S. 697

At the request of Mr. BAUCUS, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Ohio (Mr. DEWINE), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 697, supra.

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Ohio (Mr. DEWINE), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 697, supra.

S. CON. RES. 11

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

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON (for himself, Mrs. LINCOLN, Mr. BREAUX, and Mr. DEWINE):

S. 758. A bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the wetlands reserve program through 2005, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the legislation that I am introducing today with Senators LINCOLN, BREAUX, and DEWINE be printed in the RECORD.

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

S. 758

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

SECTION 1. WETLANDS RESERVE PROGRAM.

(a) ANNUAL ENROLLMENT AUTHORITY.—Section 1237(b) of the Food Security Act of 1985 (16 U.S.C. 3837(b)) is amended by striking paragraph (1) and inserting the following:

''(1) ANNUAL ENROLLMENT AUTHORITY.—For each of calendar years 2001 through 2005, the Secretary may enroll in the wetlands reserve program not more than 250,000 acres.''.

(b) EXTENSION OF PROGRAM.—

''(1) IN GENERAL.—Section 1237(c) of the Food Security Act of 1985 (16 U.S.C. 3837(c)) is amended by striking ''2002'' and inserting ''2005''.

''(2) FUNDING.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking ''2002'' and inserting ''2005''.

(c) COOPERATIVE AGREEMENTS.—Section 1237F of the Food Security Act of 1985 (16 U.S.C. 3837f) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) COOPERATIVE AGREEMENTS.—Notwithstanding chapter 63 of title 31, United States Code, for purposes of carrying out this subchapter, the Secretary may enter into a cooperative agreement with a State, a political subdivision of a State, or any organization or person, for the acquisition of goods or services (including personal services) if the Secretary determines that—

''(1) the purposes of the agreement serve wetland conservation;

''(2) all parties to the agreement contribute resources to the accomplishment of the purposes; and

''(3) the agreement furthers the purposes of this subchapter.''.

By Mr. SMITH of New Hampshire:

S. 759. A bill to amend title 4 of the United States Code to prohibit a State from imposing a discriminatory tax on income earned within such State by nonresident of such State; to the Committee on Finance.

THE NONRESIDENT INCOME TAX FREEDOM ACT OF 2001

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce a bill called ''The Nonresident Income Tax Freedom Act of 2001.''

My legislation would prohibit a state from imposing income taxes on income earned within such state by nonresidents of such state.

Simply put, my bill bans state income taxes levied on nonresident workers.

I am sure that every American has studied the Boston Tea Party.

In 1776, the 13 American colonies refused to pay unjust taxes and declared their independence from Britain.

The resulting American revolution was a revolution of ideas and together the 13 colonies created a government which derived its just authority from the consent of the governed.

In 1764, Britain imposed the Sugar Act on the American colonies, that tax was followed by the Stamp Act and the Townshend Revenue Act.

The Stamp Act was essentially a paper tax of less than one cent, but this tax inspired the formation of the Sons of Liberty, who burned the stamps in protest of the tax.

A tea tax was imposed on the American colonies of less than one cent, but this tax motivated Bostonians to protest the tax in the Boston Tea Party.

The result of these British taxes were that Americans openly rebelled in order to fight those unjust taxes.

I am not comparing the current situation to the American revolution, but I am proposing legislation consistent with the theme of the American Revolution—No taxation without representation.

When a citizen from New Hampshire goes to work in Massachusetts or Maine or Vermont and pays their income tax, it is not reciprocated. We don't have an income tax. We don't tax them. They don't live in that State, and, therefore, I don't believe they should pay that tax.

My bill will grant Federal protection for nonresident taxpayers and prohibit this taxation without representation.

I hope my colleagues will look carefully at this regardless of the tax situation in their own States. The State of Oklahoma, or the State of New Hampshire, or any other State has a perfect right to tax its citizens in whatever way the citizens allow their elected representatives. But the question is, Should the citizens of Wyoming or some other State tell another State what taxes they should pay on their citizens?

The problem exists today where workers from one State are being taxed by others, and these taxpayers have no vote. They have no say and no recourse into how their income tax money is spent. Approximately 90,000 from New Hampshire go to Massachusetts and work. The taxes are collected from them for Massachusetts income taxes. They have no recourse. They have to pay those taxes.

As a matter of fact, New Hampshire residents pay over $200 million in income taxes to Maine, Massachusetts, and Vermont, all of which have income taxes. New Hampshire doesn't. In 1999, Vermont imposed an income tax on 10,840 New Hampshire residents and raised $10.2 million in revenue off the backs of New Hampshire workers who had nothing to say about it, nor could they do anything about it.

In 1998, Massachusetts levied an income tax on 89,336 New Hampshire residents and raised $184 million, again, off the residents of New Hampshire.

And finally, in Maine, in 1998, 8,219 New Hampshire residents were taxed and $9.3 million was raised in revenue.

This is taxation without representation. I am not trying to start another Revolutionary War here, but it is not fair. I believe that whether you have an income tax or not in your State, the issue is really should you be able to levy an income tax against another citizen who lives in another State.

In New Hampshire, we have always had a keen interest in taxes, as a matter of fact, a keen interest in less taxes. One of the greatest Governors in the history of our State, Gov. Meldrim Thomson, passed away last Thursday at the age of 89. Mel Thomson was a hero to many of us in the antitax movement. His campaign theme, when

he ran for Governor three times, was "ax the tax." And that he did. He fought taxes and cut taxes time and time again in our State. He helped our State to assume that true "live free or die" tradition that is so popular and so well known.

It is a strength that New Hampshire politicians have not allowed a State income tax to be levied on the hard-working residents of that State. People still do not understand it. They come to me and say: How can you do this without an income tax? How do you get along? We do it through frugality and responsibility and taking care of the hard-earned dollars of our taxpayers.

As recently as last week, my friends in the New Hampshire State House defeated a sales tax proposal. I congratulate them for it. The Republican-led legislature knocked down a 2.5-percent sales tax which would have helped Maine, Massachusetts, and Vermont to discourage their State citizens from coming across the border to shop because we would have begun to get our States equalized in their taxes.

We have this great tradition in New Hampshire of less taxes, less spending, and fiscal responsibility. That is why I was pleased and proud just today—and I know the Presiding Officer's rating is high up in this rating; and I will check the rating—I was pleased today to be told the National Taxpayers Union ranked me No. 7 in the Senate for fiscal responsibility on cutting spending, cutting taxes, and cutting regulations. It is an award of which I am very proud. But it is not so much me; it is tradition in New Hampshire.

If you advocate those sales taxes, if you advocate those income taxes, if you advocate more taxes, you won't be reelected. There are a lot of people who said, let's have a sales or income tax, and they have been defeated and have not been heard from since, and many of them had to leave town.

I think it is rather unfortunate Governor Thomson passed away at the very time President Bush—a man who Governor Thompson admired, and President Bush admired Governor Thompson as well; it was reciprocal—but at the very time President Bush is proposing a $1.6 trillion tax cut for the American people, the man who led the "ax the tax" fight in New Hampshire has passed away. So President Bush has picked up the torch from Governor Thomson, and New Hampshire is proud of that.

I am proud of President Bush's budget proposal to provide the typical family of four paying income taxes $1,600 in tax relief.

John Marshall said: "The power to tax is the power to destroy." Taxes have to be used responsibly. As I said today, when I was asked about the National Taxpayers Union rating, it does not mean we do not spend money. We do spend money. We have a responsibility to spend money for our military, for those in need, or whatever. But we have to spend it responsibly. I think that is the key issue.

The taxers in New Hampshire's neighboring States are very clever. They impose the income tax on New Hampshire residents without any fear whatsoever of any political retaliation. It is really cowardice. The officials there tax citizens from my State of New Hampshire who go into Massachusetts to work, and they cannot vote. They cannot vote. They do not have any say about it. What can they do about it? It is not fair. We ought to change it. I say that with respect to my colleagues no matter what the tax status of your own State is. Tax all you want in your State, but do not tax people from another State. And I think that is fair.

Today's average taxpayer faces a combined Federal, State, and local burden of nearly 50 percent of their income. I think that is a little too much. It is time for a change. This is one small way to help New Hampshire citizens, as I know so many are trying to help all of our citizens with tax cuts at the national level.

So I ask my colleagues to support George W. Bush's tax cut and my tax fairness initiative to give certainly New Hampshire citizens and all Americans a little boost for their pocketbooks, so they can spend some money the way they would like to spend it, to have it in their pockets. That $200 million in the pockets of taxpayers in New Hampshire can be used for a lot of things they would like to use it for, including college education, health care, putting money away for a rainy day, or whatever.

I close by saying, my bill amends chapter 4 of title 4 of the U.S. Code to add a provision that says, "a State or political subdivision thereof may not impose a tax on income earned within such State or political subdivision by non-residents of such State." In other words, if they are not your citizens, then you cannot tax them with an income tax. It explicitly allows a State, however—and this is a very important point—if two States want to enter into a voluntary compact or agreement to tax one another—if the two States agree—they can do that. There is an exception for that if the two States agree.

This is consistent with the theme of "no taxation without representation" because residents who become angry at politicians who vote for income tax compacts can vote the offending politician out of office. That is why it is good.

I look forward to pressing hard on this and getting the attention of my colleagues. It is my hope I can be a part of the President's push to restore reason and good sense to the Federal tax law.

I ask my colleagues to support me on the Nonresident Income Tax Freedom Act of 2001 to help thousands of New Hampshire citizens who are treated unfairly by taxation without representation.

By Mr. CONRAD (for himself, Ms. SNOW, Mr. REID, Mr. DEWINE, Mr. ROCKFELLER, and Mr. JOHNSON):

S. 762. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for information technology training expenses and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, during the final months of the 106th Congress, the Senate and House completed action on the American Competitiveness in the 21st Century Act which will respond to the shortage of skilled IT workers and help ensure our nation's continued growth and leadership in the information technology field. Congress increased the cap on the number of H1B visas available for foreign workers with high-tech skills to fill the job vacancies in information technology in the US.

As important as action by Congress to permit companies to hire foreign-born skilled IT workers is, this legislation by itself will not address our long-term IT worker needs. Throughout the recent debate on the IT worker shortage, I have urged that we focus our efforts on IT training and partnerships between the business and education communities. Many excellent partnerships between the IT community, state and local government, high schools, and colleges and universities that provide individuals of all ages with education and training opportunities in information technology are already underway.

Partnerships include ExplorNet, a non-profit organization working with local community and school officials to train educators and students to rebuild computers; e-learning opportunities for IT training through more than 100 community colleges nationwide, including Bismarck State College; Cisco Systems Training Academies in many school districts; AOL/Time Warner Foundation's "Time to Read" literacy program; Green Thumb and Microsoft working with seniors to improve their IT skills; Great Plains Software's, Fargo, ND, partnership with Valley City State University; and Texas Instruments sponsored training for educators to improve technology skills in the classroom. These are excellent examples of the IT and education communities working together to meet the growing demand for information technology skills.

Although these partnerships are helping to train individuals to fill many IT job vacancies, these educational opportunities cannot keep pace with the demand for workers with advanced technical skills—a demand that continues for the long term despite our current economic slowdown and recent layoffs in the IT sector. Furthermore, continuing to rely on foreign workers who obtain H1B visas is not the answer to our shortage of skilled IT professionals.

A report of 685 companies released by the Information Technology Association of America ITAA, on April 2, 2001, confirms this continuing demand for skilled IT workers. The ITAA assessment of the current IT job market, although reporting a significant decline in the demand for IT workers because of the economic slowdown, confirms there are thousands of positions that employers are not able to fill because firms are unable to find workers with the necessary technical skills. The study estimates there are currently 425,000 vacancies in the IT field for skilled technical positions. Harris Miller, president, of ITAA, remarked, ''. . . hiring has by no means halted for IT workers, rather, demand still far exceeds supply in this market. Miller continues to encourage individuals to pursue advanced technical education programs. He remarked, ''this is actually the time to prepare yourself.''

Mr. President, in response to this continuing long-term demand for skilled IT workers, I am introducing legislation, the Technology Education and Training Act of 2001, TETA, to provide a tax credit for businesses offering IT training and to enable individuals enrolled in certified IT training to take advantage of the Hope Scholarship and Lifetime Learning Credits. This legislation is similar to a bill that I introduced in the 106th Congress, and I am particularly pleased that Senator SNOWE is joining me again in this bipartisan effort as the principal cosponsor. Also joining me as cosponsors are Senators REID, DEWINE, ROCKEFELLER, and JOHNSON, colleagues who have taken leadership roles in focusing attention on the importance of information technology for our economy and encouraging IT education and partnerships.

I am honored that this legislation is also endorsed by a broad coalition of IT, business and educational organizations, including Computing Technology Industry Association, CompTIA, the Technology Workforce Coalition, the American Society for Training and Development, the Information Technology Association of America, the Information Technology Training Association, the Career College Association, the National Association of Computer Consultant Businesses, Cisco Systems, Novell, Compaq Computer Corporation, Gateway and Microsoft.

Under our legislation, businesses would receive a credit against taxes equal to 100 percent of the first $1,500 of information technology training expenses for non-degree IT skills certification on behalf of a current or prospective employee. The credit would increase to $2,000 if the training program is offered in an empowerment zone, an enterprise community, an area declared a disaster zone, a school district with 50 percent or more of students participating in the school lunch program, a tribal community, a rural enterprise community, involves a small business with 200 or fewer employees or involves an individual with a disability.

Additionally, this legislation would amend current law regarding the Hope Scholarship and Lifetime Learning Credits to permit individuals enrolled in non-degree IT training programs and not attending a Title IV institution to be eligible to apply for the Hope Scholarship or Lifetime Learning Credit. Under current law, individuals are not eligible to take advantage of the Hope Scholarship or the Lifetime Learning Credits unless the programs are offered through a Title IV higher education or proprietary institution.

In order to qualify for the Hope Scholarship or Lifetime Learning Credit, the IT training program must lead to certification in an IT skill similar to programs offered by Cisco, Microsoft, Novell, and CompTIA. Under the proposed changes in the Technology Education and Training Act, the certification offered by the commercial information technology training provider must be approved by the Secretary of Treasury in consultation with an Information Technology Training Certification Board.

The shortage of skilled information technology workers will continue to be a major concern for all sectors of our economy despite the current economic slowdown and the recent layoffs in the IT sector. Our continued growth and leadership in formation technology will depend on a sufficient number of highly trained workers. Additionally, as economies around the world rebound and countries, particularly in Asia, develop their own high-tech corridors, it will be difficult to continue to recruit high-tech workers from these countries to meet the needs of our own economy.

Rather than continue our dependency on the H1B program, I believe that encouraging partnerships between the IT and education communities and authorizing additional incentives for businesses and individuals to take advantage of IT skills training offers a more reasonable approach to meeting our long-term high-tech worker needs. The Technology Education and Training Act authorizes important initiatives to respond to this critical shortage. I welcome additional cosponsors of this legislation and urge my colleagues on the Senate Finance Committee to support the proposed changes in TETA during consideration of tax legislation in the 107th Congress.

I ask unanimous consent that the text of this legislation along with statements of endorsement for the Technology Education and Training Act from the Technology Workforce Coalition, the Information Technology Association of America, and the American Society for Training and Development be printed in the RECORD.

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

S. 762

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Technology Education and Training Act of 2001''.

SEC. 2. CREDIT FOR INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''SEC. 30B. INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.

''(a) GENERAL RULE.—In the case of a taxpayer engaged in a trade or business during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to 100 percent of information technology training program expenses of the taxpayer and any employee of the taxpayer paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATION.—

''(1) IN GENERAL.—The amount of information technology training program expenses with respect to any individual which may be taken into account under subsection (a) for the taxable year shall not exceed $1,500.

''(2) INCREASE IN CREDIT AMOUNT FOR PARTICIPATION IN CERTAIN PROGRAMS AND FOR CERTAIN INDIVIDUALS.—The dollar amount in paragraph (1) shall be increased (but not above $2,000) by the amount of information technology training program expenses paid or incurred by the taxpayer—

''(A) with respect to a program operated—

''(i) in an empowerment zone or enterprise community designated under part I of subchapter U or a renewal community designated under part I of subchapter X,

''(ii) in a school district in which at least 50 percent of the students attending schools in such district are eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act,

''(iii) in an area designated as a disaster area by the Secretary of Agriculture or by the President under the Disaster Relief and Emergency Assistance Act in the taxable year or the 4 preceding taxable years,

''(iv) in a rural enterprise community designated under section 766 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999,

''(v) in an area designated by the Secretary of Agriculture as a Rural Economic Area Partnership Zone,

''(vi) in an area over which an Indian tribal government (as defined in section 7701(a)(40)) has jurisdiction, or

''(vii) by an employer who has 200 or fewer employees for each business day in each of 20 or more calendar weeks in the current or preceding calendar year, or

''(B) in the case of an individual with a disability.

''(c) INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'information technology training program expenses' means expenses paid or incurred by reason of the participation of the taxpayer (or any employee of the taxpayer) in any information technology training program if such expenses lead to an industry-accepted information technology certification for the participant. Such term shall only include includes expenses paid for in connection with course work and certification testing which is essential to assessing skill acquisition.

''(2) INFORMATION TECHNOLOGY TRAINING PROGRAM.—The term 'information technology training program' means a program for an industry-accepted information technology certification—

''(A) by any information technology trade association or corporation, and

''(B) which—

''(i) is provided for the employees of such association or corporation, or

''(ii) involves—

''(I) employers, and

''(II) State training programs, school districts, university systems, higher education institutions (as defined in section 101(b) of the Higher Education Act of 1965), or certified commercial information technology training providers.

''(3) CERTIFIED COMMERCIAL INFORMATION TECHNOLOGY TRAINING PROVIDER.—

''(A) IN GENERAL.—The term 'certified commercial information technology training provider' means a private sector organization providing an information technology training program which leads to an approved information technology industry certification for the participants.

''(B) APPROVED INDUSTRY CERTIFICATION.—For purposes of paragraph (1), an information technology industry certification shall be considered approved if such certification is approved by the Secretary, in consultation with the Information Technology Training Certification Advisory Board.

''(d) DENIAL OF DOUBLE BENEFIT.—No deduction or credit under any other provision of this chapter shall be allowed with respect to information technology training program expenses taken into account for the credit under this section.

''(e) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 45A(e)(2) and subsections (c), (d), and (e) of section 52 shall apply.

''(f) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(1) the regular tax for the taxable year reduced by the sum of the credits allowable under the subpart A and the previous sections of this subpart, over

''(2) the tentative minimum tax for the taxable year.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 30B. Information technology training program expenses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2001.

SEC. 3. INFORMATION TECHNOLOGY TRAINING CERTIFICATION ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established an Information Technology Training Certification Advisory Board (in this section referred to as the ''Board'').

(b) MEMBERSHIP.—The Board shall be composed of not more than 15 members appointed by the Secretary of the Treasury from among individuals—

(1) associated with information technology certification and training associations and businesses; and

(2) who are not officers or employees of the Federal Government.

(c) MEETINGS.—The Board shall meet not less often than annually.

(d) CHAIRPERSON.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall elect a Chairperson from among its members.

(2) CHAIRPERSON.—The chairperson shall be an individual who is a member of an information technology industry trade association.

(e) DUTIES.—The Board shall develop a list of information technology industry certifications, for approval by the Secretary of the Treasury, that qualify the provider of the certification as a certified commercial information technology training provider under section 30B(c)(3) of the Internal Revenue Code of 1986, as added by section (2)(a).

(f) SUBMISSION OF LIST.—Not later than October 1, 2001, and each year thereafter, the Board shall submit the list required under subsection (e) to the Secretary of the Treasury.

(g) BOARD PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Board shall serve without compensation.

(2) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(h) TERMINATION OF THE BOARD.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

SEC. 4. HOPE SCHOLARSHIP AND LIFETIME LEARNING CREDITS INCLUDE TECHNOLOGY TRAINING CENTERS.

(a) IN GENERAL.—Section 25A(f)(2) of the Internal Revenue Code of 1986 (relating to eligible educational institution) is amended to read as follows:

''(2) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means—

''(A) an institution—

''(i) which is described in section 101(b) of the Higher Education Act of 1965, and

''(ii) which is eligible to participate in a program under title IV of such Act, or

''(B) a certified commercial information technology training provider (as defined in section 30B(c)(3)).''.

(b) CONFORMING AMENDMENT.—The second sentence of section 221(e)(2) of the Internal Revenue Code of 1986 is amended by striking ''section 25A(f)(2)'' and inserting ''section 25A(f)(2)(A)''.

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

TECHNOLOGY WORKFORCE COALITION,
Arlington, VA.

For Immediate Release

SENATE INTRODUCES TAX CREDIT TO EASE IT WORKER SHORTAGE

WASHINGTON, APRIL 24, 2001.—Help may soon be available for companies suffering from a shortage of skilled IT workers. On Tuesday, the United States Senate introduced the ''Technology Education and Training Act (TETA) of 2001,'' which gives individuals and employers tax credits of up to $2,000 for IT training expenses. Sponsored by Senators Kent Conrad (D–ND), Olympia Snowe (R–ME), Mike DeWine (R–OH), and Harry Reid (D–NV), TETA works to help individuals get needed IT training, thus easing America's IT worker shortage.

''Headlines may scream out high-tech layoffs, but the plain fact is that IT jobs are going empty because there are not enough skilled people to fill them,'' noted Grant Mydland, Director of the Technology Workforce Coalition. Mydland applauded the bill's introduction and urged Congress' quick consideration and passage of TETA.

Essentially, TETA:

Provides a tax credit of up to $1,500 for IT training expenses paid by employers

Amends the HOPE and Lifetime Learning tax credits so individuals can better access IT training courses at all of the available institutions and training centers

Allows tax credits of up to $2,000 for small businesses, as well as for people residing in and companies operating in empowerment zones and other qualified areas

''Nearly half of all IT jobs that will be created in 2001 will remain vacant,'' Mydland added. ''IT drives our economy. TETA gives individuals and companies the necessary educational tools to meet America's rapidly evolving IT needs. The Senate should be congratulated for its foresight in addressing a significant challenge to U.S. prosperity and growth.''

SUMMARY OF THE TECHNOLOGY EDUCATION AND TRAINING ACT (TETA) OF 2001

Introduced by Senators Kent Conrad (D–ND), Olympia Snowe (R–ME), Mike DeWine (R–OH), Harry Reid (D–NV), and Representatives Jerry Weller (R–IL) and Jim Moran (D–VA)

Provides a tax credit for 100% of the first $1,500 of information technology training expenses paid for by an employer.

Amends the HOPE and Lifetime Learning tax credits to make it easier for individuals to use these tax credits for information technology training expenses.

The training program must result in certification.

The allowed credit would be $2,000 for small businesses and all companies or individuals in enterprise zones, empowerment zones, and other qualified areas.

WHY THIS TAX CREDIT IS NECESSARY

According to a 1999 Comp TIA Workforce Study, as a result of unfilled IT positions, the U.S. economy lost $105.5 billion in spending that would have gone to salaries and training, this reduced household income by $37.2 billion.

An estimated 268,740 (10%) of IT service and support positions went unfilled in 1999, resulting in $4.5 billion per year in lost worker productivity.

ITAA study released April 2, 2001, predicts a shortage of 425,000 of the 900,000 new IT workers needed in 2001.

A PUBLIC-PRIVATE PARTNERSHIP

Allows the private sector to determine who, what, where and how to train workers.

Helps individuals seek the training they need to enter or re-enter the IT workforce.

Fills the IT worker pipeline with thousands of new and retrained skilled IT workers.

Helps cities all across America fill thousands of available IT jobs.

THE INFORMATION TECHNOLOGY ASSOCIATION OF AMERICA

For Immediate Release, April 24, 2001.

ITAA PRAISES IT TRAINING TAX CREDIT BILL

ARLINGTON, VA.—The Information Technology Association of America (ITAA) today hailed the Technology Education and Training Act of 2001 introduced by Senators Kent Conrad, Olympia Snowe, Mike DeWine and Harry Reid as a vital step toward a permanent fix of the current high-tech workers shortage in the U.S.

The bill would allow employers a $1500 credit against income tax for expenses incurred by high technology job training programs for employees, and a $2000 credit for small businesses or all companies in enterprise zones or empowerment zones. ITAA believes the bill would encourage companies to go the extra mile in training U.S. workers for high tech jobs.

''Tax credits for business to train and retrain workers mean more high-paying, high-tech jobs for American workers,'' said ITAA President Harris N. Miller. ''The current high vacancy rate for IT jobs represents thousands of missed opportunities for American workers, and the impact of failing to address this shortage can be felt as we see more

jobs shipped overseas. This bill is sound public policy.''

ITAA is the industry leader in combating the high-tech worker shortage. In its latest study of the demand for IT workers, When Can You Start?, ITAA found that the number of needed IT positions in the U.S. had declined to 900,000 for 2001, with an expected vacancy rate of 425,000. While substantially lower than in 2000, the study shows that demand for approximately skilled high tech workers persists.

The Information Technology Association of America (ITAA) provides global public policy, business networking, and national leadership to promote the continued rapid growth of the IT industry. ITAA consists of over 500 direct corporate members throughout the U.S., and a global network of 41 countries' IT associations. The Association plays the leading role in issues of IT industry concern including information security, taxes and finance policy, digital intellectual property protection, telecommunications competition, workforce and education, immigration, online privacy and consumer protection, government IT procurement, human resources and e-commerce policy. ITAA members range from the smallest IT start-ups to industry leaders in the Internet, software, IT services, ASP, digital content, systems integration, telecommunications, and enterprise solution fields.

THE AMERICAN SOCIETY FOR TRAINING AND DEVELOPMENT,
Alexandria, VA.

For Immediate Release

ASTD ENDORSES THE TECHNOLOGY EDUCATION AND TRAINING ACT (TETA) OF 2001

ALEXANDRIA, VA, APRIL 24.—The American Society for Training & Development (ASTD) today congratulated Senator Kent Conrad (D–ND) and other leading members of the U.S. Senate and House of Representatives for introducing the Technology Education & Training Act (TETA) of 2001.

The legislation would provide a tax credit for 100% of the first $1,500 of IT training expenses paid for by an employer. It also amends the HOPE and Lifetime Learning tax credits to make it easier for individuals to use these tax credits for IT training expenses.

''Given the shortage of skilled IT workers, the Technology Education & Training Act of 2001 will go a long way toward filling the gap and providing access to additional training opportunities offered by higher education institutions and training providers,'' said Tina Sung, President & CEO of ASTD. ''Training is the key to preparing and maintaining a strong workforce.''

ASTA's data shows that organizations that make the investment in training are more financially successful. In a study of 575 U.S.-based publicly traded firms during 1996, 1997, and 1998, ASTD found that companies that invested $680 more in training per employee than the average company in the study improved their Total Shareholder Return (TSR) the next year by six percentage points.

Founded in 1944, ASTD is the world's premiere professional association in the field of workplace learning and performance. ASTD's membership includes more than 70,000 professionals in organizations from every level of the field of workplace learning and performance in more than 100 countries. Its leadership and members work in more than 15,000 multinational corporations, small and medium sized businesses, government agencies, colleges, and universities.

By Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, Mr. BINGAMAN, Mrs. MURRAY, Ms. CANTWELL, and Mr. LIEBERMAN):

S. 764. A bill to direct the Federal Energy Regulatory Commission to impose just and reasonable load-differentiated demand rates or cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, by now we know that there will not be enough electricity supply to meet demand in California this summer and that there will be significant rolling blackouts.

As the peak summer demand for power in the State kicks in over the next few months, the crisis is only going to deepen, and we may see electricity prices in California and the Northwest reach unprecedented levels.

And without intervention by the Federal Government, the price gouging that has occurred over the past 6 months will almost certainly continue.

In fact, it looks like California will spend 10 times more for power in 2001 than it spent in 1999, an increase from $7 billion to $70 billion.

And I predict that if left unchecked, these price spikes will spread to other states as well.

But despite the severity and scope of this crisis, the Federal Energy Regulatory Commission, FERC, has failed to take necessary steps to address the problem.

Since last August, I have called upon FERC to impose a temporary wholesale price cap or cost of service-based rates on energy prices in the Western market.

But FERC, an agency whose sole mission is to regulate the energy market, has refused to act. Today, we introduce this legislation to force FERC to do its job.

Some have argued that a bill to control energy prices would remove incentives for companies to build additional energy generation, exacerbating the situation.

While I agree that we desperately need new supply, I believe that a price cap would provide temporary price stability and reliability until the market returns to normal.

And quite frankly, I think that with prices for power 10 times more than they were in 1999, there is more than enough incentive for suppliers to sell into the Western market.

With cost of service based rates, energy suppliers would generate significant profits and be guaranteed a reasonable rate of return.

With wholesale price caps, companies would be able to decide for themselves whether it is profitable to produce at a given price.

In fact, the energy crisis we are now experiencing is marked much more by the withholding of energy supply from the market than an unwillingness to build additional generation.

In fact, California expects to have 20,000 additional megawatts on line by 2004, enough power for 20 million additional people.

But because it takes 2–3 years to site new power generation, not enough energy can be brought online in time to help the situation this summer.

Price controls, if done right, could actually bring more power into the market.

Indeed, the temporary cost-based rates and/or the regional price cap that Senator SMITH and I are proposing will eliminate that incentive. Thus, generators would have no reason to withhold power to the market.

With that said, let me talk briefly about what this bill would do: The bill requires FERC to set either a temporary price cap or cost of service based rates (with a reasonable rate of return). And make no mistake this bill is temporary; it is intended to get us through two summers. In order to qualify, a state must allow its utilities to recover costs from ratepayers and a state must pass electricity rates onto ratepayers. Though a state regulatory authority would still determine the manner in which wholesale rates are passed onto consumers. In addition, the bill directs FERC to end the temporary suspension of the natural gas transportation rate cap. Even today the price of natural gas in Southern California is about 3 times the cost in neighboring San Juan, New Mexico, $13 Decatherm vs. $4.50 Decatherm. The bill directs FERC to require that anyone selling natural gas in a bundled transaction into California to disclose the commodity and transportation components of the price. When a company purchases both the transportation and commodity components of natural gas, there is no reporting requirement as to the price of each transaction. The bill also requires that all future orders to sell natural gas or electricity to an affected state must include a reasonable assurance of payment.

I am deeply disappointed that FERC will not do its job and protect consumers and businesses in the West.

It is my hope that FERC will reconsider its opposition to price caps or cost-based rates. Price caps or cost-based rates may be the only way to prevent the further transfer of wealth from the Western region to energy suppliers.

By Mr. BROWNBACK (for himself, Mr. REID, Mr. LUGAR, and Mr. DEWINE):

S. 765. A bill to amend the Internal Revenue Code of 1986 to provide a carbon sequestration investment tax credit, and for other purposes; to the Committee on Finance.

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

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

S. 765

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 ''Carbon Sequestration Investment Tax Credit Act''.

SEC. 2. CARBON SEQUESTRATION INVESTMENT TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45E. CARBON SEQUESTRATION INVESTMENT CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, in the case of an eligible taxpayer's investment in a carbon sequestration project approved by the implementing panel under section 2 of the International Carbon Conservation Act, the carbon sequestration investment credit determined under this section for the taxable year is an amount equal to—

"(A) $2.50, multiplied by

"(B) the number of tons of carbon the implementing panel determines was sequestrated in such project during the calendar year ending with or within such taxable year, multiplied by

"(C) the percentage of the total investment in such project which is represented by the investment in such project which is attributable, directly or indirectly, to the eligible taxpayer, as determined by the implementing panel.

"(2) AGGREGATE DOLLAR LIMITATION.—The credit determined under paragraph (1) for any taxable year, when added to any credit allowed to the eligible taxpayer with respect to the such project in any preceding taxable year, shall not exceed 50 percent of the investment attributable to the eligible taxpayer with respect to such project through such taxable year.

"(b) ANNUAL LIMITATION ON AGGREGATE CREDIT ALLOWABLE.—

"(1) IN GENERAL.—The amount of the carbon sequestration investment credit determined under subsection (a) for any taxable year, when added to all such credits allowed to all eligible taxpayers with respect to the such project for such taxable year shall not exceed the credit dollar amount allocated to such project under this subsection by the implementing panel for the calendar year ending with or within such taxable year.

"(2) TIME FOR MAKING ALLOCATION.—An allocation shall be taken into account under paragraph (1) only if it is made not later than the close of the calendar year in which the carbon sequestration project proposal with respect to such project is approved by the implementing panel under section 2 of the International Carbon Conservation Act.

"(3) AGGREGATE CREDIT DOLLAR AMOUNT.—The aggregate credit dollar amount which the implementing panel may allocate for any calendar year is equal to $200,000,000.

"(e) ELIGIBLE TAXPAYER; IMPLEMENTING PANEL.—For purposes of this section—

"(1) ELIGIBLE TAXPAYER.—A taxpayer is eligible for the credit under this section with respect to a carbon sequestration project if such taxpayer has not elected the application of sections 3 and 4 of the International Carbon Conservation Act with respect to such project.

"(2) IMPLEMENTING PANEL.—The term 'implementing panel' means the implementing panel established under section 2 of such Act.

"(f) RECAPTURE OF CREDIT IN CERTAIN CASES.—

"(1) IN GENERAL.—If, at any time during the 30-year period of a carbon sequestration project, there is a recapture event with respect to such project, then the tax imposed by this chapter for the taxable year in which such event occurs shall be increased by the credit recapture amount.

"(2) CREDIT RECAPTURE AMOUNT.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The credit recapture amount is an amount equal to the recapture percentage of all carbon sequestration investment credits previously allowable to an eligible taxpayer with respect to any investment in such project that is attributable to such taxpayer.

"(B) RECAPTURE PERCENTAGE.—The recapture percentage shall be 100 percent if the recapture event occurs during the first 10 years of the project, 66⅔ percent if the recapture event occurs during the second 10 years of the project, 33⅓ percent if the recapture event occurs during the third 10 years of the project, and 0 percent if the recapture event occurs at any time after the 30th year of the project.

"(3) RECAPTURE EVENT.—For purposes of paragraph (1), there is a recapture event with respect to a carbon sequestration project if—

"(A) the eligible taxpayer violates a term or condition of the approval of the project by the implementing panel at any time,

"(B) the eligible taxpayer adopts a practice which the implementing panel has specified in its approval of the project as a practice which would tend to defeat the purposes of the carbon sequestration program, or

"(C) the eligible taxpayer disposes of any ownership interest arising out of its investment that the implementing panel has determined is attributable to the project, unless the implementing panel determines that such disposition will not have any adverse effect on the carbon sequestration project.

If an event which otherwise would be a recapture event is outside the control of the eligible taxpayer, as determined by the implementing panel, such event shall not be treated as a recapture event with respect to such taxpayer.

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

"(g) DISALLOWANCE OF DOUBLE BENEFIT.—

"(1) BASIS REDUCTION.—The basis of any investment in a carbon sequestration project shall be reduced by the amount of any credit determined under this section with respect to such investment.

"(2) CHARITABLE DEDUCTION DISALLOWED.—No deduction shall be allowed to an eligible taxpayer under section 170 with respect to any contribution which the implementing panel certifies pursuant to section 2 of the International Carbon Conservation Act to the Secretary constitutes an investment in a carbon sequestration project that is attributable to such taxpayer.

"(h) CERTIFICATION TO SECRETARY.—The implementing panel shall certify to the Secretary before January 31 of each year with respect to each eligible taxpayer which has made an investment in a carbon sequestration project—

"(1) the amount of the carbon sequestration investment credit allowable to such taxpayer for the preceding calendar year,

"(2) whether a recapture event occurred with respect to such taxpayer during the preceding calendar year, and

"(3) the credit recapture amount, if any, with respect to such taxpayer for the preceding calendar year.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations—

"(1) which limit the credit for investments which are directly or indirectly subsidized by other Federal benefits,

"(2) which prevent the abuse of the provisions of this section through the use of related parties, and

"(3) which impose appropriate reporting requirements.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", plus", and by adding at the end the following new paragraph:

"(14) the carbon sequestration investment credit determined under section 45E(a).".

(2) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

"(10) NO CARRYBACK OF CARBON SEQUESTRATION INVESTMENT CREDIT BEFORE JANUARY 1, 2002.—No portion of the unused business credit for any taxable year which is attributable to the credit under section 45E may be carried back to a taxable year ending before January 1, 2002.".

(c) DEDUCTION FOR UNUSED CREDIT.—Subsection (c) of section 196 of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and", and by adding at the end the following new paragraph:

"(9) the carbon sequestration investment credit determined under section 45E(a).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 45E. Carbon sequestration investment credit.".

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

By Mr. HUTCHINSON:

S. 766. A bill to impose notification and reporting requirements in connection with grants of waivers of the limitation on certain procurements of the Department of Defense that is known as the Berry amendment, and for other purposes; to the Committee on Armed Services

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the bill I am introducing today be printed in the RECORD.

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

S. 766

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

SECTION 1. NOTIFICATION AND REPORTING REQUIREMENTS REGARDING WAIVER OF THE BERRY AMENDMENT LIMITATION.

(a) ANNUAL REPORT.—(1) After the end of each fiscal year, the Secretary of Defense shall submit to Congress a report on the waivers of the limitation on use of funds set forth in section 9005 of Public Law 102–396 (popularly known as the "Berry amendment") that were granted under any provision of law during that fiscal year for procurements made by the Defense Logistics Agency for the military departments.

(2) The report for a fiscal year shall include the following:

(A) The number of waivers.

(B) For each waiver—

(i) the reasons for the waiver;

(ii) the date of the notification of the military department concerned under subsection (b); and

(iii) a description of the items procured pursuant to the waiver, together with the amount of the procurement.

(C) The number of instances in which the Secretary of Defense waived the notification requirement under subsection (b).

(b) NOTIFICATION.—(1) Not later than 14 days before granting a waiver of the limitation referred to in subsection (a)(1) for a procurement to be made by the Defense Logistics Agency for a military department, the Secretary of Defense shall transmit to the Secretary of the military department a notification of the determination to waive the limitation.

(2) The Secretary of Defense may waive the applicability of the notification requirement under paragraph (1) in any case in which the Secretary determines that a delay of the procurement to satisfy the requirement is not consistent with a need to expedite the procurement in the national security interests of the United States.

(c) SYSTEM FOR DATA COLLECTION.—The Secretary of Defense shall establish a system for—

(1) monitoring the granting of waivers of the limitation referred to in subsection (a)(1); and

(2) recording the waivers and the reasons for the waivers.

(d) DEFINITION.—In this section, the term ''waiver'', with respect to the limitation referred to in subsection (a)(1), means a determination authorized under section 9005 of Public Law 102–396 that a particular procurement is covered by an exception provided in that section.

By Mr. REED (for himself, Mr. CORZINE, Mr. KENNEDY, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LEVIN, Mr. TORRICELLI, Mr. KERRY, Mr. CHAFEE, Mrs. BOXER, Mr. SCHUMER, Ms. MIKULSKI, Mr. WELLSTONE, Mr. GRAHAM, Mr. INOUYE, Mr. CARPER, Mr. WYDEN, Mr. SARBANES, Mr. AKAKA, and Mr. HOLLINGS):

S. 767. A bill to extend the Brady background checks to gun shows, and for other purposes; to the Committee on the Judiciary.

Mr. REED. Mr. President, I rise to introduce the Gun Show Background Check Act of 2001. Along with twenty of my colleagues, I am offering this legislation to renew the process of bringing some sense to our nation's gun laws by closing a loophole that has allowed criminals to buy firearms at gun shows for far too long.

The Bureau of Alcohol, Tobacco and Firearms reported to Congress last year that gun shows are a major gun trafficking channel responsible for more than 26,000 illegal firearms sales during an 18-month period. The FBI and ATF tell us again and again that convicted felons, domestic abusers, and other prohibited purchasers are taking advantage of the gun show loophole to acquire firearms.

Two years ago, after Eric Harris and Dylan Klebold killed 13 people at Columbine High School with weapons purchased from a private seller at a gun show, the United States Senate passed the Lautenberg amendment to close the gun show loophole. The legislation I am introducing today is identical to that Senate-passed amendment.

Under federal law, Federal Firearms Licensees are required to maintain careful records of their sales, and under the Brady Act, to check a purchaser's background with the National Instant Criminal Background Check System before transferring any firearm. However, a person does not need a federal firearms license, and the Brady Act does not apply, if the person is not ''engaged in the business'' of selling firearms pursuant to federal law. These nonlicensees make up one quarter or more of the sellers of firearms at thousands of gun shows in America each year. Consequently, felons and other prohibited persons who want to avoid Brady Act checks and records of their purchases buy firearms at gun shows.

My legislation incorporates recommendations made by the Department of Justice and the Department of the Treasury in their 1999 report on gun shows. The legislation would take several steps to make gun show transactions safer for all Americans:

Definition of gun shows: Gun shows are defined to include any event at which 50 or more firearms are offered or exhibited for sale. This definition includes not only those events where firearms are the main commodity sold, but also other events where a significant number of guns are sold, such as flea markets or swap meets.

Gun show promoters: Gun show promoters would be required to register with the Bureau of Alcohol, Tobacco, and Firearms, maintain a list of vendors at all gun shows, and ensure that all vendors acknowledge receipt of information about their legal obligations.

Background checks for all transactions: The bill requires that all firearms sales at gun shows go through a Federal Firearms Licensee. If a nonlicensed person is selling a weapon, they would use an FFL at the gun show to complete the transaction. The FFL would be responsible for conducting a Brady check on the purchaser and maintaining records of the transactions.

Improved firearm tracing: FFLs would be required to submit information necessary to trace all firearms transferred at gun shows to the ATF's National Tracing Center, including the manufacturer/importer, model, and serial number of the firearms. However, no personal information about either the seller or the purchaser would be given to the government. Instead, as under current law, FFLs would maintain this information in their files. The NTC would request this information from an FFL only in the event that a firearm subsequently becomes the subject of a law enforcement trace request.

Some will say that this legislation is an attempt to end gun shows, but the experience of states that have closed the gun show loophole proves otherwise. California, for example, requires not only background checks at gun shows but a 10-day waiting period for all gun sales, yet gun shows continue to thrive there. No, we're not trying to end gun shows. What we are trying to end is the free pass we're giving to convicted felons when they can walk into a gun show, find a private dealer, buy whatever weapons they want and walk out without a Brady background check.

In overwhelming numbers, the American people believe that background checks should be required for all gun show sales. The people of Colorado and Oregon confirmed this last fall when they approved ballot initiatives to close the gun show loophole. I urge my colleagues to support the Gun Show Background Check Act of 2001 so that we can finally close this loophole in every state and make sure that convicted felons, domestic abusers, and other prohibited persons do not use gun shows to purchase firearms without a Brady background check.

By Mr. WARNER:

S. 768. A bill to amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based (in whole or in part) on part-time service, and for other purposes, to the Committee on Governmental Affairs.

Mr. WARNER. Mr. President, I am pleased to join my colleague in the House of Representatives, Congressman JIM MORAN, in introducing legislation to correct an error in the retirement benefits calculation for certain part-time federal employees.

In 1986, Congress passed legislation to reform the retirement system for the federal workforce, establishing the Federal Employees Retirement System to replace the Civil Service Retirement System.

Provisions in this legislation also revised the formula used to determine retirement benefits for employees with full time and part time service in the federal government. Congress did not intend this change to impact the existing workers who remained under the Civil Service Retirement System.

Implementation of the provision, however, was misinterpreted by the Office of Personnel Management. Affected employees are losing hundreds, and in some cases thousands, of dollars every year of the retirement benefits they earned.

Many employees only became aware as they were about to retire that they would not receive all of the benefits they were expecting. The impacted federal workers had full-time service before 1986, and changed to part-time service for the end of their civil service career. Often these employees cut back their hours to care for their families,

or even delayed retirement and worked part-time to help an office during a transition period.

The revised retirement formula calculates benefits for a federal part-time worker based on a full-time equivalent basis which is scaled accordingly. Benefits are based on a worker's high-three average salary during his or her career. This could occur during an employee's part-time service.

Civil service employees with pre-1986 full-time work and some part-time work after 1986 do not receive the proper credit for their full-time work, however, because full-time and part-time work are broken into two parts. The full-time equivalent pay for the high-three years should apply to an employees entire career. Instead, for the affected employees, their pre-1986 full-time benefits are based on actual salary. This two-step approach undervalues the worker's full-time service.

The bill I am introducing today will correct this error by allowing an employee's full-time equivalent salary for their high-three years apply to their entire careers, including pre-1986 service.

I encourage my colleagues to support this legislation and these federal employees for their dedicated service by ensuring they receive the retirement benefits they have earned.

I ask 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. 768

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

SECTION 1. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

"(3) In the administration of paragraph (1)—

"(A) subparagraph (A) of such paragraph shall apply with respect to any service performed on a part-time basis before, on, or after April 7, 1986;

"(B) subparagraph (B) of such paragraph shall apply with respect to all service performed on or after April 7, 1986 (whether on a part-time basis or otherwise); and

"(C) any service performed on a part-time basis before April 7, 1986, shall be credited as service performed on a full-time basis.".

SEC. 2. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), the amendment made by this Act shall apply only with respect to an annuity entitlement that is based on a separation occurring on or after the date of enactment of this Act.

(b) RECOMPUTATION OF CERTAIN ANNUITIES.—

(1) IN GENERAL.—In the case of any individual who—

(A) before April 7, 1986, performed any service creditable under subchapter III of chapter 83 of title 5, United States Code, and

(B) was separated from the service on or after April 7, 1986, and before the date of enactment of this Act,

any annuity under subchapter III of chapter 83 of title 5, United States Code (or under chapter 84 of that title, to the extent of any portion of such annuity which is computed under subchapter III of such chapter 83) based on the service of such individual shall be recomputed to take into account the amendment made by this Act, if application therefor is made within 18 months after the date of enactment of this Act.

(2) AMOUNTS TO WHICH APPLICABLE.—Any change in an annuity resulting from a recomputation under paragraph (1) shall be effective with respect to amounts accruing for months beginning after the date on which application for such recomputation is made.

(c) NOTICE REQUIREMENT.—

(1) IN GENERAL.—The Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals entitled to have any annuity recomputed under subsection (b) of their entitlement to such recomputation.

(2) ASSISTANCE.—The Office shall, on request, assist any individual referred to in paragraph (1) in obtaining from any department, agency, or other instrumentality of the United States such information in the possession of such instrumentality as may be necessary—

(A) to verify the entitlement of such individual to have an annuity recomputed under subsection (b); or

(B) to carry out any such recomputation.

(3) INFORMATION.—Any department, agency, or other instrumentality of the United States which possesses any information with respect to part-time service performed by an individual shall, at the request of the Office, furnish such information to the Office.

By Mr. BROWNBACK (for himself, Mr. REID, Mr. LUGAR, and Mr. DEWINE):

S. 769. A bill to establish a carbon sequestration program and an implementing panel within the Department of Commerce to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the buildup of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change; to the Committee on Agriculture, Nutrition, and Forestry.

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

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

S. 769

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 "International Carbon Conservation Act".

SEC. 2. CARBON SEQUESTRATION PROGRAM.

(a) CARBON SEQUESTRATION PROGRAM.—Within 180 days after the date of the enactment of this Act, the implementing panel shall establish a carbon sequestration program to permit project sponsors to make carbon sequestration project proposals to the implementing panel.

(b) IMPLEMENTING PANEL.—There is established within the National Institute of Standards and Technology of the Department of Commerce an implementing panel consisting of—

(1) the Director of the National Institute of Standards and Technology,

(2) the Secretary of Agriculture,

(3) the Secretary of State,

(4) the Secretary of Energy,

(5) the Chief of the Forest Service, and

(6) representatives of nongovernmental organizations who have an expertise and experience in carbon sequestration practices, appointed by the Secretary of Agriculture.

The Chief of the Forest Service shall act as chairperson of the implementing panel.

(c) CARBON SEQUESTRATION PROJECT.—For purposes of this section—

(1) IN GENERAL.—The term "carbon sequestration project" means a project—

(A) which is located outside the United States,

(B) the duration of which is not less than 30 years,

(C) which is designed to increase the sequestration of carbon, and

(D) which is accepted by the implementing panel under the carbon sequestration program.

(2) ACCEPTANCE OF PROJECT PROPOSALS.—

(A) IN GENERAL.—Under the carbon sequestration program, the implementing panel shall accept a proposal for a carbon sequestration project from a project sponsor only if—

(i) the proposal includes a needs assessment described in subparagraph (B),

(ii) the proposal identifies the benefits of carbon sequestration practices of the sponsored project under criteria developed to evaluate such benefits under subsection (d) and under guidelines instituted to quantify such benefits under subsection (e) and includes an agreement by the sponsor to carry out such practices as described in subparagraph (C), and

(iii) the proposal includes an agreement to provide verification of compliance with an approved project as described in subparagraph (D) under standards established under subsection (f).

(B) NEEDS ASSESSMENT.—A needs assessment described in this subparagraph is an assessment of the need for the carbon sequestration project described in a proposal and the ability of the project sponsor to carry out the carbon sequestration practices related to such project. The assessment shall be developed by the project sponsor, in cooperation with the Agency for International Development, nongovernmental organizations, and independent third-party verifiers.

(C) CARBON SEQUESTRATION PRACTICES.—Under a carbon sequestration project proposal, the project sponsor shall agree to contract with other entities, including organizations based in the country in which the sponsored carbon sequestration project is located, to carry out carbon sequestration practices proposed by the project sponsor which (as determined by the implementing panel)—

(i) provide for additional carbon sequestration beyond that which would be provided in the absence of such project, and

(ii) contribute to a positive reduction of greenhouse gases in the atmosphere through carbon sequestration over at least a 30-year period.

(D) VERIFICATION OF COMPLIANCE WITH APPROVED CARBON SEQUESTRATION PROJECT.—Under a carbon sequestration project proposal, the project sponsor shall agree to provide the implementing panel with verification through a third party that such project is sequestering carbon in accordance with the proposal approved by the implementing panel, including an annual audit of the project, an actual verification of the practices at the project site every 5 years, and such random inspections as are necessary.

(d) CRITERIA FOR EVALUATING BENEFITS OF CARBON SEQUESTRATION PRACTICES.—

(1) IN GENERAL.—Under the carbon sequestration program the Chief of the Forest Service, in consultation with other members of the implementing panel, shall develop criteria for prioritizing, determining the acceptability of, and evaluating, the benefits of the carbon sequestration practices proposed in projects for the purpose of determining the acceptability of project proposals.

(2) CONTENT.—The criteria shall ensure that carbon sequestration investment credits under section 45E of the Internal Revenue Code of 1986 are not allocated to projects the primary purpose of which is to grow timber for commercial harvest or to projects which replace native ecological systems with commercial timber plantations. Projects should be prioritized according to—

(A) native forest preservation, especially with respect to land which would otherwise cease to be native forest land,

(B) reforestation of former forest land where such land has not been forested for at least 10 years,

(C) biodiversity enhancement,

(D) the prevention of greenhouse gas emissions through the preservation of carbon storing plants and trees,

(E) soil erosion management,

(F) soil fertility restoration, and

(G) the duration of the project, including any project under which other entities are engaged to extend the duration of the project beyond the minimum carbon sequestration project term.

(e) GUIDELINES FOR QUANTIFYING BENEFITS.—

(1) IN GENERAL.—Under the carbon sequestration program, the Chief of the Forest Service, in consultation with other members of the implementing panel, shall institute guidelines for the development of methodologies for quantifying the amount of carbon sequestered by particular projects for the purposes of determining the acceptability of project proposals. These guidelines should set standards for project sponsors with regard to—

(A) methodologies for measuring the carbon sequestered,

(B) measures to assure the duration of projects sponsored,

(C) criteria that verifies that the carbon sequestered is additional to the sequestration which would have occurred without the sponsored project,

(D) reasonable criteria to evaluate the extent to which the project displaces activity that causes deforestation in another location, and

(E) the extent to which the project promotes sustainable development in a project area, particularly with regard to protecting the traditional land tenure of indigenous people.

(2) BASIS.—In developing the guidelines, the Chief of the Forest Service shall—

(A) consult with land grant universities and entities which specialize in carbon storage verification and measurement, and

(B) use information reported to the Secretary of Energy from projects carried out under the voluntary reporting program of the Energy Information Administration under section 1605 of the Energy Policy Act of 1992 (42 U.S.C. 13385).

(f) VERIFICATION STANDARDS.—Under the carbon sequestration program, the Director of the National Institute of Standards and Technology, in consultation with other members of the implementing panel and the National Science Foundation, shall establish verification standards for purposes of subsection (c)(2)(D).

(g) PROGRAM REPORTING.—The Administrator of the Energy Information Administration, in consultation with the Secretary of Agriculture, shall develop forms to monitor carbon sequestration improvements made as a result of the program established under this section and the implementing panel shall use such forms to report to the Administrator on—

(1) carbon sequestration improvements made as a result of the program,

(2) carbon sequestration practices of project sponsors enrolled in the program, and

(3) compliance with the terms of the implementing panel's approval of projects.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program established under subsection (a).

SEC. 3. EXPORT-IMPORT BANK FINANCING.

An owner or operator of property that is located outside of the United States and that is used in a carbon sequestration project approved by the implementing panel under section 2 may enter into a contract for an extension of credit from the Export-Import Bank of the United States of up to 75 percent of the cost of carrying out the carbon sequestration practices specified in the carbon sequestration project proposal to the extent that the Export-Import Bank determines that the cost sharing is appropriate, in the public interest, and otherwise meets the requirements of the Export-Import Bank Act of 1945.

SEC. 4. EQUITY INVESTMENT INSURANCE.

An owner or operator of property that is located outside of the United States and that is used in a carbon sequestration project approved by the implementing panel under section 2 may enter into a contract for investment insurance issued by the Overseas Private Investment Corporation pursuant to section 234 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194) if the Corporation determines that issuance of the insurance is consistent with the provisions of such section 234.

By Mr. LEVIN (for himself and Mr. JEFFORDS):

S. 770. A bill to amend part A of title IV of the Social security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program; to the Committee on Finance.

Mr. LEVIN. Mr. President, I am pleased to be joined by Senator JEFFORDS, Chairman of the Health, Education, Labor, and Pensions Committee in introducing legislation that seeks to add an important measure of flexibility to a provision of the Temporary Assistance for Needy Families program, TANF, under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The legislation we are introducing increases from 12 to 24 months the limit on the amount of vocational education training that a state can count towards meeting its work participation rate.

Under the pre-1996 Aid to Families with Dependent Children program, recipients could participate in post-secondary vocational training or community college programs for up to 24 months. While I support the new law's emphasis on moving welfare recipients more quickly into jobs, I am troubled by the law's restriction on post-secondary education training, limiting it to 12 months. One year of vocational education is an approved work activity, the second year of post-secondary education study is not.

The limitation on post-secondary education training raises a number of concerns, not the least of which is whether individuals may be forced into low-paying, short-term employment that will lead them back onto public assistance because they are unable to support themselves or their families. According to recent studies, this is exactly what has happened in far too many cases. According to a March 13, 2001 report of the Congressional Research Service, which is based on research published in the 2000 Edition of the House Committee on Ways and Means Green Book, although the majority of recipients who have left the welfare rolls left because they became employed, most remained poor. The research also revealed that the average hourly wage for these former welfare recipients ranged from $5.50 to $8.80 per hour.

Study after study indicates that short-term training programs raise the income of workers only marginally, while completion of at least a two-year associate degree has the potential of breaking the cycle of poverty for welfare recipients. According to the U.S. Census Bureau, the median earnings of adults with an associate degree are 30 percent higher than adults who have not achieved such a degree.

A majority of the members of the Senate has previously cast their vote in favor of making 24 months of post-secondary education a permissible work activity under TANF The Levin-Jeffords amendment to the 1997 Reconciliation bill, permitting up to 24 months of post-secondary education, received 55 votes—falling five votes short of the required procedural vote of 60. The amendment had the support of the National Governors Association, NGA, and NGA's support continues with the legislation Senator JEFFORDS and I are introducing today. I would also like to make note of Senator WELLSTONE's efforts on this issue. He subsequently proposed several modifications to TANF, including raising the 12 month limit to 24 months, in an amendment to the 1998 Higher Education reauthorization bill. The amendment passed the Senate but was deleted during conference negotiations.

It is my hope that the Senate will again act favorably and expeditiously on this legislation and that the House will support this much-needed State flexibility. We must do what is necessary to achieve TANF's intended goal of getting families permanently off of welfare and onto self-sufficiency.

In closing, I would like to present to my colleagues some examples of the earnings that can be made upon completion of two years of training in a structured vocational or community college program. The following are jobs that an individual could prepare for in a two-year community college program, including the average starting salary for each nationwide.

Average Starting Salary Nationwide

Program	Salary
Dental Hygiene	$31,750
Physical Therapy Assistant	28,782
Computer Programing	28,000
Occupational Therapy Assistant	27,624
Respiratory Therapy	26,877
Computer Assisted Design	26,890
Drafting and Design	24,800
Electronic Technology	24,255
Culinary Arts	22,500
Early Childhood Development Assistant	18,000

Again, I urge my colleagues to act with haste. The modification embodied in this legislation can give the states the flexibility they need to help improve the economic status of families across America.

By Mr. WARNER (for himself and Mr. ALLEN):

S.J. Res. 13. A joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette; to the Committee on the Judiciary.

Mr. WARNER. Mr. President, I rise today to introduce a bill that will make General Lafayette an honorary United States Citizen. This honor has been bestowed on four other individuals including Winston Churchill and Mother Teresa.

Marie Joseph Paul Yves Roch Gilbert du Motier, Marquis de La Fayette (1757–1834) was born in France and was a wealthy French youth blessed with every advantage offered by Europe's aristocracy. Although he was wealthy and among France's aristocracy, he risked his wealth and status to aid the Americans in their revolution against Great Britain.

At the age of 19, determined to dedicate himself to the cause of our liberty, he bought a ship and sailed to the American colonies to volunteer his services. In early summer of 1777, soon after his arrival, Congress voted him the rank and commission of Major General. Just two months later, Lafayette was wounded at the battle of Brandywine, forever endearing himself to the American soldiers.

Throughout the American Revolution, Lafayette acted as a liaison between France and the American colonies. He urged influential policy makers to have France make the decisive military, naval and financial commitment to the colonists. His tireless efforts, both as a liaison and a general, aided America in her time of need.

As a general, his military tactics lured British General Cornwallis and his army to Yorktown, Virginia. The American Army, led by General Washington, along with French forces led by Rochambeau, came south and trapped Cornwallis and his troops at Yorktown. As a result, the British were forced to surrender.

Lafayette's services to America extended beyond the battlefront. He worked diligently as an advisor, helping win concessions from Britain during the Treaty negotiations. At Versailles, when negotiating with the French government, our representatives Franklin and Jefferson found him invaluable. Moreover, his impartial friendship was extended to the first eight U.S. presidents.

Despite his commitment to our Country, America did not recognize his United States' citizenship in his time of need. While crossing the French border into the Netherlands to escape arrest from the Revolutionary French Government, the Austrians captured and arrested General Lafayette. Despite his claim that he was an American citizen being illegally detained, the Austrians disagreed. General Lafayette appealed to American ministers for help, but his calls for intervention were not answered. Lafayette clearly felt that he was an America citizen, and technically he may have been under the blanket naturalization granted all citizens of each state when the Constitution was ratified. The U.S. government, however, failed to acknowledge his claim, and he spent the next five years in prison.

Although General Lafayette was made an honorary citizen by Virginia and Maryland before the United States Constitution was ratified, the United States failed to recognize his citizenship while he was imprisoned. I feel that we must set the record straight and honor General Lafayette for his commitment to the United States by making him an honorary United States citizen. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. J. RES. 13

Whereas the United States has conferred honorary citizenship on four other occasions in more than 200 years of its independence, and honorary citizenship is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette or General Lafayette, voluntarily put forth his own money and risked his life for the freedom of Americans;

Whereas the Marquis de Lafayette, by an Act of Congress, was voted to the rank of Major General;

Whereas, during the Revolutionary War, General Lafayette was wounded at the Battle of Brandywine, demonstrating bravery that forever endeared him to the American soldiers;

Whereas the Marquis de Lafayette secured the help of France to aid the United States' colonists against Great Britain;

Whereas the Marquis de Lafayette was conferred the honor of honorary citizenship by the Commonwealth of Virginia and the State of Maryland;

Whereas the Marquis de Lafayette was the first foreign dignitary to address Congress, which honor was accorded him upon his return to the United States in 1824;

Whereas, upon his death, both the House of Representatives and the Senate draped their chambers in black as a demonstration of respect and gratitude for his contribution to the independence of the United States;

Whereas an American flag has flown over his grave in France since his death and has not been removed, even while France occupied by Nazi Germany during World War II; and

Whereas the Marquis de Lafayette gave aid to the United States in time need and is forever a symbol of freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette, is proclaimed to be an honorary citizen of the United States of America.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 72—DESIGNATING THE MONTH OF APRIL AS "NATIONAL SEXUAL ASSAULT AWARENESS MONTH"

Mr. SPECTER (for himself, Mrs. BOXER, Mr. CRAPO, Mrs. MURRAY, Mr. JEFFORDS, Mr. AKAKA, Mr. GREGG, Mr. DODD, Ms. SNOWE, Mr. BIDEN, Mr. INHOFE, Mr. REID, Mr. TORRICELLI, Mr. FEINGOLD, Mr. KERRY, Mr. GRAHAM, Mr. BINGAMAN, Ms. MIKULSKI, Ms. LANDRIEU, Ms. STABENOW, Mr. DASCHLE, Mr. LEVIN, Mr. BAUCUS, Mrs. CLINTON, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. SARBANES, Mr. JOHNSON, Mr. CORZINE, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. KENNEDY, and Mr. BAYH) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 72

Whereas non-stranger and stranger rape and sexual assault affects women, children, and men of all racial, cultural, and economic backgrounds;

Whereas women, children, and men suffer multiple types of sexual violence;

Whereas the Department of Justice reports that a sexual assault occurs every 90 seconds;

Whereas it is estimated by the Bureau of Justice Statistics that over 70 percent of rapes are never reported to the police;

Whereas in addition to the immediate physical and emotional costs, sexual assault may also have associated consequences of post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, and suicide;

Whereas it is important to recognize the compassion and dedication of the individuals who provide services to survivors and work to increase the public understanding of this significant problem;

Whereas State coalitions and local rape crisis centers across the Nation are committed to increasing public awareness of sexual violence and its prevalence and to eliminating it through education;

Whereas important partnerships have been formed among criminal and juvenile justice agencies, allied professionals, and victim services;

Whereas the Centers for Disease Control and Prevention have identified sexual assault as a significant, costly, and preventable health issue; and

Whereas the United States Government has expressed a commitment to eliminating sexual violence in society with various legislative actions and appropriations, including the Violence Against Women Act, Grants to Combat Violence Against Women on Campus, and through projects of the Centers for Disease Control and Prevention: Now, therefore, be it

Resolved, That the Senate—