XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 488

At the request of Mr. ALLEN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 488, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable education opportunity tax credit.

S. 500

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 540

At the request of Mr. DEWINE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 549

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators.

S. 677

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor 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. 681

At the request of Mr. CRAPO, the name of the Senator from Oregon (Mr. SMITH, of Oregon) was added as a cosponsor of S. 681, a bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land.

S. 697

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor 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. BAUCUS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Nevada (Mr. REID) were added as a cosponsors of S. 697, supra.

S. 772

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 772, a bill to permit the reimbursement of the expenses incurred by an affected State and units of local government for security at an additional non-governmental property to be secured by the Secret Service for protection of the President for a period of not to exceed 60 days each fiscal years.

S. 778

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 797

At the request of Mr. GRAMM, the name of the Senator from Florida (Mr. NELSON, of Florida) was added as a cosponsor of S. 797, a bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for associations which prepare for or mitigate the effects of natural disasters.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 837

At the request of Mr. BOND, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 837, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. RES. 75

At the request of Mr. HUTCHINSON, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. Res. 75, a resolution designating the week begining May 13, 2001, as ''National Biotechnology Week.''

AMENDMENT NO. 356

At the request of Mr. CORZINE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 356 intendent to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 378

At the request of Mrs. MURRAY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of amendment No. 378, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself and Mr. MCCONNELL):

S. 840. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, in ''The Federalist No. 3,'' John Jay wrote that ''[a]mong the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first.'' Such is the importance that our nation historically has placed on the maintenance of law and order. And our law enforcement officers, whom our country has charged with carrying out this primary responsibility, shoulder a weighty, and often times dangerous, burden. In 1999 alone, one hundred and thirty-four law enforcement officers fell in the line of

duty, making the ultimate sacrifice to protect our communities.

While most Americans are aware that their police officers work in a dangerous environment, many Americans do not know that in enforcing the laws that exist to protect us all, these officers, themselves, often are denied basic legal protections in internal investigations and administrative hearings and are penalized for exercising their free speech and associational rights. They live in fear of being investigated without notice, interrogated without an attorney, and dismissed without a hearing, often times at the behest of some recently arrested criminal looking for a payback. In short, many officers do not enjoy the same basic due process and First Amendment rights as does the criminal element from which they are trying to protect us.

According to the National Association of Police Organizations, Inc., NAPO, ''[i]n roughly half of the states in this country, officers enjoy some legal protections against false accusations and abusive conduct, but hundreds of thousands of officers have very limited due process and First Amendment rights and confront limitations on their exercise of those and other rights.'' And according to the Fraternal Order of Police, FOP, ''[i]n a startling number of jurisdictions throughout this country, law enforcement officers have no procedural or administrative protections whatsoever; in fact, they can be, and frequently are, summarily dismissed from their jobs without explanation. Officers who lose their careers due to administrative or political expediency almost always find it impossible to find new employment in public safety. An officer's reputation, once tarnished by accusation, is almost impossible to restore.'' In short, a trumped-up charge against a police officer can result in a lifetime sentence of a damaged career and reputation.

It is time for our Nation to end this sorry situation. We must make sure that every member of law enforcement, in every jurisdiction in the country, is able to participate in the political process without fear of retaliation and is able to do his or her job without wondering whether they can defend themselves if their performance is scrutinized. To this end, I am proud to rise today with Senator BIDEN to introduce the ''Law Enforcement Discipline, Accountability, and Due Process Act of 2001.'' This bill would guarantee due process rights to every police officer who is subject to investigation for noncriminal disciplinary action, and it would protect them from retribution on the job for participating in the political process while off the job. Some of these protections are: the right to be informed of administrative charges prior to being questioned; the right to be advised of the results of an investigation; the right to a hearing, as well as an opportunity to respond; and the right to be represented by counsel or another representative.

While this bill would protect the men and women who serve on the front lines of our nation's war against crime, it would not do so at the cost of citizen accountability. Just the opposite. It would strengthen the ability of individual citizens to hold accountable those few officers who misuse their authority. Specifically, as NAPO notes, ''[o]ften police departments lack any guidelines and procedures for handling and investigating complaints, thus raising doubts about officer accountability.'' This bill will fill that void and thereby go a long way to dispelling such doubts. By establishing, as the FOP observes, ''an effective means for the receipt, review and investigation of public complaints against law enforcement officers that is fair and equitable to all parties,'' this bill ensures that legitimate citizen complaints against police officers will be actively investigated and that citizens will be informed of the progress and outcome of those investigations. It thus strikes an appropriate balance: the bill makes sure that every police officer has basic fundamental procedural rights, while at the same time ensuring that citizens have the opportunity to raise legitimate complaints and concerns about police officer conduct.

This legislation is the product of much hard work and continual refinements by leading law enforcement groups, most notably the FOP and the NAPO. They have both strongly endorsed it, and, like Senator BIDEN and me, will work hard for its enactment. Over the years, Senator BIDEN and I, in conjunction with these groups, have made similar efforts to protect the men and women who protect us. While we have not yet been successful, we remain undeterred and will continue working toward our goal. The time has come to give our law enforcement officers the basic and fundamental rights that they desperately deserve. We urge our colleagues to join us in this very worthy effort.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 841. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Medicare Mental Illness Non-Discrimination Act with my colleague on the Finance Committee, Senator JOHN KERRY.

In brief, my bill would a correct a serious disparity in payment for treatment of mental disorders under Medicare law. Medicare beneficiaries typically pay 20 percent coinsurance for most outpatient services, including doctor's visits. Medicare pays the remaining 80 percent. But for treatment of mental disorders, Medicare law requires patients pay 50-percent coinsurance. Under my bill, patients seeking outpatient treatment for mental illness would pay the same 20 percent coinsurance required of Medicare patients seeking treatment for any other illnesses.

Let's look at this issue in another way. If a Medicare patient has an office visit for treatment for cancer or heart disease, the patient is responsible for 20 percent of the doctor's fee. But if a Medicare patient has an office visit with a psychiatrist, psychologist, social worker, or other professional for treatment for depression, schizophrenia, or any other condition diagnosed as a mental illness, the co-insurance for the outpatient visit for treatment of the mental illness is 50 percent. What sense does this make?

Indeed, my bill has a larger purpose, to help end an outdated distinction between physical and mental disorders, and ensure that Medicare beneficiaries have equal access to treatment for all conditions.

Perhaps this disparity would matter less if mental disorders were not so prevalent. But the Surgeon General has told us otherwise. The importance of access to treatment for mental disorders is emphasized in a landmark report on mental health released by the Surgeon General in 1999. The Surgeon General reported mental illness was second only to cardiovascular diseases in years of healthy life lost to either premature death or disability. And the occurrence of mental illness among older adults is widespread. Upwards of 20 percent of older adults in the community and an even higher percentage in primary care settings experience symptoms of depression. Older Americans have the highest rate of suicide in the country, and the risk of suicide increases will age. Untreated depression among the elderly substantially increases the risk of death by suicide.

There is another sad irony. While Medicare is often viewed as health insurance for people over age 65, Medicare also provides health insurance coverage for people with severe disabilities. The single most frequent cause of disability for Social Security and Medicare benefits is mental disorders—affecting almost 1.4 million of 6 million Americans who receive Social Security disability benefits. Yet, at the same time, Medicare pays less for critical mental health services needed by these beneficiaries than if they had a nonmental disorder.

But there is also the very good news that there are increasingly effective treatments for mental illnesses. With proper treatment, the majority of people with a mental illness can lead productive lives. Yet because of fears of stigma and a lack of understanding of mental disorders, too often mental disorders go untreated. Our payment policies should not provide another barrier to access to care.

I urge my colleagues to join with me to bring Medicare payment policy for mental disorders into the 21st century.

Mr. KERRY. Mr. President, I am pleased to join my colleague Senator

SNOWE in introducing the Medicare Mental Illness Non-Discrimination Act. This legislation will establish mental health care parity in the Medicare program.

Medicare currently requires patients to pay a 20 percent co-payment for all Part B services except mental health care services, for which patients are assessed a 50 percent co-payment. Thus, under the current system, if a Medicare patient sees an endocrinologist for diabetes treatment, an oncologist for cancer treatment, a cardiologist for heart disease treatment or an internist for treatment of the flu, the co-payment is 20 percent of the cost of the visit. If, however, a Medicare patient visits a psychiatrist for treatment of mental illness, the co-payment is 50 percent of the cost of the visit. This disparity in outpatient co-payment represents blatant discrimination against Medicare beneficiaries with mental illness.

The prevalence of mental illness in older adults is considerable. According to the U.S. Surgeon General, 20 percent of older adults in the community and 40 percent of older adults in primary care settings experience symptoms of depression, while as many as one out of every two residents in nursing homes are at risk of depression. The elderly have the highest rate of suicide in the United States, and there is a clear correlation between major depression and suicide: 60 to 70 percent of suicides among patients 75 and older have diagnosable depression. In addition to our seniors, 400,000 non-elderly disabled Medicare beneficiaries become Medicare-eligible by virtue of severe and persistent mental disorders. To subject the mentally disabled to discriminatory costs in coverage for the very conditions for which they became Medicare eligible is illogical and unfair.

There is ample evidence that mental illness can be treated. Unfortunately, among the general population, those in need for treatment often do not seek it because they are ashamed of their condition. Among our Medicare population, the mentally ill face a double burden: not only must they overcome the stigma about their illness, but once they seek treatment they must pay one-half of the cost of care out of their own pocket. The Medicare Mental Illness Non-Discrimination Act will eliminate the 50 percent co-payment for mental health care services. By applying the same 20 percent co-payment rate to mental health services to which all other outpatient services are subjected, the Medicare Mental Illness Non-Discrimination Act will bring parity to the Medicare program and improve access to care for our senior and disabled beneficiaries who are living with mental illness.

By Mr. FEINGOLD:

S. 842. Bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Public Safety Act. This bill will prohibit the placement of Federal prisoners in facilities run by private companies and deny specified Federal funds to State and local governments that contract with private companies to manage their prisons. Incarceration, or the deprivation of a person's liberty, is the penultimate control a State exercises over its citizens. That authority should not be delegated to any private, for-profit entity. We must restore responsibility for public safety and security to our Federal, state and local governments.

As our nation has confronted prison overcrowding in recent years, private companies have stepped in to help communities address this issue by claiming they could alleviate bed shortages and manage prisons more cost effectively than governments. But private companies and governments do not share the same goals with respect to corrections. Federal, State and local governments are motivated by public safety and justice, while private companies are motivated by a desire to cut costs and make a profit. Today, some 120,000 of our nation's 2 million total jail and prison beds are provided by private for-profit companies. As reports of escapes, riots, prisoner violence, lack of adequate medical care and abuse by staff in private prisons abound, many have begun to question the wisdom and propriety of delegating this essential government function to private companies.

At a prison in Youngstown, OH run by a private company, 20 inmates were stabbed, two fatally, within a ten month period shortly after the prison opened in May 1997. After the company claimed it had addressed the problem, six inmates, four of them murderers, cut a hole in a fence during recreation time and escaped in broad daylight. A report released in 1998 by the U.S. Department of Justice cited inexperienced and poorly trained officers and resulting excessive use of force at this Youngstown facility. The Justice Department also noted that the company failed to recognize its responsibilities as a correctional service provider and its reluctance to accept blame for the unconstitutional conditions of confinement at the prison. In 1999, the prison company paid $1.65 million to settle a class action lawsuit brought by inmates who complained that, among other things, the prison provided inadequate medical care and that guards were abusive.

Unfortunately, the problems that plague the Youngstown facility are not unique. A private prison in Whiteville, TN, which houses many inmates from my home state of Wisconsin, has experienced a hostage situation, an assault of a guard, and a coverup to hide physical abuse of inmates by guards. A security inspection found that this facility, run by a private prison corporation, had unsecured razors, obstructed views into individual cells, and an unsupervised inmate using a computer lab labeled ''staff only.''

Proponents of prison privatization claim that private prison operators save taxpayers money. But this has never been confirmed. In fact, two government studies raise significant doubt about whether private prisons save money. One study conducted by the GAO stated that there is a lack of ''substantial evidence that savings have occurred'' due to prison privatization. A second study completed by the Federal Bureau of Prisons arrived at the same result: there is no strong evidence to show that States save money by using private prisons.

Private prison companies are guided by the same business principles as other corporations. Their goal is to make a profit and, in turn, please officers and shareholders. This profit motive is inappropriate when the safety and security of guards and our communities are threatened by prison violence and escapees.

Unfortunately, we have seen this cost-cutting turn into cutting corners on public safety. Cutting corners means hiring unqualified and untrained corrections personnel, as well as understaffing facilities. Furthermore, when prison riots break out or inmates escape, these costs are not cut but instead are shifted to the taxpayers, who must foot the bill for U.S. Marshals, sheriffs or local police or other officials to step in and clean up the mess.

Private prison corporations make money when they house more inmates and provide fewer services. The result is that prisoners are deprived of the rehabilitation, education, and training that make it less likely that they will commit more crimes after they have served their time. This drive to keep ''beds filled'' is especially troubling because it adversely affects our nation's African American community, which is already over-represented in the prison system.

The legislation I introduce today, The Public Safety Act, addresses these concerns. It prohibits the Federal government from delegating responsibility for incarceration of inmates to private entities. The bill also conditions Federal prison funds to states upon their agreement to retain responsibility for the incarceration of inmates and not contract out this solemn responsibility to private companies. Governments may contract with private vendors to provide auxiliary services such as food or clothing, but governments would be prohibited from contracting out the core correctional responsibility of housing, safeguarding, protecting or disciplining inmates.

Correctional officers have joined together with other government employee groups and criminal justice activists to support this legislation. The bill's supporters include the American Federation of State, County and Municipal Employees, AFSCME, the

American Federation of Government Employees, AFGE, the International Union of Police Associations, the Fraternal Order of Police and the American Civil Liberties Union.

Let us restore safety and security to the many Americans who work in prisons. Let us protect the communities that support prisons. And let us ensure the rehabilitation and safety of the individuals housed there so that they may return to society as productive law-abiding citizens. I urge my colleagues to join me in support of the Public Safety Act.

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. 842

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 ''Public Safety Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The issues of safety, liability, accountability, and cost are the paramount issues in running corrections facilities.

(2) In recent years, the privatization of facilities for persons previously incarcerated by governmental entities has resulted in frequent escapes by violent criminals, riots resulting in extensive damage, prisoner violence, and incidents of prisoner abuse by staff.

(3) In some instances, the courts have prohibited the transfer of additional convicts to private prisons because of the danger to prisoners and the community.

(4) Frequent escapes and riots at private facilities result in expensive law enforcement costs for State and local governments.

(5) The need to make profits creates incentives for private contractors to underfund mechanisms that provide for the security of the facility and the safety of the inmates, corrections staff, and neighboring community.

(6) The 1997 Supreme Court ruling in Richardson v. McKnight that the qualified immunity that shields State and local correctional officers does not apply to private prison personnel, and therefore exposes State and local governments to liability for the actions of private corporations.

(7) Additional liability issues arise when inmates are transferred outside the jurisdiction of the contracting State.

(8) Studies on private correctional facilities have been unable to demonstrate any significant cost savings in the privatization of corrections facilities.

(9) The imposition of punishment on errant citizens through incarceration requires State and local governments to exercise their coercive police powers over individuals. These powers, including the authority to use force over a private citizen, should not be delegated to another private party.

SEC. 3. ELIGIBILITY FOR GRANTS.

(a) IN GENERAL.—To be eligible to receive a grant under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994, an applicant shall provide assurances to the Attorney General that if selected to receive funds under such subtitle the applicant shall not contract with a private contractor or vendor to provide core correctional services related to the incarceration of an inmate.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to grant funds received after the date of enactment of this Act.

(c) EFFECT ON EXISTING CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsection (a) shall not apply to a contract in effect on the date of the enactment of this Act between a grantee and a private contractor or vendor to provide core correctional services related to correctional facilities or the incarceration of inmates.

(2) RENEWALS AND EXTENSIONS.—Subsection (a) shall apply to renewals or extensions of an existing contract entered into after the date of the enactment of this Act.

(d) DEFINITION.—For purposes of this section, the term ''core correctional service'' means the housing, safeguarding, protecting, and disciplining of persons charged or convicted of an offense.

SEC. 4. ENHANCING PUBLIC SAFETY AND SECURITY IN THE DUTIES OF THE BUREAU OF PRISONS.

Section 4042(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (7);

(2) by striking ''and'' at the end of paragraph (4); and

(3) by inserting after paragraph (4) the following:

''(5) provide that any penal or correctional facility or institution except for nonprofit community correctional confinement, such as halfway houses, confining any person convicted of offenses against the United States, shall be under the direction of the Director of the Bureau of Prisons and shall be managed and maintained by employees of Federal, State, or local governments;

''(6) provide that the housing, safeguarding, protection, and disciplining of any person charged with or convicted of any offense against the United States, except such persons in community correctional confinement such as halfway houses, will be conducted and carried out by individuals who are employees of Federal, State, or local governments; and''.

By Mrs. BOXER:

S. 843. A bill to provide assistance to States to expand and establish drug abuse treatment programs to enable such programs to provide services to individuals who voluntarily seek treatment for drug abuse; to the committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I am introducing the Treatment on Demand Assistance Act to help ensure that substance abuse treatment is available to all substance abusers who seek it.

According to the Department of Health and Human Services, each year drug and alcohol related abuse kills more than 120,000 Americans. In 1999, an estimated 14.8 million Americans were illicit drug users, with nearly 5 million of them addicted to drugs.

Drugs and alcohol abuse costs taxpayers nearly $276 billion annually in preventable health care costs, extra law enforcement, auto crashes, crime and lost productivity.

Additionally, the detrimental effect of substance abuse manifests itself in numerous ways. For instance, substance abuse is often the root behind family violence and other criminal activity.

Even more devastating is that according to the Centers for Disease Control and Prevention, CDC, drug injections are one of the most common modes of transmission of the AIDS virus.

In an effort to combat this problem, before stepping down as America's Drug Czar, General Barry McCaffrey outlined in his final report that the prescription for solving America's drug problem was: ''prevention coupled with treatment accompanied by research.''

Despite the recognition that substance abuse treatment should be on the Nation's agenda, there is still a large gap between those in need of drug treatment and the availability of treatment programs. Thus, when substance abusers finally do seek treatment, they are often turned away because of long waiting lists.

The numbers are shocking. While some substance abusers are not seeking treatment, many are, and are being turned away. In California, for example, 60 percent of all facilities that maintain a waiting list have an average of 23 people on their list on any given day.

Nationwide, there are over 5 million substance abusers, yet less than half are receiving treatment for their drug problems, leaving over 2.8 million people in need of treatment. This is unacceptable.

In order to address this problem, I strongly believe that along with increased funding for law enforcement, especially those proven programs run in jails and prisons, it is also necessary to provide additional funding for treatment programs. Indeed, I believe that enforcement and treatment are critical elements of an effective comprehensive drug control policy.

To meet that goal, however, will require additional investment. Through the Substance Abuse Mental Health Services Administration, SAMHSA, the Federal Government currently provides over $2 billion to states and local entities for drug treatment programs, and total Federal spending in this area is just over $3 billion. Yet, this is not enough to get people the help they need when they need it.

For this reason, I am introducing the Treatment on Demand Assistance Act. Congressman Cal Dooley will introduce a companion measure in the House.

My bill would double the Federal government's funding for drug treatment over five years, to $6 billion in fiscal year 2006.

Current treatment on demand programs focus on the specific drug abuse needs of the local community. For instance, in San Francisco and California's Central Valley, methamphetamine abuse is especially problematic and continues to be on the rise. In other cities, cocaine abuse or marijuana is the drug of choice. Treatment programs should be targeted to address these local epidemics.

That is why the additional funding in this bill is provided through SAMHSA's Center for Substance Abuse Treatment and gives the Center the flexibility to

target funds where they are needed most. Of the $3 billion in additional funding set aside, 50 percent is provided in the form of formula grants to States, and 50 percent is reserved for direct grants to treatment centers.

The Treatment on Demand Assistance Act would also reward states that have instituted a policy of providing substance abuse treatment to non-violent drug offenders as an alternative to prison, as California recently did with the enactment of Proposition 36. The bill authorizes $250 million per year for five years to provide matching grants to states. These funds could be used to help pay for treatment as well as to provide other elements of a comprehensive anti-drug abuse program for non-violent offenders, including drug testing, drug courts and probation services.

In order to ensure that the funding is being effectively distributed, the bill would require the General Accounting Office to monitor the program during the 2nd and 4th year of the grant programs.

Already, there is a groundswell of interest in this bill, with over 100 organizations from both the treatment and law enforcement community actively supporting it. If groups as diverse as the California Sheriff's Association, the California Public Defenders Association and the National Association of Social Workers can come together, then surely we can find the funding necessary to invest in substance abuse treatment. Recent studies indicate that for every additional dollar invested in substance abuse treatment taxpayers would save $7.46 in societal costs. Clearly, such an investment is worthwhile, and I urge my colleagues to support treatment on demand.

I ask unanimous consent that the text of the bill and the list of endorsers be printed in the RECORD.

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

S. 843

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 ''Treatment on Demand Assistance Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Department of Health and Human Services, each year drug and alcohol related abuse kills more than 120,000 Americans.

(2) In 1999, an estimated 14,800,000 Americans were current illicit drug users.

(3) States across the country are faced with increasing demands for drug treatment programs.

(4) In addition, methamphetamine abuse continues to be on the rise. Methamphetamine abuse accounts for 5.1 percent of all treatment admissions, which was the fourth highest percentage after cocaine, heroin, and marijuana.

(5) Current statistics show that methamphetamine use is increasing rapidly especially among the nation's youth.

(6) There are over 2,800,000 substance abusers in America in need of treatment.

(7) This number exceeds the 2,137,100 persons receiving treatment.

(8) Recent reports indicate that every additional dollar invested in substance abuse treatment saves taxpayers $7.46 in societal costs.

(9) In California, the average cost to taxpayers per inmate, per year, is $23,406 versus the national average cost of $4,300 for a full treatment program.

(10) Drugs and alcohol cost taxpayers nearly $276,000,000,000 annually in preventable health care costs, extra law enforcement, auto crashes, crime and lost productivity versus $3,100,000,000 appropriated for substance abuse-related activities in fiscal year 2000.

(11) Nationwide, 59 percent of police chiefs believe that drug offenders are served better by participation in treatment programs versus prisons only.

(12) Current treatment on demand programs such as those in San Francisco and Baltimore focus on the specific drug abuse needs of the local community and should be encouraged.

(13) Many States have developed programs designed to treat non-violent drug offenders and this should be encouraged.

(14) Drug treatment prevention programs must be increased in order to effectively address the needs of those actively seeking treatment before they commit a crime.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) assist individuals who seek the services of drug abuse treatment programs by providing them with treatment on demand;

(2) provide assistance to help eliminate the backlog of individuals on waiting lists to obtain drug treatment for their addictions;

(3) enhance public safety by reducing drug-related crimes and preserving jails and prison cells for serious and violent criminal offenders;

(4) complement the efforts of law enforcement by providing additional funding to expand current community-based treatment efforts and prevent the recidivism of those currently in the correctional system; and

(5) assist States in the implementation of alternative drug treatment programs that divert non-violent drug offenders to treatment programs that are more suited for the rehabilitation of drug offenders.

SEC. 4. DEFINITIONS.

In this Act:

(1) NON-VIOLENT.—The term ''non-violent'' with respect to a criminal offense means an offense that is not a crime of violence as defined under the applicable State law.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(3) STATE.—The term ''State'' means each of the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.

SEC. 5. GRANTS FOR THE EXPANSION OF CAPACITY FOR PROVIDING TREATMENT.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.), as amended by sections 3104 and 3632 of the Youth Drug and Mental Health Services Act (Public Law 106-310), is amended—

(1) by redesignating the section 514 relating to the methamphetamine and amphetamine treatment initiative as section 514B and inserting such section after section 514A; and

(2) and by adding at the end the following:

''SEC. 514C. TREATMENT ON DEMAND.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Substance Abuse Treatment, shall—

''(1) award grants, contracts, or cooperative agreements to public and private nonprofit entities, including Native Alaskan entities and Indian tribes and tribal organizations; and

''(2) award block grants to States;

for the purpose of providing substance abuse treatment services.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a) an entity or a State shall provide assurances to the Secretary that amounts received under such grant, contract, or agreement will only be used for substance abuse treatment programs that have been certified by the State as using licensed or certified providers.

''(2) APPLICATION.—An entity or State desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(3) PRIORITY.—In awarding grants, contracts, or cooperative agreements to entities under subsection (a)(1), the Secretary shall give priority to applicants who propose to eliminate the waiting lists for substance abuse treatment on demand programs in local communities with high incidences of drug use.

''(c) AMOUNT.—

''(1) PUBLIC AND PRIVATE NONPROFIT ENTITIES.—The amount of each grant, contract, or cooperative agreement awarded to a public or private nonprofit entity under subsection (a)(1) shall be determined by the Secretary based on the application submitted by such an entity.

''(2) STATES.—The amount of a block grant awarded to a State under subsection (a)(2) shall be determined by the Secretary based on the formula contained in section 1933.

''(d) DURATION OF GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for periods not to exceed 5 fiscal years.

''(e) REQUIREMENT OF MATCHING FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (3), the Director may not make a grant, contract or cooperative agreement under subsection (a) unless the entity or State involved agrees, with respect to the costs of the program to be carried out by the entity or State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is—

''(A) for the first fiscal year for which the entity or State receives such a grant, contract or cooperative agreement, not less than $1 for each $9 of Federal funds provided in the grant, contract or cooperative agreement;

''(B) for any second or third such fiscal year, not less than $1 for each $5 of Federal funds provided in the grant, contract or cooperative agreement; and

''(C) for any subsequent such fiscal year, not less than $1 for each $3 of Federal funds provided in the grant, contract or cooperative agreement.

''(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(3) WAIVER.—The Director may waive the requirement established in paragraph (1) if the Director determines—

''(A) that extraordinary economic conditions in the area to be served by the entity or State involved justify the waiver; or

''(B) that other circumstances exist with respect to the entity or State that justify the waiver, including the limited size of the entity or State or the ability of the entity or State to raise funds.

''(f) EVALUATION.—An entity or State that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or cooperative agreement, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity or State shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate.

''(g) USE FOR CONSTRUCTION.—A grantee under this section may use up to 25 percent of the amount awarded under the grant, contract or cooperative agreement under this section for the costs of construction or major renovation of facilities to be used to provide substance abuse treatment services and for facility maintenance.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $600,000,000 for fiscal year 2002;

''(B) $1,200,000,000 for fiscal year 2003;

''(C) $1,800,000,000 for fiscal year 2004;

''(D) $2,400,000,000 for fiscal year 2005; and

''(E) $3,000,000,000 for fiscal year 2006.

''(2) ALLOCATION OF FUNDS.—From the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall allocate—

''(A) 50 percent of such amount to award grants, contracts, or cooperative agreements to public or nonprofit private entities under subsection (a)(1); and

''(B) 50 percent of such amount to award grants to States under subsection (a)(2).''.

SEC. 6. ALTERNATIVE TREATMENT PROGRAMS.

(a) GRANTS.—The Attorney General, in consultation with the Secretary, shall award grants to eligible States to enable such States, either directly or through the provision of assistance to counties or local municipalities, to provide drug treatment services to individuals who have been convicted of non-violent drug possession offenses and diverted from incarceration because of the enrollment of such individuals into community-based drug treatment programs.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section a State shall—

(1) be implementing an alternative drug treatment program under which any individual in the State who has been convicted of a non-violent drug possession offense may be enrolled in an appropriate drug treatment program as an alternative to incarceration; and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts provided to a State under a grant under this section may be used by the State (or by State or local entities that receive funding from the State under this section) to pay expenses associated with—

(1) the construction of treatment facilities;

(2) payments to related drug treatment services providers that are necessary for the effectiveness of the program, including aftercare supervision, vocational training, education, and job placement;

(3) drug testing;

(4) probation services;

(5) counseling, including mental health services; and

(6) the operation of drug courts.

(d) MATCHING REQUIREMENT.—Funds may not be provided to a State under this section unless the State agrees that, with respect to the costs to be incurred by the State in carrying out the drug treatment program involved, the State will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is at least equal to the amount of Federal funds provided to the State under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section, $250,000,000 for each of fiscal years 2002 through 2006.

SEC. 7. STUDY BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The General Accounting Office shall conduct a study of the use of funds under this Act and the amendments made by this Act. In conducting such study, the Office shall make determinations as to whether such funding meets, exceeds, or falls short of the level of funding needed to provide substance abuse treatment to those in need.

(b) REPORTS.—The General Accounting Office shall prepare and submit to the appropriate committees of Congress an interim and final report concerning the study conducted under subsection (a). The reports required under this subsection shall be submitted—

(1) with respect to the interim report, not later than 2 years after the date of enactment of this Act; and

(2) with respect to the final report, not later than 4 years after the date of enactment of this Act.

SUPPORTERS OF THE TREATMENT ON DEMAND ASSISTANCE ACT

CHIEFS OF POLICE

Ron Ace, Chief of Police, Concord.

Robert J. Brennan, Chief of Police, Atherton.

Kenneth L. Becknell, Chief of Police, Barstow.

James T. Butts, Jr., Chief of Police, Santa Monica.

Craig H. Calhoun, Chief of Police, Hayward.

William E. Eldridge, Chief of Police, Livingston.

Robert S. Gonzales, Chief of Police, Santa Paula.

Tim Grimmond, Chief of Police, El Segundo.

Thomas R. Hitchock, Chief of Police, Brisbane.

J. Michael Klein, Chief of Police, Sand City.

Fred H. Lau, Chief of Police, San Francisco.

Joseph A. Santoro, Chief of Police, Fontana.

Frank J. Scialdone, Chief of Police, Fontana.

Tom Tunson, Chief of Police, Calexico.

Arturo Venegas, Jr., Chief of Police, Sacramento.

Paul M. Walters, Chief of Police, Santa Ana.

Roy W. Wasden, Chief of Police, Modesto.

Richard L. Word, Chief of Police, Oakland.

John Zapalac, Chief of Police, Woodlake.

SHERIFFS

California State Sheriff's Association.

Lee Baca, Sheriff, Los Angeles County.

Harold D. Carter, Sheriff, Imperial County.

Michael Hennessey, Sheriff, City and County of San Francisco.

Don Horsley, Sheriff, San Mateo County.

Dennis Lewis, Sheriff, Humboldt County.

Gary S. Penrod, Sheriff, San Bernardino County.

Charles C. Plummer, Sheriff, Alameda County.

E.G. Prieto, Sheriff-Coroner, Yolo County.

Tom Sawyer, Sheriff-Corner, Merced County.

Larry D. Smith, Sheriff, Riverside County.

DISTRICT ATTORNEYS

Terry R. Farmer, District Attorney, Humboldt County.

Terence Hallinan, District Attorney, City and County of San Francisco.

George W. Kennedy, District Attorney, Santa Clara County.

Pete Knoll, District Attorney, Siskiyou County.

ELECTED AND APPOINTED OFFICIALS

Jane Brunner, Vice Mayor, Oakland.

Patricia A. Campbell, Chair, Mendocino County Board of Supervisors.

Ann K. Capela, County Executive Officer, Imperial County.

Illa Collin, Supervisor, Sacramento County.

Rosemary Corbin, Mayor, Richmond.

Kelly F. Cox, Administrative Officer, Lake County.

Shirley Dean, Mayor, Berkeley.

Heather Fargo, Mayor, Sacramento.

Donna Gerber, Supervisor, Contra Costa County.

Steven Gutierrez, Supervisor, San Joaquin County.

James H. Harmon, Presiding Judge, Imperial County Superior Court, Drug Court.

Anthony J. Intintoli, Jr., Mayor, Vallejo.

Dave Jones, Councilmember, City of Sacramento.

Sandra Kellams, Mayor, City of Colfax.

Marin County Board of Supervisors, Marin County.

Bonnie Pannell, Vice-Mayor, City of Sacramento.

Bill Simmons, Supervisor, County of Yuba.

Sonoma County Board of Supervisors, Sonoma County.

John Woolley, Chair, Humboldt County Board of Supervisors.

Christopher W. Yeager, Presiding Judge, Imperial County Superior Court.

HEALTH AGENCIES

Beverly K. Abbott, Director, Mental Health Services, San Mateo Health Services.

Gene Coleman, Chairperson, City-Wide Alcoholism Advisory Board, San Francisco.

Beverly R. Craig, R.N., J.D., Deputy Director of Community Health Services, Yuba County.

Cheryl S. Davis, Director, Sacramento County Department of Human Assistance.

Ed Fisher, Assistant Director, Sutter County Human Services Department.

Yvonne Frazier, Director, Alcohol and Drug Services, San Mateo Health Services.

Patricia Harrison, Community Chair, Treatment on Demand Planning Council, San Francisco.

John Hoss, Assistant Director of Human Services, Sutter-Yuba Mental Health Services.

James W. Hunt, Director, Sacramento County Department of Health and Human Services.

Dr. Mitchell Katz, Director of Health, City and County of San Francisco.

Terry Longoria, Director, Napa County Health and Human Services.

Donald R. Rowe, Director, Solano County Health and Social Services Department.

Warren T. Sherlock, Deputy Director, Alcohol & Drug Services, Imperial County.

Randy F. Snowden, Alcohol and Drug Program Administrator, Health & Human Services, Napa.

William B. Walker, Director, Contra Costa Health Services, Martinez.

Matonia Williams, President, Drug Abuse Advisory Board, San Francisco.

Donald L. Williamson, Vice Chair to the Board, Indian Valley Services District, Greenville.

PUBLIC DEFENDERS

Shane A. Gusman, Legislative Advocate, California Public Defenders Association.

Barry Melton, Public Defender, Yolo County.

Eluid M. Romero, Supervising Assistant Public Defender, Sacramento County.

PROBATION OFFICERS

David L. Lehman, Chief Probation Officer, Humboldt County.

Steven H. Lyman, Chief Probation Officer, Siskiyou County Probation Department.

Christine Odom, Chief Probation Officer, Sutter County Probation Department.

Joseph S. Warchol II, Chief Probation Officer, El Dorado County Probation Department.

ORGANIZATIONS AND CLINICS

Another Choice, Another Chance (ACAC), Sacramento.

Asian American Drug Abuse Program, Inc., Los Angeles.

Asian Pacific Community Counseling, Sacramento.

Associated Students, Los Rios Community College District.

Associated Student Government, Sacramento City College.

Associated Students of UC Davis, University of California, Davis.

Boyle Heights Recovery Center, Behavioral Health Services, Los Angeles.

Building & Construction Trades Council, Humboldt & Del Norte Counties.

California Association of Alcohol and Drug Program Executives, Sacramento.

Central Valley Health Network, Sacramento.

Community Coalition, Los Angeles.

Community Service Programs, Santa Ana.

County Alcohol and Drug Program Administrators Association of California, Sacramento.

Detention Ministry and Inside Out Network, Napa.

The Effort, Inc., Sacramento.

Fair Oaks Recovery Center, Fair Oaks.

FamiliesFirst, Davis.

First A.M.E. Church (FAME), Los Angeles.

Galt Community Concilio, Inc., Galt.

Gay & Lesbian Center, Los Angeles.

Korean Youth & Community Center, Los Angeles.

Lambda Letters Project, Carmichael.

Lincoln Heights Recovery Center, Los Angeles.

Los Angeles Centers for Alcohol & Drug Abuse, Santa Fe Springs.

Mental Health Association in California, Sacramento.

Morrisania West, San Francisco.

Napa Valley Coalition of Non-profit Agencies, Napa.

National Advocacy on Addictions, Los Angeles.

National Asian Women's Health Organization, San Francisco.

National Association of Social Workers, Washington, D.C.

National Council on Alcoholism and Drug Dependence, Sacramento Affiliate.

National Council on Alcoholism and Drug Dependence, San Fernando Valley Affiliate.

New Dawn Recovery Center, Sacramento.

Ohlhoff Recovery Programs, San Francisco.

Organization of Chinese Americans, Inc., Sacramento.

People in Progress, Los Angeles.

Phoenix House, Lake View Terrace.

Ready Willing & Able, New York.

Recovery Theatre, San Francisco.

SHIELDS for Families, Los Angeles.

Southeast Asian Assistance Center, Sacramento.

Swords to Plowshares, San Francisco.

Tarzana Treatment Centers, Tarzana.

By Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS):

S. 845. A bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource; to the committee on Finance.

Mr. CRAPO. Mr. President, I rise to introduce legislation that will encourage the expansion of an often overlooked domestic energy resource that offers a source of revenue for our rural communities and an avenue for cleanup of agricultural waste. I am pleased to be joined by co-sponsors Senator HUTCHINSON and Senator HELMS.

It has been well-publicized that our country faces mounting uncertainty in meeting our energy demands. After years of getting little attention, we are now in a period where the development of domestic energy resources has reached a crucial point. I support our efforts to diversify our energy supply resources to ensure our nation's energy security, support our business and agricultural economies, and protect our individual consumers. This time of challenge also offers great opportunities. One of those is the opportunity to encourage a largely untapped resource to provide domestic energy, while also promoting the protection of the environment and rural development. I am speaking about energy derived from agricultural and animal waste sources.

Electricity from biomass and waste sources using modern technology is a renewable resource that can add to our domestic energy supply. The process uses manure and waste products that are heated and converted into biogas that is burned to generate electricity, which is sold into the power grid. This technology is widely accepted in Europe where over 600 systems are in operation today. In this country, the technology is gaining acceptance following numerous successful case studies. This process offers farmers an option for cleaning agricultural waste that is a known source of groundwater contamination and air pollution. The revenue generated from the sale of electricity provides a source of income to offset the cleanup costs, while providing important kilowatts to the power grid.

The bill I am introducing today would extend the 1.5 cent per kilowatt hour production tax credit that is currently available to wind, closed-loop biomass, and poultry waste by making it available to all agricultural and animal waste sources.

There have been other bills introduced that would extend the tax credit to additional renewable sources such as solar energy. I encourage efforts to broaden the definition of renewable sources and, for that reason, I am also proposing an amendment to S. 388, the comprehensive national energy bill introduced by Senator MURKOWSKI. The amendment would add agricultural and animal waste as a renewable energy resource listed under that bill.

The use of modern technology to generate electricity from waste should not be overlooked. The tax credit is a important incentive to encourage its wider use. I encourage my colleagues to join me in this important initiative. I ask unanimous consent that the text of the bill and the amendment be printed in the RECORD.

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

S. 845

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

SECTION 1. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES AND EXTENSION TO WASTE ENERGY.

(a) EXPANSION OF QUALIFIED ENERGY RESOURCES.—

(1) IN GENERAL.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking subparagraph (C) and inserting the following:

''(C) agricultural and animal waste sources.''.

(2) DEFINITIONS.—Section 45(c) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

''(5) AGRICULTURAL AND ANIMAL WASTE SOURCES.—The term 'agricultural and animal waste sources' means all waste heat, steam, and fuels produced from the conversion of agricultural and animal wastes, including by-products, packaging, and any materials associated with the processing, feeding, selling, transporting, and disposal of agricultural and animal products or wastes (such as wood shavings, straw, rice hulls, and other bedding material for the disposition of manure).''.

(b) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Section 45(c)(3) of the Internal Revenue Code of 1986 (defining qualified facility) is amended by striking subparagraph (C) and inserting the following:

''(C) AGRICULTURAL AND ANIMAL WASTE FACILITY.—In the case of a facility using agricultural and animal waste to produce electricity, the term 'qualified facility' means any facility of the taxpayer which is originally placed in service—

''(i) in the case of a facility using poultry waste, after December 31, 1999, and before January 1, 2002, and

''(ii) in the case of any other facility, after the date of the enactment of this subparagraph and before July 1, 2011.

''(D) COMBINED PRODUCTION FACILITIES INCLUDED.—For purposes of this paragraph, the term 'qualified facility' shall include a facility using agricultural and animal waste to produce electricity and other biobased products such as chemicals and fuels from renewable resources.

''(E) SPECIAL RULES.—In the case of a qualified facility described in subparagraph (C)—

''(i) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

''(ii) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.''.

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 45 of the Internal Revenue Code of 1986 is amended by inserting ''and waste energy'' after ''renewable''.

(2) The item relating to section 45 in the table of sections subpart D of part IV of subchapter A of chapter 1 of such Code is

amended by inserting ''and waste energy'' after ''renewable''.

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

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 83—REFERRING S. 846 ENTITLED ''A BILL FOR THE RELIEF OF J.L. SIMMONS COMPANY, INC., OF CHAMPAIGN, ILLINOIS'' TO THE CHIEF JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A REPORT THEREON

Mr. DURBIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 83

Resolved,

SECTION 1. REFERRAL.

S. ____ entitled ''A bill for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois'', now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

SEC. 2. PROCEEDING AND REPORT.

The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, notwithstanding the bar of any statute of limitations, laches, or bar of sovereign immunity; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions as are sufficient to inform Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States, or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to J.L. Simmons Company, Inc., of Champaign, Illinois.

SENATE RESOLUTION 84—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN TIMOTHY A. HOLT V. PHIL GRAMM

Mr. LOTT (for himself, and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas, Senator Phil Gramm has been named as a defendant in the case of Timothy A. Holt v. Phil Gramm, Case No. JC00–541, now pending in the Small Claims and Justice Court of Dallas County, Texas;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978 (2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Phil Gramm in the case of Timothy A. Holt v. Phil Gramm.

AMENDMENTS SUBMITTED AND PROPOSED

SA 383. Mr. WARNER (for himself, Ms. COLLINS, and Mr. ALLEN) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 384. Mr. MCCONNELL (for himself, Mr. MILLER, Mr. SESSIONS, and Mr. INHOFE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 385. Mrs. CARNAHAN (for herself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 386. Mr. BIDEN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 387. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 388. Mr. SPECTER proposed an amendment to amendment SA 378 proposed by Mr. KENNEDY to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 389. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. NELSON of Nebraska, and Mr. HAGEL) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 390. Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill S. 388, to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes; which was referred to the Committee on Energy and Natural Resources.

SA 391. Mr. CAMPBELL (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. INOUYE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

SA 392. Mrs. FEINSTEIN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 393. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 394. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 395. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 383. Mr. WARNER (for himself, Ms. COLLINS, and Mr. ALLEN) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately $40,582.

(2) The average starting salary for teachers in the United States is $26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average $408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation's teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should—

(1) should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket unreimbursed expenses educators incur to improve the education of our Nation's students.

SA 384. Mr. MCCONNELL (for himself, Mr. MILLER, Mr. SESSIONS, and Mr. INHOFE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the end, add the following:

TITLE ____—TEACHER PROTECTION

SEC. ___1. TEACHER PROTECTION.

The Act (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

''TITLE ____—TEACHER PROTECTION

''SEC. ___1. SHORT TITLE.

''This title may be cited as the 'Paul D. Coverdell Teacher Protection Act of 2001'.

''SEC. ___2. FINDINGS AND PURPOSE.

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

''(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

''(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.