

## S. CON. RES. 9

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 9, a concurrent resolution condemning the violence in East Timor and urging the establishment of an international war crimes tribunal for prosecuting crimes against humanity that occurred during that conflict.

## AMENDMENT NO. 425

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 425.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 425, *supra*.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 425, *supra*.

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 425, *supra*.

## AMENDMENT NO. 524

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 524.

## AMENDMENT NO. 563

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 563.

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 563, *supra*.

## AMENDMENT NO. 648

At the request of Mr. HELMS, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Kansas (Mr. BROWNSBACK) were added as cosponsors of amendment No. 648.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (for himself, Mr. LIEBERMAN, Mr. SANTORUM, Mr. GRAHAM, Mr. TORRICELLI, Mr. ENSIGN, Mr. ALLEN, Mr. CRAIG, Mr. NELSON of Florida, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, and Mr. REID.)

S. 894. A bill to authorize increased support to the democratic opposition and other oppressed people of Cuba to help them regain their freedom and prepare themselves for a democratic future, and for other purposes; to the Committee on Foreign Relations.

Mr. HELMS. Mr. President, it is an honor to be joined today by Senator LIEBERMAN and eight other distinguished Senators in the sponsorship of the Cuban Solidarity Act which is intended to be a blueprint for a more vigorous U.S. policy to liberate the now enslaved island of Cuba.

This measure, S. 894, is the companion to House bill No. 1271 sponsored by Representative LINCOLN DIAZ-BALART and 95 other Members of the House of Representatives.

Whether one supports the current embargo on the Castro regime or not,

we should all agree that we can and must do more to help those struggling for freedom today in Cuba. That is the aim of the Cuban Solidarity Act, and that is why I ask Senators on both sides of the embargo issue to consider supporting this bill on its merits.

The embargo is not a policy, it is merely a policy tool, and the U.S. policy should be to put an end to Fidel Castro's stranglehold on the Cuban people and end his brutal dictatorship—and the sooner the better.

The Cuban Solidarity Act will authorize \$100 million in U.S. assistance to the Cuban people over 4 years. It also will mandate a proactive U.S. policy to support the internal opposition to Castro in Cuba. This strategy, by the way, is modeled after the decisive U.S. support for the Polish Solidarity movement back in the 1980s.

With the enactment of the legislation, the U.S. Government will move beyond merely isolating the Fidel Castro regime. Indeed, we can undermine Castro's isolation and oppression of the Cuban people by finding bold, proactive, and creative programs to help those who are working for change on the island of Cuba. This can be achieved by giving the President a mandate to increase all forms of U.S. support for prodemocracy and human rights activists in Cuba.

This support may include food, medicines, office supplies, books, educational materials, telephones, FAX machines, or other material or financial support. And recipients may include political prisoners or their families, persecuted dissidents, labor rights activists, economists, journalists, and others working for peaceful change.

Such support will encourage independent libraries, independent agricultural cooperatives, so-called micro-enterprises run by self-employed Cubans, or U.S.-based exchange and scholarship programs. In addition, this measure will support nongovernmental charitable programs, such as senior citizen centers, free clinics, or soup kitchens.

For Senators who are not fans of foreign aid—and I am among them—I am obliged nevertheless to acknowledge that the investment the United States made in the liberation of Eastern Europe has yielded immeasurable benefits. That is precisely what we propose to do with and to Cuba. Our businesses and our farmers stand to benefit once the Cuban people can begin to reconstruct their economy. This, of course, cannot happen until the Cuban people can shed themselves of the Marxist regime now in power in Cuba that is bankrupt in every sense of the word.

While the pending bill neither tightens nor loosens the embargo on the Cuban regime—that is to say, the Fidel Castro regime—it will allow President Bush to license private donations from Americans to independent Cuban groups and to independent self-employed Cubans. The President can license the importation into the United

States of goods made by independent, self-employed Cubans. These potential beneficiaries and activities have in common the intent and purpose to promote freedom and independence from the ruthless Fidel Castro regime that now uses hunger and fear to keep the people of Cuba under control.

Critics of this bill may contend that this high-profile support will give Castro an excuse to harass and jail dissidents for receiving foreign support. But the sad truth is that Fidel Castro is already tormenting his own people, systematically and relentlessly.

Furthermore, if courageous Cuban dissidents choose to stand up for their God-given rights and look to us for moral or material support, certainly we should not turn our backs on them. Let Castro do his worst. Let us do our best. Let others waste their energy trying to engage the wornout, cruel dictator, Fidel Castro. The United States will be engaging the other 11 million souls on the island of Cuba who have suffered persecution for too long already.

President Bush already has broad authority to initiate many of the programs prescribed by this bill, and I anticipate that he may do so. He should begin by instructing all relevant U.S. agencies to increase support to democratic opposition groups on the island of Cuba.

For example, the U.S. Agency for International Development has been providing support to U.S. groups promoting democracy and human rights in Cuba. Under the Clinton administration, this program amounted to little more than "window dressing." Hardly anything was done about it. Under President Bush, it must have more personnel, more money, and more room to maneuver around the Fidel Castro regime.

Now other steps are prescribed by this proposed legislation, and they are steps that President Bush can take this day, right now. For example, the proposed act also urges multilateral diplomacy calling on the Cuban Government to respect human rights, free political prisoners, legalize political parties, allow independent trade unions, and submit to internationally monitored free elections, none of which Fidel Castro has permitted since he took over the island of Cuba.

The pending legislation urges the "freedom broadcasting" stations, known as Radio and Television Marti and the Voice of America, to take steps to overcome Castro's jamming of the power of those stations so that their excellent programming will be available throughout the island.

The act also urges the President of the United States to instruct the Attorney General to bring to justice those Cubans involved in the February 1996 shoot-down of four innocent pilots on a humanitarian mission over international waters.

Pending indictments also tell us that Castro and his cronies are up to their

noses in cocaine smuggling. It is high time for Fidel Castro to be held accountable for that crime and his many other crimes.

The act also mandates an international campaign to remind the world every day of Castro's abuse of human rights, workers' rights, the independent press, and religious freedom of the Cuban people.

The act also requires an indepth review of all of Fidel Castro's threats to U.S. security posed by his espionage and his relentless quest for unconventional weaponry.

This coming Sunday, May 20, will mark Cuba's independence day. Few Americans know that the United States played a pivotal role in helping Cubans win their independence from Spain back in 1902. Today, our Nation is called upon to keep faith with those Cuban mothers who want to raise their children with the best values, and with Cuban fathers who want to see their families thrive and prosper, and for little Cuban children who deserve a better future than they now have.

The Cuban Solidarity Act is a blueprint for a principled, proactive policy aimed at liberating Cuba. We will be keeping faith with the Cuban people.

I thank the Chair and yield the floor.

By Mr. KERRY (for himself and Mr. FRIST):

S. 895. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for research related to developing vaccines against widespread diseases and ensure that such vaccines are affordable and widely distributed; to the Committee on Finance.

Mr. KERRY. Mr. President, last month at the African Summit on AIDS in Nigeria, the Secretary General of the U.N., Kofi Annan, called upon the international community to establish a new multibillion-dollar global fund to combat AIDS and other infectious diseases, such as tuberculosis and malaria. He estimates that \$7 billion to \$10 billion annually will be needed to fight the global pandemic of HIV/AIDS on all fronts—prevention, care, and treatment. This call reflects the magnitude of the challenge before all of us.

The AIDS crisis has never been so devastating or so urgent as it is today. In less than two decades, AIDS has become a global epidemic, endangering the lives of millions of people, the majority of them in developing countries. It has proved more devastating than wars. In 1998, in Africa, 200,000 people died in armed conflict, but in the same time, 2.2 million people died from AIDS.

It is destroying the economies of many developing countries at a critical juncture, unacceptable as that level of death would be at any time, and it is reversing half a century of developmental gains.

Even more importantly, AIDS has emerged as an international security threat with the ability to destroy communities, whole generations, and even

nations. Just recently, the Bush administration continued what the Clinton administration had done, which is recognizing it as a security threat to the United States of America.

The statistics are chilling. Over 36.1 million people are living with HIV/AIDS around the world. According to the United Nations, every 60 seconds, 11 people contract HIV due mostly to unprotected sex, but also to intravenous drugs. At the end of the day today, 14,500 more men, women, and children will be infected with HIV. Over 13 million children have been orphaned by AIDS.

Africa is hardest hit by this epidemic today. Eight African countries are struggling under the weight of a disease that has infected 15 percent of their adult populations. Three African countries—South Africa, Botswana, and Zimbabwe—are threatened with negative population growth in the next few years, and if a cure is not found, that will happen.

I know it is difficult for any of us to imagine the enormity of the human suffering that goes along with these statistics, but it is important that we as policymakers do not shy away from understanding the terrible impact AIDS is having on a global basis.

In South Africa, which is at the epicenter of this global epidemic, 25 percent of adults, one in every nine South Africans, are now living with HIV. U.N. officials estimate that if the epidemic continues to spread at its current pace, close to one-half of the country's 15-year-olds will die of AIDS-related illnesses in the coming years—one-half of all the 15-year-olds. This represents an entire generation of South Africans.

While Africa is bearing the brunt of the epidemic today, there are strong signs that Asia will soon fall under the same inconceivable burden. Infection rates are climbing in Asia with countries such as India on the brink of a large-scale expansion of the epidemic. Currently, almost 4 million people in India are infected—second only to South Africa in total number of infections.

In a country with one-sixth the world's population, the AIDS pandemic in India is of particular concern to us. According to the International AIDS Vaccine Initiative, it is making clear inroads into the general population. As with many countries affected by HIV/AIDS, many of the high-risk groups, such as commercial sex workers, intravenous drug users, truckers, and migrant workers, all of whom have high infection rates, end up spreading HIV at alarming rates as globalization and the market economies continue to put pressure on the movement of migrant populations of workers.

Prevention efforts in India face many of the same obstacles as in many developing countries. These include high illiteracy rates, widespread poverty, very poor infrastructure, the low status of women, and taboos on talking about issues of sexuality.

In East Asia, more than 2.4 million people are already infected with the HIV virus, and an estimated 150,000 children have been orphaned. While China does not yet have the same infections as India, Chinese researchers estimate that the number of HIV-infected people could jump to 10 million in a few years.

Countries of the former Soviet Union and Eastern Europe are also vulnerable, with Russia experiencing the highest increase in infection rates in the world last year. The Russian Federation had more new HIV infections in 2000 than in all the previous years of the epidemic combined, totaling 700,000 infections in the year 2000, up from 170,000 in 1997.

Latin America and the Caribbean are also heading down the same path. In fact, some of the Caribbean island states have worse epidemics than any country outside of sub-Saharan Africa. Five percent of the adults in Haiti are living with AIDS.

Even these alarming statistics do not give a full picture of the scope of the HIV/AIDS threat. In fact, for many people in the developing world, AIDS is simply another burden on top of many others, such as poverty, armed conflict, and incomplete infrastructure.

By eating away at the social capital of many of these countries, AIDS is decimating the most productive members of society who are needed to solve many of the other problems in their nations.

In addition to the challenges posed by AIDS, malaria and tuberculosis are also exacting a tremendous toll on the developing world. In 1999, there were an estimated 8.4 million new tuberculosis cases, and 10.2 million new cases are expected in 2005 if present trends continue. Malaria also poses an increasing threat as well, killing at least 1 million people each year, about 3,000 people a day.

The spread of each of these infectious diseases is made worse by health systems' failure, population movement, deteriorating sanitation, and insufficient prevention and treatment efforts.

A human crisis of this proportion demands that we respond with urgency and thoughtfulness. We must continue to support robust prevention, treatment and care programs. But we must also recognize that vaccines are the most effective weapons in the arsenal of modern medicine to stop the threat of AIDS and other infectious diseases. Pharmaceutical companies, however, are reluctant to invest in research for vaccines to prevent HIV/AIDS and other infectious diseases because they fear they will not recover the expense of their research.

The bill that I am introducing today, along with my colleague Senator FRIST, is designed to address this problem by providing incentives for pharmaceutical and biotech research companies to accelerate their efforts to develop vaccines and microbicides to prevent AIDS, TB, malaria, and other

deadly infectious diseases. It does this in three ways.

First, it provides a 30 percent tax credit each year on qualified research expenses to develop microbicides for HIV and vaccines for HIV, TB, malaria, and other infectious diseases that kill more than 1 million people annually. This is an expansion of the existing R&D tax and can be applied to clinical trials outside of the United States, since the majority of those infected with these diseases are beyond our borders.

Second, it provides a refundable tax credit to small biotechnology companies based on the amount of qualified research that they do in a given year. Biotech firms are among the most innovative when it comes to research. Increased research efforts by these firms could be instrumental to the effort to develop effective vaccines, particularly for HIV/AIDS.

Third, the bill provides a 100 percent tax credit on contracts and other arrangements for research and development of these vaccines and microbicides. This credit, which is an increase over the 65 percent credit now in the tax code, is designed to serve as an incentive to larger pharmaceutical companies to work hand in hand with the smaller biotech companies to pick up the pace of vaccine development.

Over the last year a number of pharmaceutical companies have taken steps to help in the treatment of those infected with AIDS by providing life-extending therapies to the developing world at reduced costs. These drugs are critically important but the war against AIDS cannot be won unless we develop vaccines against the HIV virus and related infectious diseases. The pharmaceutical and biotech companies hold the key.

Once vaccines are developed, it is imperative that they be widely distributed. The bill that I am introducing today with Senator FRIST also addresses the distribution side of the equation. It provides a 100 percent tax credit to companies on the sales of new vaccines and microbicides as long as those sales are made to a qualified international health organization or foreign government for distribution in developing countries. It also directs the Secretary of the Treasury to establish a fund in the Treasury for the purchase and distribution of eligible vaccines to developing countries. Finally, it urges continued U.S. government support for the Global Alliance for Vaccines and Immunizations, GAVI, and the Global Fund for Children's Vaccines.

Mr. President, many steps need to be taken in the war against AIDS and other infectious diseases. This bill focuses on only one area but a critically important one: vaccine development and distribution. If the public and private sectors work together with energy and commitment, I believe we can develop the vaccines and once developed, we will win the war.

It is easy for people in a country as rich as we are, as safe as we are, as

blessed as we are to lose sight of what is happening on the rest of the planet. There are even some in this country who are quick to simply say: Well, it's their fault; it's the result of their sexual practices; it's the result of their values; it's the result of their culture.

It may well be that it is possible for people to cast a finger and to point blame, but this is a crisis of human proportions that affects all of us. It affects all of us because of the potential destabilization of whole nations with which we do business and on whom we must rely in a whole series of relationships.

It is also critical for us to understand the implications of this because in the world today there are no boundaries. This is a disease, and a disease has all the capacity to be carried across boundaries and become as important to us in this nation as it should have been already simply by virtue of the number of people in our country who are infected and who may potentially carry the disease elsewhere.

Yes, we must continue to support prevention; yes, we must continue to support treatment; and, yes, we must continue to support care programs. But I do not believe any of us can feel secure in the notion that there will be enough money, enough delivery systems, or that we will ever have the capacity to provide the kind of care, treatment, and prevention that will deal with the numbers about which we are talking in a global pandemic of this nature.

The most important tool, the most important weapon in the arsenal against this we have not even begun to use because we have not discovered it yet, and that is a vaccine. A vaccine can replace all of the need for infrastructure, except for the delivery of the vaccine, the need for care, the extraordinary burden on health care systems, and the incapacity of systems to deal with the sheer numbers we are facing.

There is a reason we do not have a vaccine. It is because there is no marketplace. All of these countries are poor, and the drug companies, by and large, have an incentive to provide the drugs that most rapidly remunerates them. We have Prozac, Viagra, and a host of other drugs that are quickly and easily put in the marketplace.

We need to create an incentive in the Tax Code to encourage research and development for the creation of an AIDS vaccine. Many of us are confident that if the United States were to create the kind of energy in our research and development technology, in our education sector, we have the ability to provide the ultimate vaccine against this.

Senator FRIST, a colleague of enormous respect in this institution, as a physician is unparalleled in his understanding of the difficulties of this issue.

I am proud that he is a cosponsor with me of this legislation. We are hoping our colleagues will join us next

week when the tax bill comes to the floor in reconciliation. We have an opportunity to provide the small amount of money necessary through this tax structure to be able to create the vaccine that can help deal with this crisis.

Many steps are needed in the war against AIDS and other infectious diseases. This bill focuses on only one area, but it is a critically important one, vaccine development and distribution. If the public and private sectors work together with the energy and commitment that we produced for so many other things in this country, we can make a global contribution of historic proportions. I think we should strive to do nothing less than that.

I yield the floor.

Mr. FRIST. Mr. President, I am pleased to support of S. 895, the Vaccines for the New Millennium Act of 2001. In an age where antibiotics are taken for granted, we often forget that one fourth of all deaths worldwide, over 13 million people annually, are the result of infectious disease. In the next hour alone, 1,500 will die from an infectious disease such as AIDS, malaria, TB or pneumonia, over half those who die will be under the age of 5 years old.

The developing world suffers a disproportionate burden of infectious disease deaths, which destroy lives and perpetuate poverty and sickness, undermining gains in economic growth, education and life expectancy. Vaccines, the most cost-effective weapons in the fight against infectious diseases, have eradicated smallpox, nearly eliminated polio from the planet, and dramatically lowered measles rates.

Yet vaccines are not reaching all those who need them. The expanded use of currently available vaccines, such as those for tetanus, measles and hepatitis could save up to 4 million children every year. The U.S. heavily invests in immunization programs, providing over \$100 million each year for polio eradication efforts and millions more to support other global vaccination programs. Recently, we joined the Gates Foundation and other governments to fund the Global Alliance for Vaccines and Immunization to help purchase and deliver the latest vaccines to the poorest countries.

But despite these programs, effective vaccines do not yet exist for malaria, TB, or AIDS, diseases that together kill nearly 6 million people each year. Unfortunately, research and development for diseases such as these, lag far behind the need. Of the \$60 billion investment in health research by the public and private sectors, only 10 percent is allocated to the health needs of developing countries.

The National Institutes of Health is the global leader in searching for new vaccines for these diseases, but the job of NIH is science, not development and distribution of commodities such as vaccines. We must encourage increased attention by the private sector if vaccines for AIDS, Malaria and TB are to become a reality.

Research and development by both pharmaceutical and biotech companies have provided dramatic and lifesaving technologies and drugs that benefit millions here and abroad. Their efforts are the lynchpin that ensures recent advances in science reach the widest number of people. But companies are faced with a conundrum, how do they justify the hundreds of millions of dollars necessary to develop and license a vaccine, such as for TB, when the markets for those vaccines are primarily in the world's poorest countries, countries spending less than \$10-20 per person on health care per year?

The Vaccines for the New Millennium Act of 2001, is an attempt to provide market incentives for both the large pharmaceutical industry and smaller biotech companies to accelerate development of vaccines for AIDS, malaria and TB, diseases that disproportionately affect developing countries.

The bill will provide incentives at multiple levels in the vaccine development process. It: provides a 30 percent tax credit for research and development expenditures for vaccines for malaria, TB, and AIDS; provides a refundable tax credit to biotech companies that are doing innovative research but are not yet making a profit; provides a 100 percent credit on sale of vaccines for these three diseases to poor countries. Over 10 years, this provision alone could provide as much as \$1 billion in additional funding for pharmaceutical companies that develop vaccines for AIDS, malaria, and TB; authorizes a purchase fund for these three vaccines to be established after they become available to the market; and provides the same package of benefits to research and development of microbicides for HIV/AIDS—medications that would enable women to protect themselves from infection with the virus.

It is the objective of this bill to energize the public/private partnership that has helped the U.S. pharmaceutical industry become the world leader in innovation. By promoting increased R&D for diseases affecting the poorest countries, we will all benefit. There is a clear humanitarian and moral call to do what we can to provide safe and effective vaccines to save lives. But beyond this obligation, we cannot forget that infectious diseases do not respect borders. Until TB, malaria, and AIDS are eliminated, we all face the threat from diseases that should be rapidly relegated to the waste bin of history.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

#### VACCINES FOR THE NEW MILLENNIUM ACT OF 2001—SUMMARY

This bill has two purposes: to provide incentives to pharmaceutical and private sector biotech companies to accelerate research and development of vaccines and microbicides to prevent deadly infectious

diseases such as HIV/AIDS, tuberculosis, and malaria, which kill some 5-6 million people annually; and to increase international access to vaccines and microbicides, once developed.

#### Incentives to Accelerated Research

##### 1—INCREASED TAX CREDIT FOR VACCINE RESEARCH AND DEVELOPMENT

Provides a 30 percent tax credit on qualified research expenses to develop microbicides for HIV and vaccines for malaria, TB, HIV and other diseases that kill 1 million people or more annually. This is an expansion of the existing 20 percent Research and Development tax credit.

Mandates that a company file a research plan with the Secretary of the Treasury on these priority vaccines or microbicides before claiming the tax credit.

Allows the tax credit to be applied to the costs of clinical trials outside of the United States, because of the prevalence of malaria, TB, and HIV in developing countries. However, pre-clinical research must be conducted in the United States in order to claim the tax credit.

##### 2—REFUNDABLE TAX CREDIT FOR SMALL, BIOTECH COMPANIES

Provides a refundable tax credit to small biotech companies based on the amount of qualified research that they a company does in a given year. This credit is designed to stimulate increased research among firms that often do the most innovative research.

Mandates that any firm receiving this credit put an equivalent amount of funds into research and development within 2 years of having received the credit. Such expenditures cannot be claimed under the tax credit for qualified vaccine research and development. Requires the Secretary of the Treasury to promulgate regulations to recapture the credit if a company fails to make these expenditures.

##### 3—TAX CREDIT FOR RESEARCH CONTRACTED OUT

Provides a 100 percent tax credit on contracts and other arrangements for research and development on these priority vaccines and microbicides. This credit, an increase from the existing 65 percent, is designed as an incentive for larger firms to contract with smaller, vaccine research companies.

#### International Access to Vaccines and Microbicides

##### 1—TAX CREDIT ON SALES OF VACCINES AND MICROBICIDES

Provides a 100 percent tax credit on the value of sales of new vaccines and microbicides for malaria, TB, and HIV and any other disease killing more than 1 million people annually. Sales must be made to a qualified international health organization or foreign government for use in developing countries.

Limits the annual credit on such sales to \$100 million through the years 2002-2006 and 125 million through the years 2007-2010.

##### 2—ESTABLISHMENT OF LIFESAVING VACCINE PURCHASE FUND

Mandates the Secretary of the Treasury to establish a purchase fund in the Department of the Treasury at the time that an eligible vaccine is ready for purchase.

Authorizes the Secretary to use the fund to purchase vaccines and distribute those vaccines in developing countries.

##### 3—OTHER MECHANISMS TO INCREASE ACCESS TO VACCINES

Requires a company that develops a vaccine or microbicide using the research and development credit to certify to the Secretary of the Treasury that it will establish a plan to maximize distribution of the vaccine or microbicide to developing countries.

Such plan would not waive any rights to pricing, patent ownership or release of proprietary information.

Urges continued US government support for the Global Alliance for Vaccines and Immunizations, GAVI, and the Global Fund for Children's Vaccines.

By Mr. BAUCUS (for himself, Mr. JEFFORDS, Mr. ALLARD, Mr. LEAHY, and Mr. LEVIN):

S. 897. A bill to amend title 39, United States Code, to provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, and for other purposes; to the Committee on Government Affairs.

Mr. BAUCUS. Mr. President, today I am pleased to re-introduce an important, common sense, community-based bill with my friend, Mr. JEFFORDS. That bill is the Post Office Community Partnership Act of 2001.

It is not by mistake that we offer this bill during National Historic Preservation Week. This week, sponsored by the National Trust for Historic Preservation, highlights the need to support the diversity and history of our communities and work to revitalize them.

A few years ago, we discovered that post offices throughout the country were not paying attention to local ideas and local needs before closing, relocating, consolidating, or constructing new facilities. I know of several examples in my home state of Montana. Post offices in Livingston and Red Lodge, for example, proposed changes that would have severely altered the downtown fabric of those communities. These small, rural towns have a Main Street by name and by function. It's on Main Street that people stop by the post office on the way to the bank or the grocery store. It's where they enjoy the chance to not only get all their "in town" chores done, but also interact with each other.

It's small town "Main Streets" all over the country that are threatened when post offices close or relocate. At a time when many rural communities are struggling, the closure or relocation of a Main Street post office is the sounding of a death knell.

Communities like Livingston and Red Lodge define our rural landscapes. They have been built around a cluster of essential services that ensure their vitality. Communities are unnecessarily hurt when cornerstone institutions, like post offices, close or relocate. People not only lose a gathering place, they lose an important element of their community.

There are certainly instances where closures, relocations, consolidations, and new construction are good choices for a community. This bill doesn't change that. What it does, is address those instances where people and communities have suffered because the Postal Service has made a decision without consulting with community members.

While the Postal Service has made some internal changes in the past couple of years to include more public involvement, I fear that new pressures on delivery service will tempt the Postal Service to focus on ways to meet their business needs, while belying the role they play in communities.

Today, Senator JEFFORDS and I are re-introducing legislation to ensure public participation in local post office decisions relating to closing, consolidation, relocation, or new construction. This bill isn't about imposing new mandates on the Postal Service. It's about honoring the role that the Postal Service plays in our towns and communities. It's about protecting a partnership that communities and the Postal Service have nurtured throughout the history of this country.

Indeed, partnership is what this bill is all about. Specifically, our bill outlines a process for community notification and involvement. It makes sure that a community's voice is heard. It requires the Postal Service to post notification of proposed facility changes. It specifies that local government officials be notified of the proposed changes at the same time as persons serviced by the local post office. And it requires the Postal Service to follow local public participation processes if they are more stringent than their own.

These common-sense provisions will ensure that communities continue to partner with the Postal Service and that both the Postal Service and our communities will continue to enjoy a mutually beneficial relationship.

I urge my colleagues to support Senator JEFFORDS and me in passing this important legislation.

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

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

S. 897

*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 "Post Office Community Partnership Act of 2001".

#### SEC. 2. PROCEDURES RELATING TO THE PROPOSED CLOSING, CONSOLIDATION, RELOCATION, OR CONSTRUCTION OF A POST OFFICE.

(a) APPLICABILITY.—Section 404(b) of title 39, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by striking "(b)(1)" and inserting "(2)"; and

(3) by inserting before paragraph (2) (as so redesignated) the following:

"(b)(1) This subsection shall apply in the case of any proposed closing, consolidation, relocation, or construction of a post office."

(b) ADVANCE NOTICE.—Paragraph (2) of such section 404(b) (as so redesignated) is amended to read as follows:

"(2)(A) The Postal Service, before making a determination under subsection (a)(3) as to the necessity for a proposed action described in paragraph (1), shall, in order to ensure

that the persons, including local government officials, who are (or would be) served by the post office involved will have an opportunity to present their views, provide adequate notice of its intention to take such action with respect to such post office at least 60 days before—

"(i) in the case of the proposed construction of a post office, the date of the determination under subsection (a)(3); or

"(ii) in the case of an action other than the proposed construction of a post office, the proposed date of such action.

"(B) The requirements of this paragraph shall not be considered met unless the notice—

"(i) has, by the deadline specified in subparagraph (A)—

"(I) been hand delivered or delivered by mail to the persons required under subparagraph (A); and

"(II) been published once a week for at least 4 weeks in 1 or more newspapers regularly issued and of general circulation within the zip code areas which are (or would be) served by the post office involved; and

"(ii) includes a description of the action proposed to be taken with respect to the post office involved, a summary of the reasons for the proposed action, and the date on which such action is proposed to be taken (or, if the construction of a post office is involved, the proposed timetable therefor)."

(c) CONSIDERATIONS.—Paragraph (3) of such section 404(b) (as so redesignated) is amended—

(1) in the matter before subparagraph (A), by striking "to close or consolidate" and inserting "to take a proposed action with respect to";

(2) by striking "such closing or consolidation" each place it appears and inserting "such action";

(3) in subparagraph (A)(i), by striking the semicolon and inserting ", taking into account (I) the extent to which the post office is part of a core downtown business area (if at all), and (II) the nature and the extent of any opposition within the community to the proposed action;"

(4) in subparagraph (A)(ii), by striking "Service employed at such office;" and inserting "Service;"

(5) in subparagraph (A)(iv), by inserting "quantified long-term" before "economic"; and

(6) in subparagraph (A), by striking "and" at the end of clause (iv), by redesignating clause (v) as clause (viii), and by inserting after clause (iv) the following:

"(v) any views or concerns expressed by any officials or other representatives of local government, including whether the proposed action is reasonable in light of local population projections;

"(vi) consistency with the size, scale, design, and general character of the surrounding community;

"(vii) whether all reasonable alternatives to such action have been explored; and".

(d) NOTICE OF DETERMINATION.—Paragraph (4) of such section 404(b) (as so redesignated) is amended—

(1) by striking "to close or consolidate" and inserting "to take a proposed action (described in paragraph (1)) with respect to";

(2) by striking "paragraph (2)" and inserting "paragraph (3)"; and

(3) by striking "office." and inserting "office (including by posting a copy of such determination in the post office or each post office serving the persons who will be affected by such action) and shall be transmitted to appropriate local officials".

(e) ADDITIONAL REQUIREMENTS.—Such section 404(b) is amended by adding at the end the following:

"(7) In any case in which a community has promulgated any procedures to address the relocation, closing, consolidation, or construction of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, closing, consolidation, or construction of a post office in that community in lieu of applying the procedures established in this subsection.

"(8) In making a determination to relocate, close, consolidate, or construct any post office, the Postal Service shall comply with any applicable zoning, planning, or land use laws (including design guidelines, building codes, and all other provisions of law) to the same extent and in the same manner as if the Postal Service were not an establishment of the Government of the United States.

"(9) Nothing in this subsection shall be construed to apply to a temporary customer service facility to be used by the Postal Service for a period of less than 60 days.

"(10)(A) In this paragraph the term 'emergency' means any occurrence that forces an immediate relocation from an existing facility, including natural disasters, fire, health and safety factors, and lease terminations.

"(B) If the Postmaster General determines that there exists an emergency affecting a particular post office, the Postmaster General may suspend the application of this subsection, with respect to such post office, for a period of not to exceed 180 days.

"(C) The Postmaster General may exercise the suspension authority under this paragraph with respect to a post office once for each discrete emergency affecting such post office.

"(11) The relocation, closing, consolidation, or construction of any post office shall be conducted in accordance with applicable provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.)."

(f) TECHNICAL AND CONFORMING AMENDMENTS.—Such section 404(b) is amended—

(1) in paragraph (5) (as so redesignated) by striking "take no action to close or consolidate" and inserting "take no action described in paragraph (1) with respect to"; and

(2) in paragraph (6) (as so redesignated)—

(A) by striking "to close or consolidate" and inserting "to take any action described in paragraph (1) with respect to"; and

(B) by striking "paragraph (3)" and inserting "paragraph (4)".

Mr. JEFFORDS. Mr. President, I rise today to join my colleague Senator BAUCUS in reintroducing the "Post Office Community Partnership Act of 2001."

This bill is similar to the one we introduced in the 105th and 106th Congress that so many of our colleagues supported in the past. It is my hope that this year the bill will become law. We are also coordinating our efforts with Representative BLUMENAUER of Oregon who will introduce a companion bill in the House of Representatives this week.

This bill will allow local communities to have a voice in determining the future of their local Post Office. In many towns across Vermont, the post office functions as the social and economic cornerstone of the local downtown area. Not only does the post office provide a daily service to residents, it is an enduring neighborhood institution. The post office is an enduring neighborhood institution where

residents catch up with their neighbors, or get the latest news. As a consequence many small towns across America are hurt by decisions to close, relocate or consolidate postal facilities. Our bill will increase local community input when the Postal Service determines that a facility will be constructed, consolidated, relocated, or closed.

This bill also addresses larger smart growth concerns. Right now, the U.S. Postal Service is exempt from local zoning and building laws. This creates situations where the new facilities do not fit in with the size or scale of the local community. Many new facilities are relocated to the outer fringes of downtowns which encourages sprawl. Transplanting local facilities out of downtown locations has a potentially devastating impact on the character of many towns. This bill will help preserve the small town way of life by preventing sprawl and encouraging the reuse of historic structures. The Post Office Community Partnership Act will help communities have a say in the future of their local post offices.

There have been a number of incidents in Vermont where a post office has moved out of the traditional town center and local officials have had little or no say in the decision. In Perkinsville, VT the post office moved from the general store to a site miles from the downtown. The same thing happened in Fairfax, when the post office moved from a historic building downtown to a strip mall.

A prime example is Westminster, one of the oldest towns in Vermont. This town of 3,200 people was shocked to learn that the Postal Service was replacing their old facility with a building more than four times as large with 33 parking spaces. There were several reasons the community and local government officials were outraged at the decision. First, the Postal Service's standard "design number 30" does not fit in with Westminster's size, scale, zoning, or historic character. The Postal Service has been unwilling to modify their standard designs to meet community needs. Moreover the neighboring town recently built a new post office with more than 1200 PO boxes that are still vacant. The Post Office Community Partnership Act will allow the Postal Service and the local community to work together from the beginning of the planning process toward common sense solutions that benefit everyone.

This legislation is necessary to ensure that local communities will always have a voice in the Postal Service's decision making process. As towns struggle to grow and plan for their development, the Postal Service has all too often been an unwilling partner. In Vermont and across the U.S., many communities are attempting to carefully plan their future development, to protect and preserve their open space, prevent unregulated sprawl, and conserve natural resources. Yet they are

not getting any assistance, and are often hindered by Postal Service decisions. This bill will close some of the loopholes that allow the Postal Service to operate outside the regulations that localities place on other businesses and government agencies.

This legislation will strengthen the ties between the Postal Service and local governments, help preserve our downtowns, prevent sprawl, and promote sensible, managed growth. I urge my colleagues to join Senator BAUCUS and me in support of this legislation.

Mr. LEAHY. Mr. President, I am pleased to be an original co-sponsor of the Post Office Community Partnership Act. Too often the Postal Service's designs for new offices fail to conform with local land use laws and these new cookie-cutter structures are replacing what were once the heart and soul of our towns. This legislation will ensure that the Postal Service does a better job of listening to local communities, respecting zoning regulations, and preserving Vermont's distinctive character.

In Vermont and across the country, Post Offices are community lynchpins, serving more than just generic mailing stations. It is the Post Office where people go to meet their neighbors and talk about the latest news. The Postmaster is sometimes the only national representative in a community, and they often provide advice and guidance about important issues. The Post Office is inextricably linked with daily life. Remove it, and the special character of the place is lost.

As the Post Office has experienced financial difficulties in recent years, the prospect of Post Office closures has loomed larger. Unfortunately, inadequate processes are in place to ensure that the U.S. Postal Service will consult with local communities in the event of a closure, relocation, or consolidation. This legislation will ensure that the service notifies communities far in advance of any action, and ensure that concerned citizens have a role in decisions.

With such provisions in place and other much-needed reforms, the U.S. Postal Service will work through its difficulties. The service will continue to grow, expanding access and making much-needed modernizations to its older facilities.

Too often, though, new post offices look like they do not belong in the heart of a traditional town center. Local zoning ordinances are ignored, and the Post Office contributes to unsightly sprawl. While there are many success stories, there are few detailed guidelines to avoid repetitions of the failures. That is why this legislation also includes provisions to ensure the U.S. Postal Service will follow local land use laws.

Successful mail service is a subtle balance between efficiency and contributing to the community. I think this important legislation will help the U.S. Postal Service find that balance well

into the future. I commend Senator JEFFORDS for introducing this legislation, and I urge its swift consideration and passage, as it will help preserve the important role of our Post Offices in our way of life.

By Mr. HATCH (for himself, Mr. DOMENICI, and Mr. DASCHLE):

S. 898. A bill to make technical amendments to the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), provide compensation to certain claimants under such act, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, today I am introducing bipartisan legislation that will provide important and necessary technical changes to the Radiation Exposure Compensation Act of 1990, RECA, as amended.

I am delighted that my good friend and esteemed Chairman of the Budget Committee, Senator DOMENICI, is joining me as the primary cosponsor. PETE and I have been working on RECA since its enactment in 1990 and his leadership has been invaluable over the years in making this program a reality.

I want to give special thanks to Senator DASCHLE for joining us as an original cosponsor on this important legislation. His support of this program has been critical to its success.

I also want to thank Congressman CHRIS CANNON who is introducing the companion bill in the House.

The compensation fund established under the original RECA Act of 1990 provides a level of financial support to thousands of individuals, both workers and civilians, who were not informed about the health hazards associated with radiation exposure. Many of these individuals worked in uranium mines, many drove the trucks which transported uranium ore, and many happened to live downwind from a nuclear test site. These individuals, especially the downwinders, became ill due to their radiation exposure.

As my colleagues will recall, last year Congress passed the Radiation Exposure Compensation Amendments of 2000, S. 1515. This law, P.L. 106-245, included new eligibility standards so that individuals who were injured as a result of working in the government's nuclear weapon's program would receive some compensation for their radiation-related illness.

The RECA Amendments of 2000 made important changes to the original 1990 Act by updating the list of compensable illnesses, primarily cancers, eligible for consideration as well as increasing the number of individuals and states eligible for compensation based on the latest scientific and medical information gathered over the past decade.

It has become painfully clear that there remain several important problems with the program which needs immediate or corrective attention by the Congress.

First and foremost is the fact that the RECA Trust Fund is depleted. This is a situation we cannot allow to continue.

I must say that I am outraged by the lack of funding for RECA. If Social Security recipients suddenly did not receive their checks, can you imagine the outcry that would fall on the Congress? A government IOU is a second injustice for families who have already suffered once too much.

The fact of the matter is that funding for RECA must be permanently appropriated. Otherwise, we continue to run the risk of annual appropriation shortfalls during the appropriations process.

Because the trust fund is depleted, RECA claimants are now receiving "IOU" letters from the Federal Government in lieu of a check. I am informed by the Justice Department, which oversees the RECA program, that approximately 180 claims cannot be paid because the trust fund is depleted. Moreover, I understand this number is likely to increase to as many as 2,000 claims.

This situation is simply unacceptable. I have met with RECA claimants in my state. It does not take long to see the pain and suffering they have endured over the years. Pain and suffering, I might add, that has taken a toll not only on their lives but on the lives of their families, as well.

Most of these individuals are now retired; they live on modest incomes, and fear their declining health will only exacerbate their limited family finances.

Many of these individuals have already died as a result of their injuries sustained while working for the government's nuclear weapons production program. They have paid the highest price for service to their country—their lives.

I recently received a copy of a letter from one of my constituents, Miss Rita Torres, who wrote to President Bush regarding her father, Mr. Jose O. Torres, who suffered from cancer as a result of working in a uranium mine.

Mr. Torres was diagnosed with lung cancer two years ago. It metastasized to his liver. He had to use oxygen constantly because part of one of his lungs had been removed.

Seven months ago Mr. Torres received a letter from the Department of Justice informing him he had been approved for compensation under the RECA program.

According to Mr. Torres, "When I received my approval, it was a happy day. I have exhausted all my means and have been waiting for some relief from my government since the approval letter arrived seven months ago. Once I was a strong man, glad to work hard all day long. But I am no match for the pain, it has brought me to tears, it has brought my wife to tears as she struggles to make me comfortable, it has brought my children to tears to see their parents suffer so. I have no access to money. I have no influential friends. I am a simple person

who has understood that when you gave your word, it meant something. But all the promises to the people have been forgotten. To be near the end [of my life] with no relief from the government has saddened me very much."

Mr. Torres never received his check from the federal government. He received an IOU instead.

Several weeks ago, on March 21 at 2:30 p.m., Mr. Jose Torres passed away. He was 73.

We cannot forget these brave Americans. When Congress passed the original RECA legislation in 1990 and the subsequent RECA 2000 amendments last year, we made a promise to them.

Mr. Torres, like thousands of other individuals in the 1940s, 50s and 60s, worked in some of the most horrendous conditions imaginable all the while not knowing that they were exposed to dangerous levels of radiation.

The legislation I am introducing today will provide for a permanent, indefinite appropriation to the RECA Trust Fund. Both the President's budget and the budget resolution contain a provision proposing to fund RECA on a permanent basis.

The bill we are introducing today provides the necessary authority for Congress to follow-through and appropriate a full and permanent allocation to the trust fund.

Let me also take a moment to comment briefly about another key provision in the bill which I believe deals with a matter of fairness for the RECA community.

The legislation we are introducing today ensures that all individuals exposed to radiation as a result of the government's nuclear weapons production program are accorded the same level of benefits.

Last fall, Congress passed the Department of Defense Authorization Act of 2000, P.L. 106-398, creating a new "Energy Employees Occupational Illness Compensation Program." This new program, which I supported, establishes a compensation fund for Department of Energy, DOE, employees and contract employees who were injured due to exposure to radioactive materials while working at DOE nuclear facilities and weapons testing sites.

Under the Energy program, individuals whose claims are approved will receive a monetary amount of \$150,000 plus prospective medical benefits. These benefits are considerably more generous than those provided under RECA.

During the DOD conference last fall, Senator DOMENICI and I worked to provide an increase in benefits for the RECA claimants to provide them with an additional \$50,000 plus prospective medical benefits.

It seems blatantly unfair for the federal government to provide a richer level of benefits to its own employees than for innocent civilians who happened to live downwind from a test site, or who worked in one of the mining operations.

Although the final agreement did extend additional benefits to the RECA workers, the conferees decided not to include the downwinders or on site participants.

The bill we are introducing today corrects this injustice and ensures that all individuals exposed to radioactive materials, as part of the government's program, are treated the same with respect to the level of benefits provided.

The third and final key provision of this legislation provides necessary technical changes to the 2000 Act which, essentially, were recommended by the Department of Justice. The 2000 Act inadvertently eliminated some claimants previously eligible for compensation, and made it more difficult for other claimants to prove eligibility.

For example, in amending the list of downwinder areas, RECA 2000 inadvertently eliminated individuals in a portion of Mohave County in Arizona who were previously eligible under the original RECA program. As a consequence, claimants who reside in this portion of Mohave County are no longer eligible for compensation. The technical amendment would again include this area in the definition of downwinder areas.

The proposed legislation we are introducing today will also improve the efficiency of the RECA program. Moreover, this bill will ensure fairness in the administration of RECA.

I am particularly mindful of concerns regarding the inclusion of additional cancers or counties to be included in the Act as well as the standards for length of radiation exposure necessary to qualify for the program. I know there has been some confusion over the length of radiation exposure requirements for certain cancers.

In this regard, I have included in the bill Section 5 which specifically directs the National Research Council to report to Congress annually with recommendations to include additional cancers, or counties, in the program. Moreover, the NRC is directed to examine whether the requirements for exposure to radiation should be reduced. This section will provide Congress the needed epidemiological data to assist us in resolving these issues.

It is critical that Congress pass this legislation as soon as possible. And, to that end, I intend to schedule this bill for an executive business meeting in the Judiciary Committee as soon as possible.

This bill has strong bipartisan support. I urge my colleagues to support this measure so that the Federal Government can keep its commitment to those eligible claimants for whom RECA was enacted.

I ask unanimous consent 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. 898

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

**SECTION 1. RADIATION EXPOSURE COMPENSATION TECHNICAL AMENDMENTS.**

(a) IN GENERAL.—The Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in section 4(b)(1)(C), by inserting “, and that part of Arizona that is north of the Grand Canyon” after “Gila”;

(2) in section 4(b)(2)—

(A) by striking “lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam)”;

(B) by striking “or liver (except if cirrhosis or hepatitis B is indicated)” and inserting “liver (except if cirrhosis or hepatitis B is indicated), or lung.”;

(3) in section 5(a)(1)(A)(ii)(I), by inserting “or worked for at least 1 year during the period described under clause (i)” after “months of radiation”;

(4) in section 5(a)(2)(A), by striking “an Atomic Energy Commission” and inserting “a”;

(5) in section 5(b)(5), by striking “or lung cancer”;

(6) in section 5(c)(1)(B)(i), by striking “or lung cancer”;

(7) in section 5(c)(2)(B)(i), by striking “or lung cancer”;

(8) in section 6(e)—

(A) by striking “The” and inserting “Except as otherwise authorized by law, the”;

(B) by inserting “, mill, or while employed in the transport of uranium ore or vanadium-uranium ore from such mine or mill” after “radiation in a uranium mine”;

(9) in section 6(i), by striking the second sentence;

(10) in section 6(j), by adding at the end the following: “Not later than 180 days after the date of enactment of the Radiation Exposure Compensation Act Amendments of 2000, the Attorney General shall issue revised regulations to carry out this Act.”;

(11) in section 6, by adding at the end the following:

“(m) SUBSTANTIATION BY AFFIDAVITS.—

“(1) IN GENERAL.—The Attorney General shall take such action as may be necessary to ensure that the procedures established by the Attorney General under this section provide that a substantiation may be made by an individual filing a claim under those procedures by means of an affidavit described under paragraph (2), in addition to any other material that may be used to substantiate—

“(A) employment history for purposes of determining working level months; or

“(B) the residence of an individual filing a claim under section 4.

“(2) AFFIDAVITS.—An affidavit referred to under paragraph (1) is an affidavit that—

“(A) meets such requirements as the Attorney General may establish; and

“(B) is made by a person other than the individual filing the claim that attests to the employment history or residence of the claimant.”;

(12) in section 7, by amending subsection (b) to read as follows:

“(b) CHOICE OF REMEDIES.—No individual may receive more than 1 payment under this Act.”;

(13) by adding at the end the following:

**SEC. 14. GAO REPORTS.**

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Radiation Exposure Compensation Act Amendments of 2000, and every 18 months thereafter, the General Accounting Office shall submit a report to Congress containing a detailed accounting of the administration of this Act by the Department of Justice.

“(b) CONTENTS.—Each report submitted under this section shall include an analysis of—

“(1) claims, awards, and administrative costs under this Act; and

“(2) the budget of the Department of Justice relating to this Act.”.

(b) CONFORMING AMENDMENTS.—Section 3 of the Radiation Exposure Compensation Act Amendments of 2000 (Public Law 106-245) is amended by striking subsections (e) and (i).

**SEC. 2. COMPENSATION FOR CERTAIN CLAIMANTS UNDER THE RADIATION EXPOSURE COMPENSATION ACT.**

(a) IN GENERAL.—Section 3630 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as enacted into law by Public Law 106-398, is amended to read as follows:

**“SEC. 3630. SEPARATE TREATMENT OF CERTAIN CLAIMANTS UNDER THE RADIATION EXPOSURE COMPENSATION ACT.**

“(a) COMPENSATION PROVIDED.—An individual who receives, or has received, a payment under section 4 or 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for a claim made under that Act (in this section referred to as a ‘covered individual’), or the survivor of that covered individual if the individual is deceased, shall receive compensation under this section in the amount of \$50,000.

“(b) MEDICAL BENEFITS.—A covered individual shall receive medical benefits under section 3629 for the illness for which that individual received a payment under section 4 or 5 of that Act.

“(c) COORDINATION WITH RECA.—The compensation and benefits provided in subsections (a) and (b) are separate from any compensation or benefits provided under that Act.

“(d) PAYMENT FROM COMPENSATION FUND.—The compensation provided under this section, when authorized or approved by the President, shall be paid from the compensation fund established under section 3612.

“(e) SURVIVORS.—(1) Subject to the provisions of this section, if a covered individual dies before the effective date specified in subsection (g), whether or not the death is a result of the illness specified in subsection (b), a survivor of that individual may, on behalf of that survivor and any other survivors of that individual, receive the compensation provided for under this section.

“(2) The right to receive compensation under this section shall be afforded to survivors in the same order of precedence as that set forth in section 8109 of title 5, United States Code.

“(f) PROCEDURES REQUIRED.—The President shall establish procedures to identify and notify each covered individual, or the survivor of that covered individual if that individual is deceased, of the availability of compensation and benefits under this section.

“(g) EFFECTIVE DATE.—This section shall take effect on July 31, 2001, unless Congress provides otherwise in an Act enacted before that date.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for the Energy Employees Occupational Illness Compensation Program Act of 2000 is amended by striking the item relating to section 3630 and inserting the following:

“Sec. 3630. Separate treatment of certain claimants under the Radiation Exposure Compensation Act.”.

(2) Section 3641 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as enacted into law by Public Law 106-398, is amended—

(A) by striking “covered uranium employee” and inserting “covered individual”; and

(B) by adding at the end the following: “Nothing in this section shall be construed

to offset any payment of compensation under section 3630 and any payment under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).”.

**SEC. 3. ATTORNEY FEES.**

Section 3648(b)(2) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as enacted into law by Public Law 106-398, is amended to read as follows:

“(2) 10 percent with respect to—

“(A) any claim with respect to which a representative has made a contract for services before the date of enactment of this Act; or

“(B) a resubmission of a denied claim.”.

**SEC. 4. RADIATION EXPOSURE COMPENSATION.**

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in the subsection heading by striking the first 2 words and inserting “INDEFINITE”; and

(2) by striking “authorized to be”.

**SEC. 5. REPORTS BY THE NATIONAL RESEARCH COUNCIL.**

(a) CONTRACT FOR REPORTS.—Not later than 60 days after the date of enactment of this Act, the Attorney General of the United States shall enter into a contract with the National Research Council to submit reports in accordance with subsection (b).

(c) REPORTS.—Not later than December 31, 2002, and not later than December 31 of each year thereafter through 2010, the National Research Council shall submit a report, in accordance with the contract entered into under subsection (a), to Congress that—

(1) reviews the most recent scientific information relating to radiation exposure and related cancers; and

(2) makes any recommendation to—

(A) reduce the length of radiation exposure requirements; or

(B) include types of cancer or classes of individuals to be covered by the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$600,000 for fiscal year 2001; and

(2) such sums as may be necessary for fiscal years 2001 through 2011.

Mr. DOMENICI. Mr. President, I rise today, with Senator HATCH, to introduce the Radiation Exposure Compensation Technical Amendments and Refinement Act. These technical amendments are needed because the RECA amendments we passed in 2000 inadvertently eliminated some claimants previously eligible for compensation and made it more difficult for other claimants to prove eligibility.

These technical amendments are very important, but perhaps more importantly this bill provides mandatory funding for the now-bankrupt RECA Trust Fund. For over a year now, eligible claimants have been receiving nothing more than a five-line IOU from the Justice Department. This is an injustice I never imagined when I authored the Radiation Exposure Compensation Act in 1990—an injustice that can and must be rectified through this bill.

RECA was designed to compensate our nation’s uranium mine workers who became afflicted with debilitating and too often deadly radiation-related diseases. These men helped build our nuclear arsenal—the arsenal that is, at least in part, responsible for ending the

cold war. We must not let their sacrifice go unanswered.

These miners and their families lived under tough conditions. Some lived in one-room houses located as close as 200 feet from the mine shafts. Their children played near the mines and their families drank underground water that exposed them to radiation. These miners faced long, uncomfortable days many feet underground.

Many of those uranium miners from New Mexico who endured these conditions were Native Americans from the Navajo Nation. To this group of victims, our government owes a special duty of care based on a longstanding trust relationship formed by treaties and agreements.

Mr. President, the Navajos and all the uranium miners performed a special service for our nation, and our nation owes them a special obligation. An obligation that it has twice failed to keep.

Strike one: The government had adequate warning about the radiation hazards of uranium mining, and yet federal mine safety standards were not fully implemented until 1971. Thus, prior to 1971, the miners were sent into inadequately ventilated mines with virtually no warning regarding the dangers of radiation.

Strike two: The government has failed to keep the program fully funded. Frankly, this is unconscionable. Those who helped protect our nation's security must be compensated for their suffering. Anything less is unacceptable.

Mr. President, our legislation today would ensure that the government does not strike out. These men served our nation well, and it is time for this nation to serve them well.

By Mr. BIDEN (for himself, Mr. HATCH, and Mr. ALLEN):

S. 899. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount paid to families of public safety officers killed in the line of duty; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Frances Collender Public Safety Officers' Benefit Improvement Act of the year 2001.

At around 6 a.m. on February 6 of this year, Corporal Frances Collender of the Delaware State Police pulled her cruiser behind a van that had been disabled by an accident on Route 1 in Odessa, DE. Tragically, Corporal Collender was struck and killed by another driver just as she was assisting the disabled motorist. There was a little bit of snow on the ground.

Corporal Collender was not only a beloved mother and daughter, she was also beloved by her entire troop and by the State Police. This was a woman who, after having started another career, went back and decided to become a public safety officer and joined the elite of the Delaware State Police. She was sort of the mother figure of these

folks who were a lot younger than she. She was a leader. She was a corporal, but in many ways she was the captain. She was the one to whom everybody looked.

Everything and anything that was good that was being sponsored by police organizations in our State—she was not atypical in that sense—she was involved in. She was always one who not only refused to shirk her duty but took on additional responsibilities.

She did not have to respond to this call. She was about to get off, but she responded—it was typical of her—to keep someone else from having to come out. She was "nearby," so she responded. And she has passed away. She volunteered, as she always did, and, in doing so, maybe saved somebody else's life but lost her own.

This week, with thousands of law enforcement officers, survivors, and family members gathered in the Nation's Capital for National Police Week, we listened to the President of the United States, as we have other Presidents. We listened as the rollcall was called of all fallen officers nationwide in the calendar year 2000. Until you attend an event such as this, as I am sure my colleagues have, it doesn't—how can I say this?—it doesn't sink in, just how incredible these officers are, just what incredible chances they take for us, and just how many lose their life in doing so.

Corporal Collender had two beautiful daughters, one of whom has become my buddy. She is 17 years old; she is smart; she is beautiful; she is engaged. She lives with her grandmom and grandpop who, if you knew them—especially grandmom—you would understand, without knowing Corporal Collender, that she is everything I said she is.

It seems to me we have to do more than pay our respects once a year to these families for the sacrifices they have made on our behalf. I was involved with a group, years ago, that decided although it is technically not a Federal responsibility, we should provide a death benefit to fallen and slain officers. What I am suggesting today is that a death benefit is not sufficient. It was set years ago. Although it has increased with inflation, it is below what I think is a realistic need of the average first responder's salary.

This will cover first responders including firefighters. If you think about it, there are very few people in law enforcement—none goes into it because they think they are going to make a lot of money, and very few in law enforcement come from families who have trusts or endowments or inheritances that are left. They are working-class people, almost all these days college educated. But they make a decision because of their sense of duty, their sense of honor, and their sense of just wanting to take on difficult tasks. When they die, their families are left in a very difficult circumstance.

I need not tell anyone in here that a \$150,000 death benefit—which is what

the original death benefit is up to now because of inflation—is insufficient. It is not going to pay even for the college costs of one of Corporal Collender's daughters, if she goes to a private institution, by the time they get there. It will not even pay for the college costs of her younger daughter if she goes to my alma mater, the State University of Delaware.

So I think it is time, particularly in this period of incredible surplus we are talking about, when we can decide that the inheritance tax should be eliminated for billionaires, when we decide we are going to give hundreds of thousands of dollars in tax breaks to people who make over a million bucks and up, that we ought to be able to, for the relative handful, thank God—we are talking hundreds now, not talking thousands—we ought to be able to raise the death benefit for those who give their lives to make us safer.

Since 1972 with the shooting of a New York deputy sheriff, over 15,000 public safety officers have been killed in the line of duty; 30 officers from my State. Thirty from my little State have paid the ultimate price, with Corporal Collender being the most recent loss. This past Sunday, 313 names were added to the National Law Enforcement Officers Memorial. Yesterday, as I said, families paid tribute to those fallen officers by laying a wreath at the National Peace Officers Memorial Service. I was there. The President paid tribute to Corporal Collender and her family and to the families of all officers who were lost.

There are too many—there are too many—line-of-duty deaths each year, and for too long our response to their families just hasn't been enough.

The Justice Department runs the Public Safety Officers' Benefits program, an initiative begun 25 years ago to make one-time payments to assist public safety officers and their families when they become disabled, or lose their lives, in the line of duty.

For the first 12 years of its existence the Public Safety Officers' Benefits Program issued \$50,000 payments to qualifying officers and their families.

In 1988, we recognized this figure was inadequate both to express the gratitude of a grateful nation and to try to put these families on sound financial footing. So 13 years ago we raised the payment to \$100,000 and indexed it for inflation. This year the program began at \$151,000.

Last year, 181 claims were paid, and the Public Safety Officers' Benefits program has successfully helped disabled officers, their families, and the families of those officers killed in the line of duty put their lives back together.

It is time to take another look at the Public Safety Officers' Benefits program. Recently, the other body approved legislation that would increase to \$250,000 the maximum death benefits for families of military personnel killed in the line of duty. We should do the same thing for the families of slain

public safety officers, including firefighters.

So today I am introducing the Frances Collender Public Safety Officers' Benefits Improvement Act, legislation that will increase the payment under the Public Safety Officers' Benefits Program from \$100,000 to \$250,000. Payments will continue to be indexed for inflation. We have not adjusted the payment under this program for almost 15 years, and the families of those who have paid the ultimate price deserve some more help than they are getting.

I have raised this issue with my good friend and chairman of the Judiciary Committee, Senator HATCH. He has indicated he may very well want to join as an original cosponsor of the bill. I have not been able to get in touch with him this morning, so I have not added his name. The reason I am introducing the bill now is because the afternoon will get so busy and I may not have an opportunity to speak to the introduction of this legislation. If my friend from Utah decides to join me on this bill, as I hope he will, I am prepared to rename this act in the name of both Frances Collender and a slain Utah police officer that my friend from Utah would like to add to this legislation. I would be happy to do that if he decides and wishes to join me.

During Police Week, while the Collenders and other heroic families of public safety officers are in Washington to pay tribute, let's show our gratitude as well, beyond our sympathy. Washington can pay tribute. They can pay tribute by us voting and agreeing to increase this death benefit. It is the least Congress can do to express our gratitude to the peace officers for all they have done. If we cannot afford it now, we can never afford it. I do not see how we can afford not to do this for the public safety officers of this Nation.

I thank the Chair. I thank the family of Frances Collender for their bravery because it is sometimes much harder to be in the waiting room than the operating room. Sometimes it is much harder to be at the grave site than being the one buried, I suspect. They have shown great class. They have shown great resolve. And the one thing all of us who deal with law enforcement and firefighters know, they never forget their own. Although those two beautiful young girls of Frances Collender do not have their mother, they have inherited, for as long as they live, the entire police force of the State of Delaware, who, for real—it is not hyperbole—will be there for them, whether they ever knew their mother or not, until the day they die. It is part of the tradition, it is part of the honor, and it is part of our responsibility as well.

I thank the Chair.

Mr. REID. Will the Senator yield?

Mr. BIDEN. I am happy to yield.

Mr. REID. I say to the Senator from Delaware, the people of Nevada and people all over the country should be grateful to the Senator from Delaware,

as they are any time they realize there are fewer slain police officers as a result of the work done by the Senator from Delaware in giving us the COPS Program, putting tens of thousands of new police officers all over America on the streets, so there are fewer slain police officers, so there is less crime.

I, of course, did not know Frances Collender. The Senator, from Delaware as usual, is very articulate in explaining the importance of this woman to the State of Delaware. But as important as she is to the State of Delaware, the Senator from Delaware is important to the country for the work he has done. In Nevada, it has made a difference. Having additional police officers on the street has been a big benefit. We have less crime in Nevada and around the country. Statistics, by any way you look at them, have proven that.

So on behalf of the people in Nevada, and on behalf of the people of this country, I extend our appreciation to the Senator from Delaware for his undying efforts to make sure we have more police officers on the streets. Without the Senator from Delaware, it would not have happened.

Mr. BIDEN. Mr. President, I thank the Senator. As usual, he is generous and gracious. He is, as everyone on both sides knows, one of the most gracious men who serves in this body. He is a gentleman with a backbone like a ramrod. I take his comments to heart because I believe he means them. It means a lot to me that he does.

There are few things I have done in my 28-year career in the Senate that I believe has been more worthwhile, and that I am more proud of, than working with the law enforcement agencies of this country, getting them from 500,000 to over 600,000 in local law enforcement agencies.

I appreciate the sentiments expressed by my friend. I add, he was there every step of the way, voting for it, adding amendments, pushing it. I know he will be with me as we try to, quite frankly, prevent the President of the United States from eliminating that program. I am sure the President cares deeply about the safety of law enforcement officers in the country. I hope we can get his attention, to convince him that cutting the COPS Program in this upcoming budget is a mistake. I think once he focuses on that, we have a shot of doing that.

But, again, I thank my friend from Nevada. He is a real gentleman and a good friend. And I thank the Presiding Officer for listening. One of the things—I should not say this—I like best about the present occupant of the chair is, whenever I stand to speak in this Chamber—I am sure he does it for everybody—he looks and listens and acts as if he is paying attention, and it makes a big difference. He is not signing his mail. I know I am not supposed to say that, but I am going to say it anyway because I appreciate his courtesy, speaking of a gentleman.

I thank you all and yield the floor.

By Mrs. BOXER:

S. 901. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on the outer Continental Shelf seaward of a coastal State that has declared a moratorium on mineral exploration, development, or production activity in State water; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today I am introducing the Coastal States Protection Act, which is intended to protect our Nation's fragile coastlines from the detrimental environmental impacts of offshore oil and gas development. Chronic leakage associated with normal oil and gas operations, as well as catastrophic spills such as the horrific Santa Barbara spill in 1969, irreparably contaminate the ocean floor, tidelines, and beaches.

In California, there is strong and enduring public support for the protection of our oceans and coastlines. My State decided that the potential benefits that might be derived from future offshore oil and gas development were not worth the risk of destroying our priceless coastal treasures. To ensure that our beaches remain pristine and our waters clear, California passed legislation permanently prohibiting oil and gas exploration in State waters. Unfortunately, the State only has jurisdiction over the territory that extends three nautical miles out from shore.

Federal waters off the coast of California, which extend beyond State waters to 200 nautical miles out, have received several forms of temporary protection from additional offshore oil and gas development. Since 1982, Congress has approved successive 1-year leasing and drilling moratoria that have provided protection for U.S. waters. In 1998, President Clinton issued a 10-year ban on Outer Continental Shelf activity off the coast of California. We now face, however, mounting pressures to explore new sources of domestic oil and gas.

My bill provides permanent protection by ensuring that no mineral leasing can occur on the Outer Continental Shelf in Federal waters where the State has placed a moratorium on mineral exploration, development, or production activity in adjacent States waters. Thus, this bill guarantees that the wishes of a State are reflected in the management decisions made regarding associated Federal waters.

This legislation is similar to bills I introduced in the 104th, 105th, and 106th Congress. Several officials in the new administration have expressed strong support for State and local decision-making, so I am hopeful that they will join me in supporting this legislation.

This bill will make an important and lasting contribution to the protection of our Nation's coastlines.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. SESSIONS, and Mr. SMITH of New Hampshire):

S. 902. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, I rise today to introduce legislation to close a long-standing loophole in our Nation's labor laws, and help stop union violence in America. The bill would make clear that violence conducted in the course of a strike is illegal under the Federal extortion law, the Hobbs Act. I am pleased to have Chairman HATCH and others join me in introducing this important measure.

Violence has no place in our society. As I have said many times before, I would, if it were in my power to do so, put an absolute stop to the disruption of commerce in this country by intimidation and violence, whatever its source.

Unfortunately, corrupt union officials have often been the source of such violence. Encouraged by their special Federal exemption from prosecution, corrupt union officials have routinely used intimidation and violence over the years to achieve their goals. Since 1975, the Institute for Labor Relations Research has documented over 9,000 reported incidents of union violence in America. A major study entitled "Union Violence: The Record and the Response by Courts, Legislatures, and the NLRB," which was updated and republished in 1999 by the John M. Olin Institute at George Mason University, discusses the problem and trends in union violence in detail. This updated study shows that while union membership and the total number of strikes has decreased in recent decades, the number of reported incidents of violence per strike has actually increased. It is clear that union violence remains a serious issue facing our Nation today.

Let me make clear that I agree that the Federal Government should not get involved in minor, isolated physical altercations and vandalism that are bound to occur during a labor dispute when emotions are charged. Action such as this is not significant to commerce. However, when union violence moves beyond this and becomes a pattern of coordinated violent activity, the Federal Government should be empowered to act. State and local governments sometimes fail to provide an effective remedy, whether because of a lack of will, a lack of resources, or an inability to focus on the interstate nature of the conduct. It is during these times that Federal involvement is needed.

Let me also note that this legislation has never been an effort to involve the Federal Government in a matter that traditionally has been reserved for the states. Labor relations are regulated on a national basis, and labor management policies are national policies. There is no reason to keep the Federal

Government out of serious labor violence that is intended to achieve labor objectives.

Indeed, the Congress intended for the Hobbs Act to apply to the conduct we are addressing in this legislation today. The decision to keep the Federal Government out was not made by the Congress. Rather, it was made by the Supreme Court in the United States versus Enmons decision in 1973, when the Supreme Court found that the Hobbs Act did not apply to a lawful strike, as long as the purpose of the strike was to achieve "legitimate labor objectives," such as higher wages. Such an exception does not exist in the words of the statute. The Court could only create this loophole through a strained interpretation of the law. In his dissent, Justice Douglas aptly criticized the majority for, "achieving by interpretation what those who were opposed to the Hobbs Act were unable to get Congress to do."

The Enmons decision is an unfortunate example of judicial activism, of a court interpreting a statute to reach the policy result the court favors rather than the one the legislature intended. This is a problem that has concerned many of us in the Senate for many years. We have held numerous hearings on this matter in the Judiciary Committee since the Enmons decision. We must continue to focus on this serious problem until it is solved.

It is time we closed the loophole on union violence in America.

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. 902

*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 "Freedom From Union Violence Act of 2001".

**SEC. 2. INTERFERENCE WITH COMMERCE BY THREATS OR VIOLENCE.**

Section 1951 of title 18, United States Code, is amended to read as follows:

**§ 1951. Interference with commerce by threats or violence**

"(a) PROHIBITION.—Except as provided in subsection (c), whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion, or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section, shall be fined not more than \$100,000, imprisoned for a term of not more than 20 years, or both.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'commerce' means any—

"(A) commerce within the District of Columbia, or any territory or possession of the United States;

"(B) commerce between any point in a State, territory, possession, or the District of Columbia and any point outside thereof;

"(C) commerce between points within the same State through any place outside that State; and

"(D) other commerce over which the United States has jurisdiction;

"(2) the term 'extortion' means the obtaining of property from any person, with the consent of that person, if that consent is induced—

"(A) by actual or threatened use of force or violence, or fear thereof;

"(B) by wrongful use of fear not involving force or violence; or

"(C) under color of official right;

"(3) the term 'labor dispute' has the same meaning as in section 2(9) of the National Labor Relations Act (29 U.S.C. 152(9)); and

"(4) the term 'robbery' means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his or her will, by means of actual or threatened force or violence, or fear of injury, immediate or future—

"(A) to his or her person or property, or property in his or her custody or possession; or

"(B) to the person or property of a relative or member of his or her family, or of anyone in his or her company at the time of the taking or obtaining.

**(c) EXEMPTED CONDUCT.—**

"(1) IN GENERAL.—Subsection (a) does not apply to any conduct that—

"(A) is incidental to otherwise peaceful picketing during the course of a labor dispute;

"(B) consists solely of minor bodily injury, or minor damage to property, or threat or fear of such minor injury or damage; and

"(C) is not part of a pattern of violent conduct or of coordinated violent activity.

"(2) STATE AND LOCAL JURISDICTION.—Any violation of this section that involves any conduct described in paragraph (1) shall be subject to prosecution only by the appropriate State and local authorities.

"(d) EFFECT ON OTHER LAW.—Nothing in this section shall be construed—

"(1) to repeal, amend, or otherwise affect—

"(A) section 6 of the Clayton Act (15 U.S.C. 17);

"(B) section 20 of the Clayton Act (29 U.S.C. 52);

"(C) any provision of the Norris-LaGuardia Act (29 U.S.C. 101 et seq.);

"(D) any provision of the National Labor Relations Act (29 U.S.C. 151 et seq.); or

"(E) any provision of the Railway Labor Act (45 U.S.C. 151 et seq.); or

"(2) to preclude Federal jurisdiction over any violation of this section, on the basis that the conduct at issue—

"(A) is also a violation of State or local law; or

"(B) occurred during the course of a labor dispute or in pursuit of a legitimate business or labor objective."—

By Mr. ALLARD:

S. 903. A bill to amend the Cache La Poudre River Corridor Act to make technical amendments; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, today I am introducing the Cache La Poudre River Corridor Technical Amendments Act of 2001.

When former Senator Hank Brown and I decided to sponsor the Cache La Poudre River Corridor Act, Public Law 104-323, it was only after we held numerous meetings with the affected individuals, groups and governmental entities to determine how best to protect the area. The result was a delicate compromise bill to which all parties agreed.

The purpose of the Act was to designate the Cache La Poudre Corridor within the Cache La Poudre River Basin for special use. It is to provide for an educational and inspirational benefit to both present and future generations, as well as provide unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

The Act also established the Cache La Poudre Corridor Commission to consult with public officials and conduct public hearings on how to administer the corridor consistent with the purpose of the Act. The make-up of the Commission was to represent the affected counties and interested parties.

However, due to drafting errors and conflicting interpretations of the appointment process for the Commission, local communities and the Department of the Interior have been unable to proceed with implementing the Act.

To correct these errors, my colleague Congressman BOB SCHAFER and I are introducing the Cache La Poudre River Corridor Technical Amendments Act of 2001. These changes will allow the Cache La Poudre River Corridor Act to be fully implemented.

These corrections will address several non-controversial provisions of the original law, which include correcting references to affected counties and clarifying duties of the commission. I hope that Congress will move quickly and act on the Cache La Poudre River Technical Corrections Amendments Act.

I thank my colleagues for their consideration of this matter.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, Mr. COCHRAN, Mr. ALLEN, and Mr. HATCH):

S. 904. A bill to amend the Internal Revenue Code of 1986 to provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials; to the Committee on Finance.

Mr. WARNER. Mr. President, just last week, on May 8, 2001, the Senate overwhelmingly passed an amendment that I offered to the education bill currently on the floor. This amendment, which passed by a vote of 95-3, stated:

The Senate 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.

At that time, both Senator COLLINS and I were pursuing the same goal, obtaining much needed tax relief for our teachers. However, despite sharing the same goal, we each had our own bill and each had our own approach towards achieving this shared goal.

Senator COLLINS has truly been a leader on this issue. I commend her for

her work in highlighting this issue and for her tireless efforts to improve education in this country.

I am so glad that Senator COLLINS and I had the opportunity to sit down and discuss teacher tax relief legislation in greater detail. As a result of these discussions, we have joined forces and agreed on an approach to achieve our shared goal.

Today, I am honored to be joining Senator COLLINS in introducing the Teacher Tax Relief Act.

This Collins/Warner bill is cosponsored by Senators LANDRIEU, COCHRAN, and ALLEN. We will be offering this bill as an amendment to the tax reconciliation bill that will be on the Senate floor tomorrow.

The Collins/Warner Teacher Tax Relief Act has two components.

First, the legislation provides a \$250 tax credit to teachers for classroom supplies. This credit recognizes that our teachers dip into their own pocket in significant amounts to bring supplies into the classroom to better the education of our children.

Second, this legislation provides a \$500 above the line deduction for professional development costs that teachers incur. This deduction will particularly help low-income school districts that typically do not have the finances to pay for professional development costs for their teachers.

Our teachers in this country are overworked, underpaid, and all too often, under-appreciated. In addition, they spend significant money out of their own pocket to better the education of our children.

These out of pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

While the primary responsibility rests with the states, I believe the Federal Government can and should play a role in helping to alleviate the nation's teaching shortage.

On a Federal level, we can encourage individuals to enter the teaching profession and remain in the teaching profession by providing tax relief to teachers for the costs that they incur as part of the profession. This incentive will help financially strapped urban and rural school systems as they recruit new teachers and struggle to keep those teachers that are currently in the system.

Our teachers have made a personal commitment to educate the next generation and to strengthen America. While many people spend their lives building careers, our teachers spend their careers building lives.

The Teacher Tax Relief Act goes a long way towards providing our teachers with the recognition they deserve by providing teachers with important and much needed tax relief.

It is important to note that providing a specific profession with tax relief is not without precedent. Title 26,

United States Code, Section 62(a) allows an above the line deduction to performing artists in connection with their performances.

I believe teachers in this country deserve similar treatment under the tax code. I look forward to a vote on the Teacher Tax Relief Act in the next few days.

Ms. COLLINS. Mr. President, I rise this evening, along with my good friend, the distinguished senior Senator from Virginia, Mr. WARNER, to introduce the Teacher Tax Relief Act of 2001. We are very pleased to be joined by the Presiding Officer, the Senator from Virginia, Mr. ALLEN, and Senators COCHRAN and LANDRIEU, as original cosponsors of our legislation. All of these Senators are strong advocates for education and for our Nation's teachers.

It would be difficult to script a more appropriate time for us to introduce this important legislation. We stand now at the summit of an education debate that began over 2 weeks ago. At the same time, we anticipate a major tax relief bill to which we will turn our attention as early as tomorrow.

Our bill is related to both. It is both sound education policy and sensible tax policy. We plan on offering it as an amendment to the tax bill as soon as feasible on the Senate floor.

For that reason, Senator WARNER and I wanted to take advantage of this time this evening to talk a little bit about our bill and the ensuing amendment. In the midst of the education and tax debates, we are asking the Senate not to overlook the selfless efforts of our teachers and the many financial sacrifices they make to improve their instructional skills and the classrooms where they teach. Senator WARNER deserves tremendous credit for focusing our attention, through a sense-of-the-Senate amendment to the education bill, on the need to provide tax relief for our Nation's teachers.

Our teachers serve such a critical role in the education and development of our children. In fact, study after study demonstrates that other than involved parents, a high-quality, dedicated teacher is the single most important prerequisite for student success.

The amendment which Senator WARNER offered earlier this past week, and which I was proud to cosponsor, expressed the sense of the Senate that Congress should pass legislation providing teachers with tax relief in recognition of the many out-of-pocket expenses, unreimbursed expenses they incur to improve the education of our children. The bill we introduce today is legislation very similar to Senator WARNER's amendment which was adopted by the Senate by a vote of 95-3.

The bill we introduce today is targeted to support the expenditures of teachers who strive for excellence beyond the constraints of what their schools can provide.

Earlier this year, Senator WARNER, Senator HATCH, and I each introduced

our own version of our teacher tax relief bills. Last year Senator KYL and I teamed up in a similar way. We have now all come together behind the Teacher Tax Relief Act of 2001, which enjoys bipartisan support from our colleagues as well as the endorsement of the National Education Association.

Our bill has two major provisions. First, it will allow teachers, teachers' aides, principals, and counselors to take an above-the-line deduction for their professional development expenses. I have talked with teachers in Maine who have financed continuing education courses at the master's and doctoral level as well as seminars out of their pocket. They then came back to their schools and shared their knowledge with their colleagues, and that additional course work has made them better teachers.

Some school districts reimburse for those kinds of professional development expenses. It would be great if they all did. But some school districts simply don't have the resources to help teachers who are striving to improve their skills.

What our bill will do is help those teachers who are financing those educational expenses out of their own pockets by giving them an above-the-line tax deduction.

The second provision of our bill will grant educators a tax credit of up to \$250 for books, supplies, and equipment they purchase for their students. The tax credit would be set at 50 percent of such expenditures so that teachers would receive 50 cents of tax relief for every dollar of their own money they spend for supplies for their classroom.

It is remarkable how much the average teacher spends every year out of his or her own pocket to buy supplies and other materials for their students. According to a study by the National Education Association, the average public school teacher spends more than \$400 annually on classroom materials.

Just recently, I met with Idella Harter, president of the Maine Education Association. She told me of the books, rewards for student behavior, and other materials she routinely purchases for her classroom. One year Idella decided to save her receipts to see how much she actually was spending. She said she started adding up the receipts and was startled to discover they totaled over \$1,000. When they got that high, she decided to stop counting. But she continues to this day to purchase supplies and materials for her students.

When you think that the average teacher is not particularly well paid, it speaks volumes about their dedication that they are willing to make that kind of investment to improve the teaching for their students.

Idella is not alone. Maureen Marshall, who handles education issues for me in my office, taught public school for several years in Hawaii and Virginia. In her first year as a teacher, she, too, spent more than \$1,000 of her

own money on educational software, books, pocket charts to assist with language arts instruction, and other materials. Because of her tax situation, she could not deduct any of these expenses from her taxable income.

The ultimate beneficiaries of efforts to provide financial assistance to our teachers are our students. Our bill provides tax relief for up to \$1,000 spent out of pocket by teachers for professional development and for supplies. These are teachers who are going the extra mile for our children, for our students.

Our bill makes it a priority to reimburse educators for just a small part of what they invest in our children's future.

I hope our colleagues will join us in support of this important initiative. I hope they will join us in a resounding vote when Senator WARNER and I offer this proposal as an amendment to the upcoming tax bill.

By Mr. HARKIN (for himself, Mr. KERRY, Mr. DASCHLE, Mr. KENNEDY, Mr. REID, Mr. JOHNSON, and Mr. LEVIN):

**S. 905.** A bill to provide incentives for school construction, and for other purposes, to the Committee on Finance.

Mr. KERRY. Mr. President, I am pleased to introduce legislation today with my good friend and colleague from Iowa, Senator HARKIN, to deal with the issue of overcrowded and dilapidated schools. In March I offered an amendment in the Senate Finance Committee that was very similar to the legislation that we are introducing today. I am sorry that the amendment failed on a 10-10 vote in the Committee, but I am hopeful that we can come together to find a way to pass school construction legislation during this Congress.

The need for school construction assistance is great. Three-quarters of the public schools are in need of repairs, renovation, or modernization. More than one-third of schools rely on portable classrooms, such as trailers, many of which lack heat or air conditioning. Twenty percent of public schools report unsafe conditions, such as failing fire alarms or electric problems.

At the same time the schools are getting older, the number of students is growing, up nine percent since 1990. The Department of Education estimates that 2,400 new schools will be needed by 2003 and public elementary and secondary enrollment is expected to increase another million between 1999 and 2006, reaching an all-time high of 44.4 million and increasing demand on schools.

It's increasingly difficult to have meaningful reform in schools that are falling apart at the seams. Research does show that student and teacher achievement lags in shabby school buildings, those with no science labs, inadequate ventilation, and faulty heating systems. Older schools are also less likely to be connected to the Inter-

net than recently built or renovated schools. Facilities are vital to implementation of research-based school reform efforts. We know, for example, that students learn more effectively in small classes, but school districts cannot create smaller classes or hire more teachers unless there is a place to put them.

Many schools are trying to offer more robust curricula, including music, physical education and classes in the arts, but their ability to provide these programs is hampered if there is no space to house them.

Almost every State in the Nation has implemented curriculum standards, calling for advanced work in science and technologies, but some schools are so old that their electrical wiring cannot support enough computers for the students and their science facilities are so antiquated that students cannot perform the experiments required to learn the state's curriculum.

Some school districts are looking to implement universal preschool, a service that we know enhances children's school preparedness and which a study published in last week's Journal of the American Medical Association confirmed makes children more likely to complete high school, less likely to need special education or grade retention services while in school, and more likely to avoid arrest as young adults, but the lack of available facilities is often prohibitive. If we are serious about encouraging research-based, meaningful, effective education reforms, and if we are serious about doing our part to help local districts run safe schools, a commensurate investment in school facilities is imperative.

The America's Better Classroom Act, is similar to legislation introduced in the House by Congressman RANGEL and Congresswoman JOHNSON that has 158 cosponsors. Our legislation allows the Federal government to issue \$24.8 billion in school modernization bonds through a formula-based allocation to states and through expansion of the Qualified Zone Academy Bond, QZAB, program. The bill also includes a \$200 million set-aside for Bureau of Indian Affairs schools for two years to help school replacement projects at schools funded or run by the Bureau of Indian Affairs.

Our bill would allocate 60 percent of \$22 billion in bonds to states based on school-aged population. The remaining 40 percent of the bond revenue would be directly allocated to the 125 school districts with the largest number of low-income students based on ESEA Title I funding.

States and local school districts are investing in school construction, but it is clear that they still need our help. Annual construction expenditures for elementary and secondary schools have been growing. But local and state budgets have not been able to keep up with demand for new schools and the repair of aging ones. Unless school leaders can

persuade their wary voters to pass such bond referendums or raise local taxes, though, there's often little hope of change. Until the last few years, the plight of state and local leaders had not received much attention from Washington. Last year we came together to respond to their call by funding a \$1.2 billion grant program and this year we should come together again and pass legislation that continues our commitment to help local districts with their repair and renovation needs.

It is a tragedy that so many of our Nation's students attend schools in crumbling and unsafe facilities. According to the American Institute of Architects, one in every three public schools in America needs major repair. The American Society of Civil Engineers found school facilities to be in worse condition than any other part of our nation's infrastructure.

The problem is particularly acute in some high-poverty schools, where inadequate roofs, electrical systems, and plumbing place students and school employees at risk. Last month I visited the Westford Public School District in Massachusetts. School facilities were a big concern for this semi-rural town which has seen its student population sky rocket in recent years, but has not experienced comparable property tax revenues. In order to meet the fiscal demands of new school construction, the town is foregoing replacement of large, drafty windows from the early 1950s and is relying on pre-fab trailers to serve as an elementary school.

The Wilson Middle School in Natick, MA was built for approximately 500 students and currently houses 625. The school has no technical infrastructure, it has no electrical wiring to allow the integration of computers in the classroom. The classrooms are 75 percent of the size of contemporary classrooms and were built with chairs and desks fixed to floor. Classrooms like these make it near-impossible for teachers to use modern-day teaching methods which rely heavily on student collaboration and interaction. The school also lacks science laboratories, making it impossible for students to do hands-on work and experiments.

Natick High School, like many aging school buildings around the Commonwealth, needs to have its basic infrastructure updated: electrical wiring, heating, plumbing and intercom systems are among the many components of the school in need of modernization. Also, the science labs are presently unable to meet the demands of updated state curricula. Natick put in place a prototype lab, and saw remarkable changes in students' interest and ability to experiment in science.

I am very pleased to be introducing this legislation today with Senator HARKIN, and it is my sincere hope that we can come together again on the issue of school construction and pass legislation that addresses this Nation's critical need for school repairs and ren-

ovation, and that we can do it as a part of a broader package of honest and tough reforms which focus, above all else, on the goal of empowering our schools to raise student achievement.

#### STATEMENTS ON SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 90—DESIGNATING JUNE 3, 2001, AS “NATIONAL CHILD’S DAY”

Mr. GRAHAM (for himself, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HOLLINGS, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MCCAIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. THOMAS, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary

##### S. RES. 90

Whereas June 3, 2001, the first Sunday of June, falls between Mother's Day and Father's Day;

Whereas each child is unique, is a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child's life;

Whereas encouragement should be given to families to set aside special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce about their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of their developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance

of family life, education, and spiritual qualities;

Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate our children will emphasize to the people of the United States the importance of the role of the child within the family and society. Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 3, 2001, as “National Child’s Day”; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. GRAHAM. Mr. President, I rise today to introduce a resolution that designates June 3, 2001, as National Child's Day.

National Child's Day celebrates the children of this country, recognizing them as one of our nation's most valuable resources, a resource that should be cherished and protected. Too often, we tell the world that children are our future, and yet our actions do not always convey our belief in the statement. Children are often made to feel that their challenges, concerns, and ideas are not valid. National Child's Day shows the children of our country that we recognize the value of each of our children and the contributions they make to this great nation.

It is important therefore, that we establish a day of national admiration. This simple, yet important, resolution will ensure that our children receive the message of love, support, and encouragement they deserve.

Nearly 5 million children return to an empty home after school each week while their parents work because most communities lack adequate after-school programs. These children are more likely to engage in a host of risky behaviors that threaten their future.

Many children face crisis of grave proportions. Sadly, over 5 million American children go to bed hungry at night. There has been an increase in the number of children in or in need of foster care services. Our children deserve more, and we must make a commitment to reverse these trends. When we fail to invest in our children, we fail to invest in our country.

National Child's Day focuses on children's accomplishments and addresses their needs. The establishment of a National Child's Day will encourage families to spend more quality time together and will highlight the special importance of the child in the family unit.

I urge my colleagues to join me in establishing June 3, 2001, as National Child's Day.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 649. Mr. ENZI (for himself, Ms. SNOWE, Mr. HAGEL, and Mr. DEWINE) proposed an amendment to amendment SA 358 submitted