansive Delta, countless pristine rivers and lakes, and a multitude of timber varieties across our state. From expansive evergreen forests in the South, to the nation's largest bottomland hardwood forest in the East, as well as one of this nation's largest remaining hardwood forests across the Northern one-half of the state, Arkansas has one of the most diverse ecosystems in the Untied States. Most streams and rivers in Arkansas originate or run through our timberlands and are sources for water supplies, prime recreation, and countless other sues. We also have numerous outdoor recreational opportunities and it is vital that we take steps to protect the environment.

This bill utilizes current programs within the U.S. Department of Agriculture that have a proven track record of reducing non-point sources of pollution and promoting clean and fishable waters through voluntary conservation measures. Existing USDA programs like the Wetlands Reserve Program, the Environmental Quality Incentives Program, Conservation Reserve Program, and Wildlife Habitat Incentives Program, assist farmers in taking steps towards preserving a quality environment.

CRP and WRP are so popular with farmers that they will likely reach their authorized enrollment cap by the end of 2001. Farmers wouldn't flock to these programs unless there was an inherent desire to ensure that they conserved and preserved our Nation's water resources.

Arkansas ranks second in the number of enrolled acres in USDA's Wetlands Reserve Program because our farmers have recognized the vital role that wetlands play in preserving a sound ecology and efficient production.

WRP is so popular in AR that we have over 200 currently pending applications that we cannot fill because of lack of funding. That's over 200 farmers that want to voluntarily conserve wetland areas around rivers, lakes, and streams. We need to fill that void in funding for these beneficial programs. This bill will help farmers in Arkansas and across the nation to voluntarily conserve sensitive land areas and provide buffer strips for runoff areas.

Farmers makes their living from the soil and water. They have a vested interest in ensuring that these resources are protected. I don't believe that our nation's farmer shave been given enough credit for their dedicated efforts to preserve a sound environment for future generations.

As many of you know, farming has a special place in my heart because I was raised on a seventh generation farm family. I know first hand that farmers want to protect the viability of their land so they can pass it on to the next generation. This bill is about more than agriculture through. It strikes the right balance between our agricultural industry and another pastime that I feel very strongly about, hunting and fishing.

Over the years many people have been surprised when they learn that I am an avid outdoorsman. I grew up in the South where hunting and fishing are not just hobbies, they're a way of life. My father never differentiated between taking his son or daughters hunting or fishing, it was just assumed that we would all take part. For this, I will be forever grateful because I truly enjoy the outdoors, and the time I spent hunting and fishing is a big part of who I am today. We are blessed in

Arkansas to have such bountiful outdoor opportunities. For these opportunities to continue to exist we must take steps to ensure that our nation's waters are protected. Trout in Arkansas' Little Red River and mallards in the riverbottoms of the Mississippi Delta both share a common need of clean water. And that is what we are ultimately striving for with this legislation: an effective, voluntary, incentive based plan to provide funding for programs that promote clean water.

I want to again stress the importance of voluntary programs.

We cannot expect to have success by using a heavy-handed, top-down approach to regulate our farmers, ranchers, and foresters into environmental compliance. Trying to force people into a permitting program to reduce the potential for non-point runoff may actually discourage responsible environmental practices.

I agree with the EPA's objective of cleaning up our nation's impaired rivers, lakes, and streams, but firmly believe that a permitting program is not the best solution to the problem of maintaining clean water. Placing another unnecessary layer of regulation upon our nation's local foresters will only slow down the process of responsible farming and forestry and implementation of voluntary Best Management Practices.

This legislation takes the right approach to clean and fishable waters. It's voluntary. It's incentive-based. And it encourages public-private partnerships to clean up our Nation's rivers, lakes, and streams.

I encourage my colleagues to join us in the fight for clean and fishable waters.

By Mr. CLELAND:

S. 679. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CLELAND. Mr. President, today I am introducing legislation to establish the Arabia Mountain National heritage Area in the State of Georgia. The significance of this area and the need to act now is underscored by Metro Atlanta's unprecedented rate of growth. In fact, it has been said that Atlanta is the fastest growing city in civilization.

The area surrounding Arabia Mountain is located only 20 minutes east of Atlanta, near my home town of Lithonia. I speak from personal experience when I say that this area has seen the effects of Metro Atlanta's unbridled expansion, particularly in the past decade. As a result, vital open spaces and farmlands have all but disappeared.

I believe it is essential to preserve what remains of significant natural, cultural, and historic resources in this region. The terrain surrounding Arabia Mountain contains a diverse ecosystem consisting of rare plant species, wetlands, pine and oak forests, streams and a lake. Additionally, this area is home to many historic sites, structure, and cultural landscapes, including the last remaining farm in DeKalb County. On a personal note, I can remember when this town was known as the dairy belt of Georgia. Now, we are down to a single working farm.

My legislation reflects what has been a real grass roots effort to preserve this vital landscape. Over the past several years, local citizens have been working in conjunction with city, county, and State officials to move forward with plans to preserve these resources. In fact, this project has already benefited from significant private contributions of land, money, and professional services which have enabled the Arabia Mountain Heritage Area Alliance to produce a detailed feasibility study which was released on February 28, 2001. However, local efforts to protect and preserve the resources of the area will not fully materialize without the technical assistance of Federal agencies.

Under my bill, the National Park Service, NPS, will be authorized to provide essential technical support in order to develop and implement a plan to manage the natural, cultural, historical, scenic, and recreational resources of the heritage area. Taking into account the diverse interests of the governmental, business, and nonprofit groups within the area, the management plan will assist the local governments in adopting land use policies which maximize the many resources of the region.

I have personally visited this area, and I must reiterate my strong interest in this important preservation effort. I ask unanimous consent that the text of the bill be printed in the RECORD, and urge my colleagues to join me in enacting this legislation.

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

S. 679

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 ''Arabia Mountain National Heritage Area Act of 2001''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use;

(2) the best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities;

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species;

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop;

(5) the archeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity;

(6) the city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States;

(7) the community of Klondike is eligible for designation as a National Historic District; and

(8) the city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities; and

(2) to assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''heritage area'' means the Arabia Mountain National Heritage Area established by section 4.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the heritage area developed under section 6.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Georgia.

SEC. 4. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Arabia Mountain National Heritage Area in the State.

(b) BOUNDARIES.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled ''The Preferred Concept'' contained in the document entitled ''Arabia Mountain National Heritage Area Feasibility Study'', dated February 28, 2001.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) MANAGEMENT ENTITY.—The Arabia Mountain Heritage Area Alliance shall be the management entity for the heritage area.

SEC. 5. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—For purposes of developing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The management entity shall develop and submit to the Secretary the management plan.

(B) CONSIDERATIONS.—In developing and implementing the management plan, the management entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) PRIORITIES.—The management entity shall give priority to implementing actions described in the management plan, including—

(A) assisting units of government and nonprofit organizations in preserving resources within the heritage area; and

(B) encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) ANNUAL REPORT.—For any year in which Federal funds have been made available under this Act, the management entity shall submit to the Secretary an annual report that describes—

(A) the accomplishments of the management entity; and

(B) the expenses and income of the management entity.

(5) AUDIT.—The management entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds made available under this Act to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—The management entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) BASIS.—The management plan shall be based on the preferred concept in the document entitled ''Arabia Mountain National Heritage Area Feasibility Study'', dated February 28, 2001.

(c) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) REQUIREMENTS.—The management plan shall include—

(1) an inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this Act;

(3) an interpretation plan for the heritage area;

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan; and

(5) a description and evaluation of the management entity, including the membership and organizational structure of the management entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this Act until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any revisions to the management plan that the management entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this Act shall be used to implement any revision proposed by the management entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.— There is authorized to be appropriated to carry out this Act $10,000,000, to remain available until expended, of which not more than $1,000,000 may be used in any fiscal year; and

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this Act shall not exceed 50 percent.

SEC. 9. TERMINATION OF AUTHORITY.

The authority of the Secretary to make any grant or provide any assistance under this Act terminates on September 30, 2016.

By Mr. HUTCHINSON:

S. 680. A bill to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; to the Committee on Banking, Housing, and Urban Affairs.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that a copy of the Tornado Shelters Act be printed in the RECORD.

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

S. 680

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 ''Tornado Shelters Act''.

SEC. 2. CDBG ELIGIBLE ACTIVITIES.

(a) IN GENERAL.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (23) the following:

''(24) the construction or improvement of tornado- or storm-safe shelters for manufactured housing parks and residents of other manufactured housing, the acquisition of real property for sites for such shelters, and the provision of assistance (including loans and grants) to nonprofit or for-profit entities (including owners of such parks) for such construction, improvement, or acquisition, except that a shelter assisted with amounts made available pursuant to this paragraph—

''(A) shall be located in a neighborhood consisting predominantly of persons of low- and moderate-income; and

''(B) may not be made available exclusively for use of the residents of a particular manufactured housing park or of other manufactured housing, but shall generally serve the residents of the area in which it is located; and''.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise made available for grants under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), there is authorized to be appropriated for assistance only for activities pursuant to section 105(a)(24) of that Act, $50,000,000 for fiscal year 2002.

SEC. 3. USE OF AMERICAN PRODUCTS.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available for the activities authorized under the amendments made by this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made

available for the activities authorized under the amendments made by this Act, the Secretary of Housing and Urban Development, to the greatest extent practicable, shall provide to that entity a notice describing the statement made in subsection (a) by the Congress.

By Mr. CRAPO (for himself, Mr. BAUCUS, Mr. CRAIG, Mr. INHOFE, Mr. MURKOWSKI, Mr. BENNETT, Mr. ENZI, Mr. STEVENS, and Mr. BURNS):

S. 681. A bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I am pleased to introduce today the Backcountry Landing Strip Access Act of 2001. Last year, Senators CRAIG and BURNS, and I introduced similar legislation. Although the legislation did not pass, we were able to successfully attach a modified one-year version of our bill to the Interior Appropriations Conference Report for FY 2001, prohibiting federal funds from being used to close any airstrips on lands administered by the Department of the Interior. The legislation I introduce today represents a comprehensive, long-term solution to the problem of backcountry airstrips being temporarily or permanently closed. This bill will preserve our nation's backcountry airstrips and require a public review and comment period before closure of these airstrips.

Idaho is home to more than fifty backcountry airstrips and the state is known nationwide for its air access to wilderness and primitive areas. Unfortunately, many backcountry airstrips have been closed or rendered unserviceable through neglect by federal agencies responsible for land management. These closures occur without providing the public with a justification for such action or an opportunity to comment on them.

Our bill would address this situation by preventing the Secretary of Interior and the Secretary of Agriculture from permanently closing airstrips without first consulting with state aviation agencies and users. The legislation would also require that proposed closures would be published in the Federal Register with a ninety-day public comment period. The bill directs the Secretary of Interior and the Secretary of Agriculture, after consultation with the FAA, to adopt a nationwide policy governing backcountry aviation. I would like to mention that Congressmen C.L. ''BUTCH'' OTTER and JIM HANSEN are also promoting backcountry aviation access in the other body.

This bill and its House companion include a finding of fact that acknowledges the role of backcountry airstrips in supporting aerial firefighters. This finding was not included in the versions introduced last year but it pays tribute to those who joined in last summer's firefighting and disaster relief efforts.

For aerial firefighters backcountry airstrips are analogous to fire engines in a firehouse. In addition, other general aviation craft depend on backcountry strips to provide a safe haven in the case of emergency. Without the airstrips, these pilots would have little chance of survival while attempting an emergency landing. Furthermore, access to the strips ensures a fundamental American service—universal postal delivery. Without access to backcountry airstrips, citizens who live and work in remote areas would not receive their mail.

Pilots often discover that an airstrip has been closed only when they attempt to use it. This represents a grave danger to those who have not been made aware of an airstrip's closure. This bill would ensure that everyone with an interest in backcountry aviation remains informed of a proposed closure and is allowed to comment on it.

This bill is simply about safety and general aviation access. It does not reopen airstrips that have already been closed, nor does it burden federal officials with the responsibility to operate and maintain these sites. In fact, pilots themselves regularly maintain backcountry strips.

The Backcountry Landing Strip Access Act does not harm our forests or our wilderness areas. In fact, backcountry airstrips are regularly used by forest officials to maintain forests and trails, conduct ecological management projects, and produce aerial mapping. Airstrips are located in remote, rugged areas of the west where there are few visitors. Many landing strips have no more than 3–6 takeoffs and landings in a year, and are mainly used for emergency landings.

When the Frank Church Wilderness Act was established in Idaho, it incorporated a provision that existing landing strips cannot be closed permanently or rendered unserviceable without the written consent of the State of Idaho. This bill extends the success of the Frank Church Wilderness Act provision nationwide to preserve airstrips in Idaho as well as other states. In Idaho, we have evolved into a cooperative relationship with federal land managers. I believe the rest of the country can benefit from this philosophy of cooperation.

I urge my colleagues to join with us in our efforts to preserve the remaining backcountry strips.

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. 681

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 ''Backcountry Landing Strip Access Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Aircraft landing strips serve an essential safety role as emergency landing areas.

(2) Aircraft landing strips provide access to people who would otherwise be physically unable to enjoy national parks, national forests, and other Federal lands.

(3) Aircraft landing strips serve an essential purpose in search and rescue, forest and ecological management, research, and aerial mapping.

(4) Aircraft landing strips serve an essential role in firefighting and disaster relief.

(5) The Secretary of the Interior and the Secretary of Agriculture should adopt a nationwide policy for governing backcountry aviation issues related to the management of Federal land under the jurisdiction of those Secretaries and should require regional managers to adhere to that policy.

SEC. 3. PROCEDURE FOR CONSIDERATION OF ACTIONS AFFECTING AIRCRAFT LANDING STRIPS.

(a) IN GENERAL.—Neither the Secretary of the Interior nor the Secretary of Agriculture shall take any action which would permanently close or render or declare as unserviceable any aircraft landing strip located on Federal land under the administrative jurisdiction of either Secretary unless—

(1) the head of the aviation department of each State in which the aircraft landing strip is located has approved the action;

(2) notice of the proposed action and the fact that the action would permanently close or render or declare as unserviceable the aircraft landing strip has been published in the Federal Register;

(3) a 90-day public comment period on the action has been provided after the publication under paragraph (2); and

(4) any comments received during the comment period provided under paragraph (3) have been taken into consideration by the Secretary of the Interior or the Secretary of Agriculture, as the case may be, and the head of the aviation department of each State in which the affected aircraft landing strip is located.

(b) NATIONAL POLICY.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall—

(1) adopt a nationwide policy that is in accordance with this Act for governing backcountry aviation issues related to the management of Federal land under the jurisdiction of those Secretaries; and

(2) require regional managers to adhere to that policy.

(c) REQUIREMENTS FOR POLICIES.—A policy affecting air access to an aircraft landing strip located on Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, including the policy required by subsection (b), shall not take effect unless the policy—

(1) states that the Federal Aviation Administration has the sole authority to control aviation and airspace over the United States; and

(2) seeks and considers comments from State governments and the public.

(d) MAINTENANCE OF AIRSTRIPS.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall consult with—

(A) the head of the aviation department of each State in which an aircraft landing strip on Federal land under the jurisdiction of that Secretary is located; and

(B) other interested parties,

to ensure that such aircraft landing strips are maintained in a manner that is consistent with the resource values of the adjacent area.

(2) COOPERATIVE AGREEMENTS.—The Secretary of the Interior and the Secretary of Agriculture may enter into cooperative agreements with interested parties for the

maintenance of aircraft landing strips located on Federal land.

(e) EXCHANGES OR ACQUISITIONS.—Closure or purposeful neglect of any aircraft landing strip, or any other action which would render any aircraft landing strip unserviceable, shall not be a condition of any Federal acquisition of or exchange involving private property upon which the aircraft landing strip is located.

(f) NEW AIRCRAFT LANDING STRIPS NOT CREATED.—Nothing in this Act shall be construed to create or authorize additional aircraft landing strips.

(g) PERMANENTLY CLOSE.—For the purposes of this Act, the term ''permanently close'' means any closure the duration of which is more than 180 days in any calendar year.

(h) APPLICABILITY.—

(1) AIRCRAFT LANDING STRIPS.—This Act shall apply only to established aircraft landing strips on Federal lands administered by the Secretary of the Interior or the Secretary of Agriculture that are commonly known and have been or are consistently used for aircraft landing and departure activities.

(2) ACTIONS, POLICIES, EXCHANGES, AND ACQUISITIONS.—Subsections (a), (c), and (e) shall apply to any action, policy, exchange, or acquisition, respectively, that is not final on the date of the enactment of this Act.

(i) FAA AUTHORITY NOT AFFECTED.—Nothing in this Act shall be construed to affect the authority of the Federal Aviation Administration over aviation or airspace.

By Mr. MCCAIN (for himself, Mr. DODD, Mr. JOHNSON, Mr. WARNER, Mr. DEWINE, Ms. LANDRIEU, Mr. EDWARDS, Mr. BREAUX, Mr. HELMS, Mrs. MURRAY, Mr. REID, Mr. SARBANES, Mr. WELLSTONE, Mr. HOLLINGS, Mr. ROBERTS, Mr. HAGEL, Mr. SMITH, of Oregon, Mr. COCHRAN, Mr. REED, Ms. MIKULSKI, Mr. SCHUMER, Mr. THURMOND, Ms. SNOWE, Mrs. LINCOLN, Mr. FITZGERALD, Mr. SHELBY, Mr. CLELAND, Mr. BROWNBACK, and Mrs. COLLINS):

S. 682. A bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test; to the Committee on Finance.

Mr. MCCAIN. Mr. President, I rise today to introduce an important piece of legislation which would have a tremendous impact on the lives of many blind people. This bill restores the 20-year link between blind people and senior citizens in regards to the Social Security earnings limit which has helped many blind people become self-sufficient and productive.

When the Congress passed the Senior Citizens Freedom to Work Act in 1996, we unfortunately broke the long-standing linkage in the treatment of blind people and seniors under Social Security, which resulted in allowing the earnings limit to be raised for seniors only and did not give blind people the same opportunity to increase their earnings without penalizing their Social Security benefits.

My intent when I sponsored the Senior Citizens Freedom to Work Act was not to break the link between blind people and the senior population. In 1996, time constraints and fiscal considerations forced me to focus solely on raising the unfair and burdensome earnings limit for seniors. I am pleased that H.R. 5, the Social Security Earnings Test Elimination bill, finally eliminated this unfair tax on earnings for seniors 65 to 69 years of age. This law is allowing millions of seniors to continue contributing to society as productive workers.

Now we should work together in the spirit of fairness to ensure that this same opportunity is given to the blind population. We should provide blind people the opportunity to be productive and ''make it'' on their own. We should not continue policies which discourage these individuals from working and contributing to society.

The bill I am introducing today is identical to one I sponsored in the last two Congresses. If we do not reinstate the link between the blind and the seniors, blind people will be restricted to earning $14,800 in the year 2002 in order to protect their Social Security benefits.

There are very strong and convincing arguments in favor of reestablishing the link between these two groups and increasing the earnings limit for blind people.

First, the earnings test treatment of our blind and senior populations has historically been identical. Since 1977, blind people and senior citizens have shared the identical earnings exemption threshold under Title II of the Social Security Act.

Now, senior citizens will be given greater opportunity to increase their earnings without losing a portion of their Social Security benefits; the blind, however, will not have the same opportunity.

The Social Security earnings test imposes a work disincentive for blind people. In fact, the earnings test probably provides a greater aggregate disincentive for blind individuals since many blind beneficiaries are of working age, 18–65, and are capable of productive work.

Blindness is often associated with adverse social and economic consequences. It is often tremendously difficult for blind individuals to find sustained employment or any employment at all, but they do want to work. They take great pride in being able to work and becoming productive members of society. By linking the blind with seniors in 1977, Congress provided a great deal of hope and incentive for blind people in this country to enter the work force. Now, we are taking that hope away from them by not allowing them the same opportunity to increase their earnings as senior citizens.

Blind people are likely to respond favorably to an increase in the earnings test by working more, which will increase their tax payments and their purchasing power and allow the blind to make a greater contribution to the general economy. In addition, encouraging the blind to work and allowing them to work more without being penalized would bring additional revenue into the Social Security trust funds as well as the Federal Treasury. In short, restoring the link between blind people and senior citizens for treatment of Social Security benefits would help many blind people become self-sufficient, productive members of society.

I am pleased that this Congress will be focusing on the overall structure of the Social Security system and working together for solutions which would strengthen the system for seniors of today and tomorrow without placing an unfair burden on working Americans. It is absolutely crucial that we include raising the earnings test for blind individuals as a part of any Social Security bill we enact this year.

I urge each of my colleagues to join me in sponsoring this important measure to restore fair and equitable treatment for our blind citizens and to give the blind community increased financial independence. Our nation would be better served if we restore equality for the blind and provide them with the same freedom, opportunities and fairness as our nation's seniors.

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. 682

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 ''Blind Persons Earnings Equity Act of 2001''.

SEC. 2. RESTORATION OF LINK BETWEEN RULES RELATING TO SUBSTANTIAL GAINFUL ACTIVITY FOR BLIND INDIVIDUALS AND RULES RELATING TO EXCESS EARNINGS UNDER THE EARNINGS TEST.

Section 223(d)(4) of the Social Security Act (42 U.S.C. 432(d)(4)) is amended, in the second sentence, by striking '', if section 102 of the Senior Citizens' Right to Work Act of 1996 had not been enacted''.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 2 shall apply to determinations of an ability to engage in substantial gainful activity made on or after the date of enactment of this Act.

By Mr. SANTORUM (for himself, Mr. TORRICELLI, and Mr. SMITH of New Hampshire):

S. 683. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to join my colleagues, Senators BOB TORRICELLI of New Jersey and BOB SMITH of New Hampshire, in introducing the bipartisan Fair Care for the Uninsured Act of 2001, legislation

aimed at ensuring that all Americans, regardless of income, have a basic level of resources to purchase health insurance. I am pleased that House Majority Leader DICK ARMEY of Texas and Representative BILL LIPINSKI of Illinois have joined in introducing companion legislation in the House of Representatives.

As we all know, the growing ranks of uninsured Americans, currently 43 million, remains a major national problem that must be addressed as Congress considers improvements to our healthcare delivery system. The uninsured are three times as likely not to receive needed medical care, at least twice as more likely to need hospitalization for avoidable conditions like pneumonia and diabetes, and four times more likely to rely on an emergency room or have no regular source of care as compared to Americans who are privately insured.

The Fair Care for the Uninsured Act represents a major step toward helping the uninsured obtain health insurance coverage through the creation of a new refundable tax credit for the purchase of private health insurance, a concept which enjoys bipartisan support.

This legislation directly addresses one of the main barriers which now inhibits access to health insurance for millions of Americans: discrimination in the tax code. Most Americans obtain health insurance through their place of work, and for good reason: workers receive their employer's contribution toward health insurance completely free from federal taxation, including payroll taxes. This is effectively a $120 billion per year federal subsidy for employer-provided health insurance. By contrast, individuals who purchase their own health insurance get virtually no tax relief. They must buy insurance with after-tax dollars, forcing many to earn twice as much income before taxes in order to purchase the same insurance. This hidden health tax penalty effectively punishes people who try to buy their insurance outside the workplace.

The Fair Care for the Uninsured Act would remedy this situation by creating a parallel system for working families who do not have access to health insurance through the workplace. Specifically, this legislation creates a refundable tax credit of $1,000 per adult and up to $3,000 per family, indexed for inflation, for the purchase of private health insurance; would be available to individuals and families who don't have access to coverage through the workplace or a federal government program; enables individuals to use their credit to shop for a basic plan that best suits their needs which would be portable from job to job; and allows individuals to buy more generous coverage with after-tax dollars. And of course the states could supplement the credit.

This legislation complements a bipartisan consensus which is emerging around this means for addressing the serious problem of uninsured Americans: Instead of creating new government entitlements to medical services, tax credits provide public financing to help uninsured Americans buy private health insurance. President Bush has proposed a similar tax credit for health insurance coverage, and Senators JEFFORDS and BREAUX have introduced their own health insurance tax credit proposal here in the Senate. I applaud their efforts for advancing this important public policy initiative, and look forward to working with them to develop a clear mandate for helping America's uninsured.

I would like to apprize our colleagues of a couple of improvements which we have added to last session's bill that I believe will help bring about an even more positive impact on America's uninsured population. First, in an effort to keep premiums affordable for older, sicker Americans, our Fair Care legislation calls for the creation of safety-net arrangements administered at the state level and funded by assessments on insurers. Often called high-risk pools, such arrangements currently exist in 28 states and would be expanded to all 50. In addition, our Fair Care legislation this session would further reduce premiums by permitting the creation of Individual Membership Associations, through which individuals can obtain basic coverage free of costly state benefit mandates.

In reducing the amount of uncompensated care that is offset through cost shifting to private insurance plans, and in substantially increasing the insurance base, a health insurance tax credit will help relieve some of the spiraling costs of our health care delivery system. It would also encourage insurance companies to write policies geared to the size of the credit, thus offering more options and making it possible for low income families to obtain coverage without paying much more than the available credits.

It is time that we reduced the tax bias against families who do not have access to coverage through their place of work or existing government programs, and to encourage the creation of an effective market for family-selected and family-owned plans, where Americans have more choice and control over their health care dollars. The Fair Care for the Uninsured Act would create tax fairness where currently none exists by requiring that all Americans receive the same tax encouragement to purchase health insurance, regardless of employment.

It is my hope that our colleagues will join Senators TORRICELLI, SMITH and me in endorsing this bipartisan legislation to provide people who purchase health insurance on their own similar tax treatment as those who have access to insurance through their employer.

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. 683

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 ''Fair Care for the Uninsured Act of 2001''.

TITLE I—REFUNDABLE CREDIT FOR HEALTH INSURANCE COVERAGE

SEC. 101. REFUNDABLE CREDIT FOR HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

''SEC. 35. HEALTH INSURANCE COSTS.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the amount paid during the taxable year for qualified health insurance for the taxpayer, his spouse, and dependents.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The amount allowed as a credit under subsection (a) to the taxpayer for the taxable year shall not exceed the sum of the monthly limitations for coverage months during such taxable year for each individual referred to in subsection (a) for whom the taxpayer paid during the taxable year any amount for coverage under qualified health insurance.

''(2) MONTHLY LIMITATION.—

''(A) IN GENERAL.—The monthly limitation for an individual for each coverage month of such individual during the taxable year is the amount equal to 1/12 of—

''(i) $1,000 if such individual is the taxpayer,

''(ii) $1,000 if—

''(I) such individual is the spouse of the taxpayer,

''(II) the taxpayer and such spouse are married as of the first day of such month, and

''(III) the taxpayer files a joint return for the taxable year, and

''(iii) $500 if such individual is an individual for whom a deduction under section 151(c) is allowable to the taxpayer for such taxable year.

''(B) LIMITATION TO 2 DEPENDENTS.—Not more than 2 individuals may be taken into account by the taxpayer under subparagraph (A)(iii).

''(C) SPECIAL RULE FOR MARRIED INDIVIDUALS.—In the case of an individual—

''(i) who is married (within the meaning of section 7703) as of the close of the taxable year but does not file a joint return for such year, and

''(ii) who does not live apart from such individual's spouse at all times during the taxable year,

the limitation imposed by subparagraph (B) shall be divided equally between the individual and the individual's spouse unless they agree on a different division.

''(3) COVERAGE MONTH.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'coverage month' means, with respect to an individual, any month if—

''(i) as of the first day of such month such individual is covered by qualified health insurance, and

''(ii) the premium for coverage under such insurance for such month is paid by the taxpayer.

''(B) EMPLOYER-SUBSIDIZED COVERAGE.—

''(i) IN GENERAL.—Such term shall not include any month for which such individual is eligible to participate in any subsidized health plan (within the meaning of section 162(l)(2)) maintained by any employer of the taxpayer or of the spouse of the taxpayer.

''(ii) PREMIUMS TO NONSUBSIDIZED PLANS.—If an employer of the taxpayer or the spouse of the taxpayer maintains a health plan which is not a subsidized health plan (as so defined) and which constitutes qualified health insurance, employee contributions to the plan shall be treated as amounts paid for qualified health insurance.

''(C) CAFETERIA PLAN AND FLEXIBLE SPENDING ACCOUNT BENEFICIARIES.—Such term shall not include any month during a taxable year if any amount is not includible in the gross income of the taxpayer for such year under section 106 with respect to—

''(i) a benefit chosen under a cafeteria plan (as defined in section 125(d)), or

''(ii) a benefit provided under a flexible spending or similar arrangement.

''(D) MEDICARE AND MEDICAID.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual—

''(i) is entitled to any benefits under title XVIII of the Social Security Act, or

''(ii) is a participant in the program under title XIX or XXI of such Act.

''(E) CERTAIN OTHER COVERAGE.—Such term shall not include any month during a taxable year with respect to an individual if, at any time during such year, any benefit is provided to such individual under—

''(i) chapter 89 of title 5, United States Code,

''(ii) chapter 55 of title 10, United States Code,

''(iii) chapter 17 of title 38, United States Code, or

''(iv) any medical care program under the Indian Health Care Improvement Act.

''(F) PRISONERS.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.

''(G) INSUFFICIENT PRESENCE IN UNITED STATES.—Such term shall not include any month during a taxable year with respect to an individual if such individual is present in the United States on fewer than 183 days during such year (determined in accordance with section 7701(b)(7)).

''(4) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—In the case of a taxpayer who is eligible to deduct any amount under section 162(l) for the taxable year, this section shall apply only if the taxpayer elects not to claim any amount as a deduction under such section for such year.

''(c) QUALIFIED HEALTH INSURANCE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified health insurance' means insurance which constitutes medical care as defined in section 213(d) without regard to—

''(A) paragraph (1)(C) thereof, and

''(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

''(2) EXCLUSION OF CERTAIN OTHER CONTRACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c)).

''(d) MEDICAL SAVINGS ACCOUNT CONTRIBUTIONS.—

''(1) IN GENERAL.—If a deduction would (but for paragraph (2)) be allowed under section 220 to the taxpayer for a payment for the taxable year to the medical savings account of an individual, subsection (a) shall be applied by treating such payment as a payment for qualified health insurance for such individual.

''(2) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under section 220 for that portion of the payments otherwise allowable as a deduction under section 220 for the taxable year which is equal to the amount of credit allowed for such taxable year by reason of this subsection.

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount which would (but for this paragraph) be taken into account by the taxpayer under section 213 for the taxable year shall be reduced by the credit (if any) allowed by this section to the taxpayer for such year.

''(2) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(3) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2002, each dollar amount contained in subsection (b)(2)(A) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $50 ($25 in the case of the dollar amount in subsection (b)(2)(A)(iii)).''

(b) MAINTENANCE OF EFFORT REQUIREMENT.—Section 162 of such Code (relating to trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) GROUP HEALTH PLAN MAINTENANCE OF EFFORT.—No deduction shall be allowed under this chapter to an employer for any amount paid or incurred in connection with a group health plan (as defined in subsection (n)(3)) for any taxable year in which occurs the date of introduction of the Fair Care for the Uninsured Act of 2001 unless such plan remains in effect for at least 60 months after the date of the enactment of such Act.''.

(c) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of such Code (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

''SEC. 6050T. RETURNS RELATING TO PAYMENTS FOR QUALIFIED HEALTH INSURANCE.

''(a) IN GENERAL.—Any person who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under creditable health insurance, shall make the return described in subsection (b) (at such time as the Secretary may by regulations prescribe) with respect to each individual from whom such payments were received.

''(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

''(1) is in such form as the Secretary may prescribe, and

''(2) contains—

''(A) the name, address, and TIN of the individual from whom payments described in subsection (a) were received,

''(B) the name, address, and TIN of each individual who was provided by such person with coverage under creditable health insurance by reason of such payments and the period of such coverage, and

''(C) such other information as the Secretary may reasonably prescribe.

''(c) CREDITABLE HEALTH INSURANCE.—For purposes of this section, the term 'creditable health insurance' means qualified health insurance (as defined in section 35(c)) other than—

''(1) insurance under a subsidized group health plan maintained by an employer, or

''(2) to the extent provided in regulations prescribed by the Secretary, any other insurance covering an individual if no credit is allowable under section 35 with respect to such coverage.

''(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required under subsection (b)(2)(A) to be set forth in such return a written statement showing—

''(1) the name and address of the person required to make such return and the phone number of the information contact for such person,

''(2) the aggregate amount of payments described in subsection (a) received by the person required to make such return from the individual to whom the statement is required to be furnished, and

''(3) the information required under subsection (b)(2)(B) with respect to such payments.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

''(e) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of any amount received by any person on behalf of another person, only the person first receiving such amount shall be required to make the return under subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

''(xi) section 6050T (relating to returns relating to payments for qualified health insurance),''.

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking ''or'' at the end of the next to last subparagraph, by striking the period at the end of the last subparagraph and inserting '', or'', and by adding at the end the following new subparagraph:

''(BB) section 6050T(d) (relating to returns relating to payments for qualified health insurance).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050S the following new item:

''Sec. 6050T. Returns relating to payments for qualified health insurance.''.

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 35 of such Code''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

''Sec. 35. Health insurance costs.

''Sec. 36. Overpayments of tax.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 102. ADVANCE PAYMENT OF CREDIT FOR PURCHASERS OF QUALIFIED HEALTH INSURANCE.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ADVANCE PAYMENT OF HEALTH INSURANCE CREDIT FOR PURCHASERS OF QUALIFIED HEALTH INSURANCE.

''(a) GENERAL RULE.—In the case of an eligible individual, the Secretary shall make payments to the provider of such individual's qualified health insurance equal to such individual's qualified health insurance credit advance amount with respect to such provider.

''(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any individual—

''(1) who purchases qualified health insurance (as defined in section 35(c)), and

''(2) for whom a qualified health insurance credit eligibility certificate is in effect.

''(c) QUALIFIED HEALTH INSURANCE CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement furnished by an individual to the Secretary which—

''(1) certifies that the individual will be eligible to receive the credit provided by section 35 for the taxable year,

''(2) estimates the amount of such credit for such taxable year, and

''(3) provides such other information as the Secretary may require for purposes of this section.

''(d) QUALIFIED HEALTH INSURANCE CREDIT ADVANCE AMOUNT.—For purposes of this section, the term 'qualified health insurance credit advance amount' means, with respect to any provider of qualified health insurance, the Secretary's estimate of the amount of credit allowable under section 35 to the individual for the taxable year which is attributable to the insurance provided to the individual by such provider.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

''Sec. 7527. Advance payment of health insurance credit for purchasers of qualified health insurance.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

TITLE II—ASSURING HEALTH INSURANCE COVERAGE FOR UNINSURABLE INDIVIDUALS

SEC. 201. ESTABLISHMENT OF HEALTH INSURANCE SAFETY NETS.

(a) IN GENERAL.—

(1) REQUIREMENT.—For years beginning with 2002, each health insurer, health maintenance organization, and health service organization shall be a participant in a health insurance safety net (in this title referred to as a ''safety net'') established by the State in which it operates.

(2) FUNCTIONS.—Any safety net shall assure, in accordance with this title, the availability of qualified health insurance coverage to uninsurable individuals.

(3) FUNDING.—Any safety net shall be funded by an assessment against health insurers, health service organizations, and health maintenance organizations on a pro rata basis of premiums collected in the State in which the safety net operates. The costs of the assessment may be added by a health insurer, health service organization, or health maintenance organization to the costs of its health insurance or health coverage provided in the State.

(4) GUARANTEED RENEWABLE.—Coverage under a safety net shall be guaranteed renewable except for nonpayment of premiums, material misrepresentation, fraud, medicare eligibility under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), loss of dependent status, or eligibility for other health insurance coverage.

(5) COMPLIANCE WITH NAIC MODEL ACT.—In the case of a State that has not established, as of the date of the enactment of this Act, a high risk pool or other comprehensive health insurance program that assures the availability of qualified health insurance coverage to all eligible individuals residing in the State, a safety net shall be established in accordance with the requirements of the ''Model Health Plan For Uninsurable Individuals Act'' (or the successor model Act), as adopted by the National Association of Insurance Commissioners and as in effect on the date of the safety net's establishment.

(b) DEADLINE.—Safety nets required under subsection (a) shall be established not later than January 1, 2002.

(c) WAIVER.—This title shall not apply in the case of insurers and organizations operating in a State if the State has established a similar comprehensive health insurance program that assures the availability of qualified health insurance coverage to all eligible individuals residing in the State.

(d) RECOMMENDATION FOR COMPLIANCE REQUIREMENT.—Not later than January 1, 2003, the Secretary of Health and Human Services shall submit to Congress a recommendation on appropriate sanctions for States that fail to meet the requirement of subsection (a).

SEC. 202. UNINSURABLE INDIVIDUALS ELIGIBLE FOR COVERAGE.

(a) UNINSURABLE AND ELIGIBLE INDIVIDUAL DEFINED.—In this title:

(1) UNINSURABLE INDIVIDUAL.—The term ''uninsurable individual'' means, with respect to a State, an eligible individual who presents proof of uninsurability by a private insurer in accordance with subsection (b) or proof of a condition previously recognized as uninsurable by the State.

(2) ELIGIBLE INDIVIDUAL.—

(A) IN GENERAL.—The term ''eligible individual'' means, with respect to a State, a citizen or national of the United States (or an alien lawfully admitted for permanent residence) who is a resident of the State for at least 90 days and includes any dependent (as defined for purposes of the Internal Revenue Code of 1986) of such a citizen, national, or alien who also is such a resident.

(B) EXCEPTION.—An individual is not an ''eligible individual'' if the individual—

(i) is covered by or eligible for benefits under a State medicaid plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.),

(ii) has voluntarily terminated safety net coverage within the past 6 months,

(iii) has received the maximum benefit payable under the safety net,

(iv) is an inmate in a public institution, or

(v) is eligible for other public or private health care programs (including programs that pay for directly, or reimburse, otherwise eligible individuals with premiums charged for safety net coverage).

(b) PROOF OF UNINSURABILITY.—

(1) IN GENERAL.—The proof of uninsurability for an individual shall be in the form of—

(A) a notice of rejection or refusal to issue substantially similar health insurance for health reasons by one insurer; or

(B) a notice of refusal by an insurer to issue substantially similar health insurance except at a rate in excess of the rate applicable to the individual under the safety net plan.

For purposes of this paragraph, the term ''health insurance'' does not include insurance consisting only of stoploss, excess of loss, or reinsurance coverage.

(2) EXCEPTION FOR INDIVIDUALS WITH UNINSURABLE CONDITIONS.—The State shall promulgate a list of medical or health conditions for which an individual shall be eligible for safety net plan coverage without applying for health insurance or establishing proof of uninsurability under paragraph (1). Individuals who can demonstrate the existence or history of any medical or health conditions on such list shall not be required to provide the proof described in paragraph (1). The list shall be effective on the first day of the operation of the safety net plan and may be amended from time to time as may be appropriate.

SEC. 203. QUALIFIED HEALTH INSURANCE COVERAGE UNDER SAFETY NET.

In this title, the term ''qualified health insurance coverage'' means, with respect to a State, health insurance coverage that provides benefits typical of major medical insurance available in the individual health insurance market in such State.

SEC. 204. FUNDING OF SAFETY NET.

(a) LIMITATIONS ON PREMIUMS.—

(1) IN GENERAL.—The premium established under a safety net may not exceed 125 percent of the applicable standard risk rate, except as provided in paragraph (2).

(2) SURCHARGE FOR AVOIDABLE HEALTH RISKS.—A safety net may impose a surcharge on premiums for individuals with avoidable high risks, such as smoking.

(b) ADDITIONAL FUNDING.—A safety net shall provide for additional funding through an assessment on all health insurers, health service organizations, and health maintenance organizations in the State through a nonprofit association consisting of all such insurers and organizations doing business in the State on an equitable and pro rata basis consistent with section 201.

SEC. 205. ADMINISTRATION.

A safety net in a State shall be administered through a contract with 1 or more insurers or third party administrators operating in the State.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to reimburse States for their costs in administering this title.

TITLE III—INDIVIDUAL MEMBERSHIP ASSOCIATIONS

SEC. 301. EXPANSION OF ACCESS AND CHOICE THROUGH INDIVIDUAL MEMBERSHIP ASSOCIATIONS (IMAs).

The Public Health Service Act is amended by adding at the end the following new title:

''TITLE XXVIII—INDIVIDUAL MEMBERSHIP ASSOCIATIONS

"SEC. 2801. DEFINITION OF INDIVIDUAL MEMBERSHIP ASSOCIATION (IMA).

''(a) IN GENERAL.—For purposes of this title, the terms 'individual membership association' and 'IMA' mean a legal entity that meets the following requirements:

''(1) ORGANIZATION.—The IMA is an organization operated under the direction of an association (as defined in section 2804(1)).

''(2) OFFERING HEALTH BENEFITS COVERAGE.—

''(A) DIFFERENT GROUPS.—The IMA, in conjunction with those health insurance issuers that offer health benefits coverage through the IMA, makes available health benefits coverage in the manner described in subsection (b) to all members of the IMA and the dependents of such members in the manner described in subsection (c)(2) at rates

that are established by the health insurance issuer on a policy or product specific basis and that may vary only as permissible under State law.

''(B) NONDISCRIMINATION IN COVERAGE OFFERED.—

''(i) IN GENERAL.—Subject to clause (ii), the IMA may not offer health benefits coverage to a member of an IMA unless the same coverage is offered to all such members of the IMA.

''(ii) CONSTRUCTION.—Nothing in this title shall be construed as requiring or permitting a health insurance issuer to provide coverage outside the service area of the issuer, as approved under State law, or preventing a health insurance issuer from excluding or limiting the coverage on any individual, subject to the requirement of section 2741.

''(C) NO FINANCIAL UNDERWRITING.—The IMA provides health benefits coverage only through contracts with health insurance issuers and does not assume insurance risk with respect to such coverage.

''(3) GEOGRAPHIC AREAS.—Nothing in this title shall be construed as preventing the establishment and operation of more than one IMA in a geographic area or as limiting the number of IMAs that may operate in any area.

''(4) PROVISION OF ADMINISTRATIVE SERVICES TO PURCHASERS.—

''(A) IN GENERAL.—The IMA may provide administrative services for members. Such services may include accounting, billing, and enrollment information.

''(B) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing an IMA from serving as an administrative service organization to any entity.

''(5) FILING INFORMATION.—The IMA files with the Secretary information that demonstrates the IMA's compliance with the applicable requirements of this title.

''(b) HEALTH BENEFITS COVERAGE REQUIREMENTS.—

''(1) COMPLIANCE WITH CONSUMER PROTECTION REQUIREMENTS.—Any health benefits coverage offered through an IMA shall—

''(A) be underwritten by a health insurance issuer that—

''(i) is licensed (or otherwise regulated) under State law,

''(ii) meets all applicable State standards relating to consumer protection, subject to section 2802(2), and

''(iii) offers the coverage under a contract with the IMA; and

''(B) subject to paragraph (2) and section 2902(2), be approved or otherwise permitted to be offered under State law.

''(2) EXAMPLES OF TYPES OF COVERAGE.—The benefits coverage made available through an IMA may include, but is not limited to, any of the following if it meets the other applicable requirements of this title:

''(A) Coverage through a health maintenance organization.

''(B) Coverage in connection with a preferred provider organization.

''(C) Coverage in connection with a licensed provider-sponsored organization.

''(D) Indemnity coverage through an insurance company.

''(E) Coverage offered in connection with a contribution into a medical savings account or flexible spending account.

''(F) Coverage that includes a point-of-service option.

''(G) Any combination of such types of coverage.

''(3) HEALTH INSURANCE COVERAGE OPTIONS.—An IMA shall include a minimum of 2 health insurance coverage options. At least 1 option shall meet all applicable State benefit mandates.

''(4) WELLNESS BONUSES FOR HEALTH PROMOTION.—Nothing in this title shall be construed as precluding a health insurance issuer offering health benefits coverage through an IMA from establishing premium discounts or rebates for members or from modifying otherwise applicable copayments or deductibles in return for adherence to programs of health promotion and disease prevention so long as such programs are agreed to in advance by the IMA and comply with all other provisions of this title and do not discriminate among similarly situated members.

''(c) MEMBERS; HEALTH INSURANCE ISSUERS.—

''(1) MEMBERS.—

''(A) IN GENERAL.—Under rules established to carry out this title, with respect to an individual who is a member of an IMA, the individual may apply for health benefits coverage (including coverage for dependents of such individual) offered by a health insurance issuer through the IMA.

''(B) RULES FOR ENROLLMENT.—Nothing in this paragraph shall preclude an IMA from establishing rules of enrollment and reenrollment of members. Such rules shall be applied consistently to all members within the IMA and shall not be based in any manner on health status-related factors.

''(2) HEALTH INSURANCE ISSUERS.—The contract between an IMA and a health insurance issuer shall provide, with respect to a member enrolled with health benefits coverage offered by the issuer through the IMA, for the payment of the premiums collected by the issuer.

''SEC. 2802. APPLICATION OF CERTAIN LAWS AND REQUIREMENTS.

''State laws insofar as they relate to any of the following are superseded and shall not apply to health benefits coverage made available through an IMA:

''(1) Benefit requirements for health benefits coverage offered through an IMA, including (but not limited to) requirements relating to coverage of specific providers, specific services or conditions, or the amount, duration, or scope of benefits, but not including requirements to the extent required to implement title XXVII or other Federal law and to the extent the requirement prohibits an exclusion of a specific disease from such coverage.

''(2) Any other requirements (including limitations on compensation arrangements) that, directly or indirectly, preclude (or have the effect of precluding) the offering of such coverage through an IMA, if the IMA meets the requirements of this title.

Any State law or regulation relating to the composition or organization of an IMA is preempted to the extent the law or regulation is inconsistent with the provisions of this title.

''SEC. 2803. ADMINISTRATION.

''(a) IN GENERAL.—The Secretary shall administer this title and is authorized to issue such regulations as may be required to carry out this title. Such regulations shall be subject to Congressional review under the provisions of chapter 8 of title 5, United States Code. The Secretary shall incorporate the process of 'deemed file and use' with respect to the information filed under section 2801(a)(5)(A) and shall determine whether information filed by an IMA demonstrates compliance with the applicable requirements of this title. The Secretary shall exercise authority under this title in a manner that fosters and promotes the development of IMAs in order to improve access to health care coverage and services.

''(b) PERIODIC REPORTS.—The Secretary shall submit to Congress a report every 30 months, during the 10-year period beginning on the effective date of the rules promulgated by the Secretary to carry out this title, on the effectiveness of this title in promoting coverage of uninsured individuals. The Secretary may provide for the production of such reports through one or more contracts with appropriate private entities.

''SEC. 2804. DEFINITIONS.

''For purposes of this title:

''(1) ASSOCIATION.—The term 'association' means, with respect to health insurance coverage offered in a State, an association which—

''(A) has been actively in existence for at least 5 years;

''(B) has been formed and maintained in good faith for purposes other than obtaining insurance;

''(C) does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee); and

''(D) does not make health insurance coverage offered through the association available other than in connection with a member of the association.

''(2) DEPENDENT.—The term 'dependent', as applied to health insurance coverage offered by a health insurance issuer licensed (or otherwise regulated) in a State, shall have the meaning applied to such term with respect to such coverage under the laws of the State relating to such coverage and such an issuer. Such term may include the spouse and children of the individual involved.

''(3) HEALTH BENEFITS COVERAGE.—The term 'health benefits coverage' has the meaning given the term health insurance coverage in section 2791(b)(1).

''(4) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 2791(b)(2).

''(5) HEALTH STATUS-RELATED FACTOR.—The term 'health status-related factor' has the meaning given such term in section 2791(d)(9).

''(6) IMA; INDIVIDUAL MEMBERSHIP ASSOCIATION.—The terms 'IMA' and 'individual membership association' are defined in section 2801(a).

''(7) MEMBER.—The term 'member' means, with respect to an IMA, an individual who is a member of the association to which the IMA is offering coverage.''.

By Mr. HARKIN (for himself, Mr. AKAKA, Mrs. BOXER, Mr. DURBIN, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Ms. STABENOW, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. FEINGOLD):

S. 684. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national original, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to be joined today by Senators MURRAY, MIKULSKI, BOXER, STABENOW, KENNEDY, DURBIN, TORRICELLI, LEAHY, INOUYE, AKAKA, KERRY, WELLSTONE and FEINGOLD to reintroduce the Fair Pay Act, a bill to combat pay discrimination against women.

You might think since Congress passed the Equal Pay Act in 1963, the wage gap wouldn't exist. Unfortunately, however, women continue to be paid only 76-cents for every dollar a white man earns according to the Bureau of Labor Statistics. Women of color experience the most severe pay

inequities: African American women earn only 62-cents on the dollar, Hispanic women only 54 cents.

Earlier today, I released a draft report by the Department of Labor's Women's Bureau that helps to explain the wage gap and gives us insight into fixing it.

This report was done based on my request in the FY 2000 Labor-HHS Appropriations bill. I asked the Women's Bureau to analyze wage data from federal contractors collected over the last two years, focusing on the causes of the wage gap between men and women. This is the first time in at least a decade that such a comprehensive review and analysis of wage data was conducted.

This three-part draft report, finalized by the Department of Labor in January, used updated wage data, including detailed data gathered from a sample of nearly 5,000 of our nation's federal contractors.

This report confirms that the wage gap is real, it's caused in large part by discrimination and women in female-dominated jobs suffer the most. Specifically, the report found that at least one-third, or about 11 cents on the dollar, of the pay gap is caused by pay discrimination against women.

How'd we get there? The study found if you compare women and men, in the same jobs, in the same firm, with the same experience and skills, they are still only paid 89 cents for every dollar a man earns. That 11-cent gap is unexplained, and is what we believe is pay discrimination.

But if you look at women's overall pay against men, when you take into account all of the women who are segregated into what's considered ''women's work'' and receive lower wages, the pay gap becomes 28 cents.

If this kind of occupational segregation were eliminated, the wage gap would close between 10 and 40 percent, according to this report.

It doesn't have to be this way. We can start closing the pay gap right now by simply paying women what they're worth. That's where the Fair Pay Act comes in.

The Fair Pay Act would require that employers pay their workers based on skills, effort, responsibility and effort, regardless if the job is considered so-called ''women's work.''

Millions of women today work in so-called ''women's jobs,'' as secretaries, child care workers, social workers and nurses. These jobs are often ''equivalent'' in skills, effort, responsibility and working conditions to similar jobs dominated by men. But these women aren't paid the same as the men. Work that women have traditionally done continues to be undervalued and underpaid.

That's what the Fair Pay Act would address.

Our bill says that pay discrimination based on the number of women in a job is not only un-American, but it is also illegal.

It doesn't make sense that a nurse practitioner earns less than a physician's assistant. Or that a lead administrative assistant makes less than a city bus driver. Or that a social worker earns less than a parole officer.

I've heard the argument that we don't need the Fair Pay Act, that ''market forces'' will eventually take care of it. The market can't and isn't supposed to take care of everything. You can't fix discrimination with the ''invisible hand.''

Take a look at this chart of the wage gap over the last 20 years. If we continue to rely on ''market forces,'' it will be another century before there's true pay equity for women.

In fact, this study accounts for market forces, and it says that pay in women's jobs has increased, but not nearly enough.

If we had relied on market forces in the past, our country never would have set a minimum wage and we wouldn't be taking Family Medical Leave to care for our newborns or loved ones. We never would have had the Equal Pay Act or the Americans with Disabilities Act.

Some argue that its impossible to compare the wages of different jobs. But, it's done all the time by labor consultants who use ''point systems'' based on skills, responsibility and effort required to determine the value of a job. Jobs that are different may still receive the same total score, meaning, the jobs should be paid about the same. Companies would also develop their own evaluation systems and set their own wages.

My state and 19 others have ''fair pay'' laws and policies in place for their public employees, and my state has never been stronger.

Fair pay is not just a women's issue. It's a working family issue. It's a retirement issue. When women aren't paid what they're worth, we all get cheated. And national polls show that fair pay is a top priority for women.

So I urge my colleagues to support the Fair Pay Act, we owe it to America's working women and their families.

Mr. WELLSTONE. Mr. President, I am pleased to join as a cosponsor of the Fair Pay Act. I hope that this is the Congress that will see this important piece of legislation enacted. I fear the consequences if we do not.

For thirty-eight years, since enactment of the Equal Pay Act in 1963, we have been striving to close the pay gap between men and women. We have made some progress, but not nearly enough.

Today, despite all efforts, women on average earn only 77 cents for each dollar that men earn. That's simply not acceptable. As Susan Dailey, U.S. President of the National Business and Professional Women said, ''Is it acceptable then for women to leave at 1:48 on Thursday afternoon because that's three quarters of a work week?'' No, these differentials are simply not acceptable.

Due to the wage gap, it is estimated that the average 25-year-old woman will lose approximately $500,000 over her working lifetime.

That's unfair, it's unjust. And for that reason alone, we need to support legislation that will address the root causes of this pay inequity.

But not only is it unjust to women, it's unfair to the whole family. It is estimated that the wage gap annually costs America's working families $200 billion. Over ten years that's $2 trillion in lost income to families as a result of wage disparities. That's more than the entire tax cut the Bush Administration is anxious to give back to the wealthiest 1 percent of the population!

This bill can lift families out of poverty. If married women were paid the same as men, their families' rate of poverty would fall by more than 60 percent. If single working mothers earned as much as their male counterparts, their poverty rates would be cut in half.

That's what this bill is about, paying everyone a decent wage, the wage they deserve, so that they can support their families with dignity.

I'm proud that my home state of Minnesota is a leader on this issue. Our state comparable worth law is one of the strongest on the books and serves as a model for other states. In Minnesota, under our law, both state and municipal employees get the benefits of this important protection.

I hope we can follow suit on the federal level. I urge my colleagues to act swiftly on this important measure.

By Mr. BAYH (for himself, Ms. SNOWE, Mr. GRAHAM, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. LANDRIEU, Mr. KOHL, Mr. JOHNSON, Mr. BREAUX, Mr. ROCKEFELLER, Mrs. CLINTON, and Mr. CARPER):

S. 685. A bill to amend title IV of the Social Security Act to strengthen working families, and for other purposes; to the Committee on Finance.

Mr. BAYH. Mr. President, I rise today to introduce legislation that will increase a working family's chances to remain self-sufficient and off of Welfare. Given the dramatic decline in the welfare caseload since 1996, the question remains whether individuals leaving welfare will remain off welfare. In order to fortify the successful welfare reform efforts of the last five years, I along with a bipartisan group of Senators have brought together a legislative package designed to honor work, personal responsibility and strengthen a family's chance to stay self-sufficient.

The Strengthening Working Families Act includes six initiatives designed to support the efforts of families who have made it off welfare, but are at risk of falling backward—especially in a weak economy. The provisions of the package include: (1) Promotion of Responsible Fatherhood; (2) Distribution of Child Support Directly to Families;

(3) Expansion of the EITC for Larger Families; (4) Restoration of the Social Services Block Grant; (5) Encouragement of Employer-sponsored Child Care; and (6) Reauthorization of The Safe and Stable Families Act.

The Strengthening Working Families Act provides those who are trying to be responsible with a hand-up, not a handout. It honors our values, in this case the values of work and self-sufficiency, and strengthens families who take responsibility for their children emotionally and financially.

This proposal to support continued personal responsibility comes as the first stage of welfare reform ends and Congress prepares to tackle welfare's hardest cases in the 2002 reauthorization of Temporary Aid to Needy Families, TANF. Since the welfare system was reformed to require that individuals take responsibility for themselves and their families, caseloads have declined. After peaking at 5.1 million families in March of 1994, the number of families on welfare has declined by more than half, to 2.2 million families in June of 2000. The employment rate for single mothers has increased from 57 percent in 1992 to almost 73 percent in 2000. Even among those remaining on the welfare rolls, work has increased sharply, from about 8 percent of adults in 1994 to 28 percent in 1999.

This is a fiscally responsible approach that will be good for families and good for American taxpayers. As Governor, I reformed welfare in Indiana. In 1994, we spent $247.8 million in Indiana on direct welfare payments to families. By the year 2000, we reduced that number by sixty-six percent, to $83.8 million. If you help people find work and dignity, they become self-sufficient.

A number of recent studies show that between 18 percent and 35 percent of those who leave welfare return to the rolls, however. While these rates are reflective of a good economy with ample employment opportunities, the next few months will indicate what will happen to the welfare rolls during a slowing economy. Many of those who left the rolls are in jobs sensitive to economic downturns: 46 percent are in the service industry and 24 percent work in retail.

The total cost of the package is estimated at $11.5 billion; 80 percent or $8.5 billion of which is directed in tax cuts for working families and small businesses. The administration's budget blueprint includes funding for two titles of this bill: Title I, the fatherhood programs, were included at $64 million a year, $315 million over five years; as well as Title VI, the child welfare program, in its entirety.

In particular, Title I of the bill which promotes responsible fatherhood mirrors S. 653, The Responsible Fatherhood Act of 2001, a bill I introduced earlier this Congress with Senator DOMENICI. Many of America's mothers, including single moms, are heroic in their efforts to make ends meet while raising good, responsible children. Many dads are too. But an increasing number of men are not doing their part, or are absent entirely. The decline in the involvement of fathers in the lives of their children over the last forty years is a troubling trend that affects us all. Fathers can help teach their children about respect, honor, duty and so many of the values that make our communities strong.

The number of children living in households without fathers has tripled over the last forty years, from just over 5 million in 1960 to more than 17 million today. Today, the United States leads the world in fatherless families, and too many children spend their lives without any contact with their fathers. The consequences are severe, a study by the Journal of Research in Crime and Delinquency found that the best predictor of violent crime and burglary in a community is not the rate of poverty, but the rate of fatherless homes.

The Responsible Fatherhood Act of 2001, does three primary things to help combat fatherlessness in America. First, it creates a grant program for state media campaigns to encourage fathers to act responsibly. Second, it funds community efforts that provide fathers with the tools necessary to be responsible fathers. Finally, the bill creates a National Clearinghouse to assist states with their media campaigns and with the dissemination of materials to promote responsible fatherhood.

I want to thank Senator SNOWE for her leadership on this bill. With her support not only does each individual piece of this legislation enjoy bipartisan support, the entire package is bipartisan. In addition, I want to thank Senators BOB GRAHAM, JOSEPH LIEBERMAN, BLANCHE LINCOLN, MARY LANDRIEU, HERB KOHL, TIM JOHNSON, JOHN BREAUX, HILLARY CLINTON, JOHN ROCKEFELLER and THOMAS CARPER for their support.

This bipartisan package to promote personal responsibility will allow us to continue to discuss the successes of welfare reform. I urge my colleagues to support this important legislation.

Mr. KOHL. Mr. President, I rise today as a proud cosponsor of the Strengthening Working Families Act of 2001. I would like to thank Senators BAYH and SNOWE for working so diligently to put this package together. I am pleased that my Child Care Infrastructure Act is included, and I believe it will go a long way towards providing working families the tools they need to succeed.

That's because this bill is based on a simple premise: that working couples who decide to have a family should not be penalized because they both must keep working.

Unfortunately today, many working parents today do not have access to an essential tool for success at work: quality child care. According to the Children's Defense Fund, the average annual cost of child care can be more than the average annual cost of public college tuition. And nothing adds more to these high costs than the dramatic shortage of quality child care in this country.

Increasing the supply of child care has clear benefits, for children, their parents and businesses. Research on the brain has proven the importance of early childhood programs to a child's chances of long-term success in school and in adult life. I have visited many employer-sponsored child care centers in Wisconsin, and they are so often state-of-the-art facilities that significantly enhance early childhood education. And just as importantly, parents are more productive at work when they know that their children have safe, reliable child care.

This bill is aimed at increasing the supply of child care for working families. We provide a 25 percent tax credit to businesses who are willing to take actions to increase the supply of quality child care, including the construction and operation of an on-site or near-site child care center, or providing child care subsidies for their employees.

Increasing the supply of affordable child care is just one part of the fight to help working families succeed, and this bill makes businesses a true partner in that effort.

I am also pleased that the Strengthening Working Families bill also includes ''The Child Support Distribution Act,'' which is similar to legislation I've been working on since 1998, the ''Children First Child Support Reform Act''.

This bill takes significant steps toward ensuring that children receive the child support money they are owed and deserve. In Fiscal Year 1999, the public child support system collected child support payments for only 37 percent of its caseload, up from 23 percent in 1998. Obviously, we still need to improve, but States are making real progress. It's time for Congress to take the next step and help States overcome a major obstacle to collecting child support for families.

There are many reasons why non-custodial parents may not be paying support for their children. Some are not able to pay because they don't have jobs or have fallen on hard times. Others may not pay because they are unfairly prevented from spending time with their children.

But other fathers don't pay because the public system actually discourages them from paying. Under current law, over $2 billion in child support is retained every year by the State and Federal governments as repayment for welfare benefits, rather than delivered to the children to whom it is owed. Since the money doesn't benefit their kids, fathers are discouraged from paying support. And mothers have no incentive to push for payment since the support doesn't go to them.

It's time for Congress to change this system and encourage States to distribute more child support to families. My home State of Wisconsin has already been doing this for several years and is seeing great results. In 1997, I worked with my State to institute an innovative program of passing through child support payments directly to families. Preliminary results show that when child support payments are delivered to families, non-custodial parents are more apt to pay, and to pay more. In addition, Wisconsin has found that, overall, this policy does not increase government costs. That makes sense because ''passing through'' support payments to families means they have more of their own resources, and are less apt to depend on public help to meet other needs such as food, transportation or child care.

We now have a key opportunity to encourage all States to follow Wisconsin's example. Title II of the Strengthening Working Families bill gives States options and strong incentives to send more child support directly to families who are working their way off, or are already off, public assistance. Not only will this create the right incentives for non-custodial parents to pay, but it will also simplify the job for States, who currently face an administrative nightmare in following the complicated rules of the current system.

We know that creating the right incentives for non-custodial parents to pay support and increasing collections has long-term benefits. People who can count on child support are more likely to stay in jobs and stay off public assistance.

This legislation finally brings the Child Support Enforcement program into the post-welfare reform era, shifting its focus from recovering welfare costs to increasing child support to families so they can sustain work and maintain self-sufficiency. After all, it's only fair that if we are asking parents to move off welfare and take financial responsibility for their families, then we in Congress must make sure that child support payments actually go to the families to whom they are owed and who are working so hard to succeed.

Last year, a House version of this bill passed by an overwhelming bipartisan vote for 405 to 18. We must keep the momentum going in this Congress, and finally make child support meaningful for families. Again, I want to thank Senators SNOWE and BAYH for working with me on this issue and for including it in this package.

Mr. ROCKEFELLER. Mr. President, I am proud to join my colleagues in supporting the Working Families package to invest in a series of bipartisan initiatives to support and encourage families that are ''playing by the rules,'' but struggling to make ends meet as they raise their children.

This legislation combines key legislative proposals to help working families, including a targeted expansion of the Earned Income Tax Credit, EITC, for families with three or more children. It is simple common sense that parents with more children need more help in making ends meet. This bill would give the most needy families up to $496 more in the EITC to help working families live with dignity. Our legislation also includes key provisions to streamline and improve the EITC, which is one of our most effective programs to combat child poverty.

Another key component of this package would reauthorize and expand the Safe and Stable Families Act with an additional $200 million a year, as proposed by President Bush. I helped to create this program in 1993 with Senator BOND, and it was expanded and improved in 1997 as part of the Adoption and Safe Families Act. Since this act became law, we have dramatically increased the number of adoptions from foster care. Therefore, we need to increase funding for adoption services and to help the children and their new families overcome the years of abuse and neglect. Further, the bill would improve the Chafee Independent Living program by offering a $5000 scholarship to teens from foster care to encourage them to attend college or pursue vocational training. Abused and neglected children are among the most vulnerable in our society and they deserve our support and care.

For many years, I have worked closely with Senator GRAHAM and a bipartisan coalition to restore funding to the Social Service Block Grant, a flexible program to enable states to provide support for needy children, families, seniors and the disabled. During the welfare reform debates, we promised flexibility to the states and full funding of the Social Services Block Grant at $2.38 billion, and we should keep that promise and restore funding.

Providing provisions to improve our child support system to get payments to the families first has been a longstanding priority for me. Fatherhood is a major issue for our families, and from my work on the National Commission on Children over a decade ago, I know that children do best in families with committed, caring parents. Investing in quality child care is an obvious concern as we continue our efforts on welfare reform and face the challenges of our new economy in which most mothers work.

We should be working together to help our children and our families, so I hope that we will be able to promote this package of bipartisan initiatives that are targeted to some of our most vulnerable families, who are working hard but need help to raise their children with dignity.

AMENDMENTS SUBMITTED AND PROPOSED

SA 172. Mr. BAUCUS (for himself, Mr. GRAHAM, Mr. KENNEDY, Mr. ROCKEFELLER, Ms. STABENOW, Ms. MIKULSKI, Mrs. MURRAY, Mr. DAYTON, Mr. WYDEN, Mrs. CLINTON, Mr. REED, Mrs. CARNAHAN, Mr. NELSON, of Florida, Mr. SARBANES, and Mr. LEVIN) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

SA 173. Mr. GRASSLEY (for himself, Ms. SNOWE, Mr. DOMENICI, Ms. COLLINS, Mr. FRIST, Mr. SMITH, of Oregon, and Mr. GRAMM) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 174. Mr. GRASSLEY (for himself, Mr. MILLER, Mr. DOMENICI, Mr. HUTCHINSON, and Mr. HAGEL) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 175. Mr. WARNER (for himself, Mr. HUTCHINSON, Mr. ROBERTS, Mr. INHOFE, Ms. COLLINS, Mr. MILLER, and Mr. KYL) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 176. Mr. JOHNSON (for himself, Mr. CONRAD, Mr. DASCHLE, Mr. HARKIN, Mr. DORGAN, and Mrs. LINCOLN) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 177. Mr. DOMENICI (for Mr. WELLSTONE) proposed an amendment to the bill S. Res. 55, designating the third week of April as ''National Shaken Baby Syndrome Awareness Week'' for the year 2001 and all future years.

SA 178. Mr. DOMENICI (for Mr. WELLSTONE) proposed an amendment to the bill S. Res. 55, supra.

TEXT OF AMENDMENTS

SA 172. Mr. BAUCUS (for himself, Mr. GRAHAM, Mr. KENNEDY, Mr. ROCKEFELLER, Ms. STABENOW, Ms. MIKULSKI, Mrs. MURRAY, Mr. DAYTON, Mr. WYDEN, Mrs. CLINTON, Mr. REED, Mrs. CARNAHAN, Mr. NELSON of Florida, Mr. SARBANES, and Mr. LEVIN) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 2, line 16, decrease the amount by $2,500,000,000.

On page 2, line 17, decrease the amount by $11,073,000,000.

On page 2, line 18, decrease the amount by $7,900,000,000.

On page 3, line 1, increase the amount by $2,418,000,000.

On page 3, line 2, increase the amount by $13,339,000,000.

On page 3, line 3, increase the amount by $18,863,000,000.

On page 3, line 4, increase the amount by $22,694,000,000.

On page 3, line 5, increase the amount by $24,898,000,000.

On page 3, line 6, increase the amount by $29,509,000,000.