''(k) AUTHORITY TO WAIVE.—The Secretary may waive all or any portion of the—

''(1) tax assessed on an organization by reason of the failure of the organization to give notice under subsection (i), or

''(2) penalty imposed under subsection (j) for a failure to file a report,

on a showing that such failure was due to reasonable cause and not due to willful neglect.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any tax assessed or penalty imposed after June 30, 2000.

LEGISLATION INTRODUCED MAY 24, 2001

Due to electronic transmission difficulties, the text of several bills, resolutions, and amendments introduced or modified on May 24, 2001, were omitted from the RECORD. The text of these items follows:

S. 945

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 ''Home-Office Deduction Simplification Act of 2001''.

SEC. 2. REPEAL OF RECOGNITION OF GAIN RULE FOR HOME OFFICE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by striking paragraph (6) and redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(b) EXCEPTION TO TREATMENT AS GAIN FROM DISPOSITION OF PRINCIPAL RESIDENCE.—Subsection (d) of section 1250 of the Internal Revenue Code of 1986 (relating to gain from dispositions of certain depreciable realty) is amended by adding at the end the following new paragraph:

''(9) HOME OFFICE.—Subsection (a) shall not apply to property described in section 280A(c)(1) which is a portion of the principal residence (within the meaning of section 121) of the taxpayer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges occurring after December 31, 2000.

S. 948

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 ''Community Rail Line Relocation Assistance Act of 2001''.

SEC. 2. RAIL LINE RELOCATION GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) AUTHORITY.—Chapter 2 of title 23, United States Code, is amended by inserting after section 206 the following:

''§ 207. Capital grants for rail line relocation projects

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall carry out a grant program to provide financial assistance for local rail line relocation projects.

''(b) ELIGIBILITY.—A State is eligible for a grant under this section for any project for the improvement of the route or structure of a rail line passing through a municipality of the State that—

''(1) is carried out for the purpose of mitigating the adverse effects of rail traffic on safety, motor vehicle traffic flow, or economic development in the municipality;

''(2) involves a lateral or vertical relocation of any portion of the rail line within the municipality to avoid a closing of a grade crossing or the construction of a road underpass or overpass; and

''(3) meets the costs-benefits requirement set forth in subsection (c).

''(c) COSTS-BENEFITS REQUIREMENT.—A grant may be awarded under this section for a project for the relocation of a rail line only if the benefits of the project for the period equal to the estimated economic life of the relocated rail line exceed the costs of the project for that period, as determined by the Secretary considering the following factors:

''(1) The effects of the rail line and the rail traffic on motor vehicle and pedestrian traffic, safety, and area commerce if the rail line were not so relocated.

''(2) The effects of the rail line, relocated as proposed, on motor vehicle and pedestrian traffic, safety, and area commerce.

''(3) The effects of the rail line, relocated as proposed, on the freight and passenger rail operations on the rail line.

''(d) CONSIDERATIONS FOR APPROVAL OF GRANT APPLICATIONS.—In addition to considering the relationship of benefits to costs in determining whether to award a grant to an eligible State under this section, the Secretary shall consider the following factors:

''(1) The capability of the State to fund the rail line relocation project without Federal grant funding.

''(2) The requirement and limitation relating to allocation of grant funds provided in subsection (e).

''(3) Equitable treatment of the various regions of the United States.

''(e) ALLOCATION REQUIREMENTS.—

''(1) PROJECTS UNDER $20,000,000.—At least 50 percent of all grant funds awarded under this section out of funds appropriated for a fiscal year shall be provided for rail line relocation projects that have an estimated project cost of less than $20,000,000 each.

''(2) LIMITATION PER PROJECT.—Not more than 25 percent of the total amount available for carrying out this section for a fiscal year may be provided for any one project in that fiscal year.

''(f) FEDERAL SHARE.—The total amount of a grant awarded under this section for a rail line relocation project shall be 90 percent of the shared costs of the project, as determined under subsection (g)(4).

''(g) STATE SHARE.—

''(1) PERCENTAGE.—A State shall pay 10 percent of the shared costs of a project that is funded in part by a grant awarded under this section.

''(2) FORMS OF CONTRIBUTIONS.—The share required by paragraph (1) may be paid in cash or in kind.

''(3) IN-KIND CONTRIBUTIONS.—The in-kind contributions that are permitted to be counted under paragraph (2) for a project for a State are as follows:

''(A) A contribution of real property or tangible personal property (whether provided by the State or a person for the State).

''(B) A contribution of the services of employees of the State, calculated on the basis of costs incurred by the State for the pay and benefits of the employees, but excluding overhead and general administrative costs.

''(C) A payment of any costs that were incurred for the project before the filing of an application for a grant for the project under this section, and any in-kind contributions that were made for the project before the filing of the application, if and to the extent that the costs were incurred or in-kind contributions were made, as the case may be, to comply with a provision of a statute required to be satisfied in order to carry out the project.

''(4) COSTS NOT SHARED.—

''(A) IN GENERAL.—For the purposes of subsection (f) and this subsection, the shared costs of a project in a municipality do not include any cost that is defrayed with any funds or in-kind contribution that a source other than the municipality makes available for the use of the municipality without imposing at least one of the following conditions:

''(i) The condition that the municipality use the funds or contribution only for the project.

''(ii) The condition that the availability of the funds or contribution to the municipality is contingent on the execution of the project.

''(B) DETERMINATIONS OF THE SECRETARY.—The Secretary shall determine the amount of the costs, if any, that are not shared costs under this paragraph and the total amount of the shared costs. A determination of the Secretary shall be final.

''(h) MULTISTATE AGREEMENTS TO COMBINE AMOUNTS.—Two or more States (not including political subdivisions of States) may, pursuant to an agreement entered into by the States, combine any part of the amounts provided through grants for a project under this section if—

''(1) the project will benefit each of the States entering into the agreement; and

''(2) the agreement is not a violation of a law of any such State.

''(i) REGULATIONS.—The Secretary shall prescribe regulations for carrying out this section.

''(j) STATE DEFINED.—In this section, the term 'State' includes, except as otherwise specifically provided, a political subdivision of a State.

''(k) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated from the general fund of the Treasury for carrying out this section for fiscal years and in amounts as follows:

''(1) For fiscal year 2001, $250,000,000.
''(2) For fiscal year 2002, $500,000,000.
''(3) For fiscal year 2003, $500,000,000.
''(4) For fiscal year 2004, $500,000,000.
''(5) For fiscal year 2005, $500,000,000.
''(6) For fiscal year 2006, $500,000,000.''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 206 the following:

''207. Capital grants for rail line relocation projects.''.

(b) REGULATIONS.—

(1) INTERIM REGULATIONS.—Not later than December 31, 2001, the Secretary of Transportation shall issue temporary regulations to implement the grant program under section 207 of title 23, United States Code, as added by subsection (a). Subchapter II of chapter 5 of title 5, United States Code, shall not apply to the issuance of a temporary regulation under this paragraph or of any amendment of such a temporary regulation.

(2) FINAL REGULATIONS.—Not later than October 1, 2002, the Secretary shall issue final regulations implementing the program.

S. 949

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

SECTION 1. PERMANENT RESIDENT STATUS FOR ZHENGFU GE.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Zhenfu Ge shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Zhengfu Ge enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Zhenfu Ge, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

S. 950

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 ''Federal Reformulated Fuels Act of 2001''.

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

(a) USE OF LUST FUNDS FOR REMEDIATION OF MTBE CONTAMINATION.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking ''paragraphs (1) and (2) of this subsection'' and inserting ''paragraphs (1), (2), and (12)''; and

(B) by inserting ''and section 9010(a)'' before ''if''; and

(2) by adding at the end the following:

''(12) REMEDIATION OF MTBE CONTAMINATION.—

''(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9011(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health, welfare, or the environment.

''(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

''(i) in accordance with paragraph (2); and

''(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).''.

(b) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

''SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

''Funds made available under section 9011(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

''(1) by a State (pursuant to section 9003(h)(7)) acting under—

''(A) a program approved under section 9004; or

''(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle; and

''(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

''SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.

''In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund—

''(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2002, to remain available until expended; and

''(2) to carry out section 9010—

''(A) $50,000,000 for fiscal year 2002; and

''(B) $30,000,000 for each of fiscal years 2003 through 2007.''.

(c) TECHNICAL AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

''Sec. 9010. Release prevention and compliance.

''Sec. 9011. Authorization of appropriations.''.

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking ''sustances'' and inserting ''substances''.

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking ''subsection (c) and (d) of this section'' and inserting ''subsections (c) and (d)''.

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the second sentence by striking ''referred to'' and all that follows and inserting ''referred to in subparagraph (A) or (B), or both, of section 9001(2).''.

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking ''study taking'' and inserting ''study, taking'';

(B) in subsection (b)(1), by striking ''relevent'' and inserting ''relevant''; and

(C) in subsection (b)(4), by striking ''Evironmental'' and inserting ''Environmental''.

SEC. 3. AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.

(a) IN GENERAL.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting ''fuel or fuel additive or'' after ''Administrator any''; and

(B) by striking ''air pollution which'' and inserting ''air pollution, or water pollution, that'';

(2) in paragraph (4)(B), by inserting ''or water quality protection,'' after ''emission control,''; and

(3) by adding at the end the following:

''(5) BAN ON THE USE OF MTBE.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall ban use of methyl tertiary butyl ether in motor vehicle fuel.''.

(b) NO EFFECT ON LAW REGARDING STATE AUTHORITY.—The amendments made by subsection (a) have no effect on the law in effect on the day before the date of enactment of this Act regarding the authority of States to limit the use of methyl tertiary butyl ether in gasoline.

SEC. 4. WAIVER OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking ''Within 1 year after the enactment of the Clean Air Act Amendments of 1990,'' and inserting the following:

''(A) IN GENERAL.—Not later than November 15, 1991,''; and

(2) by adding at the end the following:

''(B) WAIVER OF OXYGEN CONTENT REQUIREMENT.—

''(i) AUTHORITY OF THE GOVERNOR.—

''(I) IN GENERAL.—Notwithstanding any other provision of this subsection, a Governor of a State, upon notification by the Governor to the Administrator during the 90-day period beginning on the date of enactment of this subparagraph, or during the 90-day period beginning on the date on which an area in the State becomes a covered area by operation of the second sentence of paragraph (11)(D), may waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

''(II) OPT-IN AREAS.—A Governor of a State that submits an application under paragraph (6) may, as part of that application, waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

''(ii) TREATMENT AS REFORMULATED GASOLINE.—In the case of a State for which the Governor invokes the waiver described in clause (i), gasoline that complies with all provisions of this subsection other than paragraphs (2)(B) and (3)(A)(v) shall be considered to be reformulated gasoline for the purposes of this subsection.

''(iii) EFFECTIVE DATE OF WAIVER.—A waiver under clause (i) shall take effect on the earlier of—

''(I) the date on which the performance standards under subparagraph (C) take effect; or

''(II) the date that is 270 days after the date of enactment of this subparagraph.

''(C) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSION REDUCTIONS.—

''(i) IN GENERAL.—As soon as practicable after the date of enactment of this subparagraph, the Administrator shall—

''(I) promulgate regulations consistent with subparagraph (A) and paragraph (3)(B)(ii) to ensure that reductions of toxic air pollutant emissions achieved under the reformulated gasoline program under this section before the date of enactment of this subparagraph are maintained in States for which the Governor waives the oxygenate requirement under subparagraph (B)(i); or

''(II) determine that the requirement described in clause (iv)—

''(aa) is consistent with the bases for performance standards described in clause (ii); and

''(bb) shall be deemed to be the performance standards under clause (ii) and shall be applied in accordance with clause (iii).

''(ii) PADD PERFORMANCE STANDARDS.—The Administrator, in regulations promulgated under clause (i)(I), shall establish annual average performance standards for each Petroleum Administration for Defense District (referred to in this subparagraph as a 'PADD') based on—

''(I) the average of the annual aggregate reductions in emissions of toxic air pollutants achieved under the reformulated gasoline program in each PADD during calendar years 1999 and 2000, determined on the basis of the 1999 and 2000 Reformulated Gasoline Survey Data, as collected by the Administrator; and

''(II) such other information as the Administrator determines to be appropriate.

''(iii) APPLICABILITY.—

''(I) IN GENERAL.—The performance standards under this subparagraph shall be applied on an annual average importer or refinery-by-refinery basis to reformulated gasoline that is sold or introduced into commerce in a State for which the Governor waives the oxygenate requirement under subparagraph (B)(i).

''(II) MORE STRINGENT REQUIREMENTS.—The performance standards under this subparagraph shall not apply to the extent that any requirement under section 202(l) is more stringent than the performance standards.

''(III) STATE STANDARDS.—The performance standards under this subparagraph shall not

apply in any State that has received a waiver under section 209(b).

''(IV) CREDIT PROGRAM.—The Administrator shall provide for the granting of credits for exceeding the performance standards under this subparagraph in the same manner as provided in paragraph (7).

''(iv) STATUTORY PERFORMANCE STANDARDS.—

''(I) IN GENERAL.—Subject to subclause (IV), if the regulations under clause (i)(I) have not been promulgated by the date that is 270 days after the date of enactment of this subparagraph, the requirement described in subclause (III) shall be deemed to be the performance standards under clause (ii) and shall be applied in accordance with clause (iii).

''(II) PUBLICATION IN FEDERAL REGISTER.—Not later than 30 days after the date of enactment of this subparagraph, the Administrator shall publish in the Federal Register, for each PADD, the percentage equal to the average of the annual aggregate reductions in the PADD described in clause (ii)(I).

''(III) TOXIC AIR POLLUTANT EMISSIONS.—The annual aggregate emissions of toxic air pollutants from baseline vehicles when using reformulated gasoline in each PADD shall be not greater than—

''(aa) the aggregate emissions of toxic air pollutants from baseline vehicles when using baseline gasoline in the PADD; reduced by

''(bb) the quantity obtained by multiplying the aggregate emissions described in item (aa) for the PADD by the percentage published under subclause (II) for the PADD.

''(IV) SUBSEQUENT REGULATIONS.—Through promulgation of regulations under clause (i)(I), the Administrator may modify the performance standards established under subclause (I) to require each PADD to achieve a greater percentage reduction than the percentage published under subclause (II) for the PADD.''.

SEC. 5. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''may also'' and inserting ''shall, on a regular basis,''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and''; and

(2) by adding at the end the following:

''(4) ETHYL TERTIARY BUTYL ETHER.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

''(i) conduct a study on the effects on public health, air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

''(I) ethyl tertiary butyl ether; and

''(II) other ethers, as determined by the Administrator; and

''(ii) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the study.

''(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into 1 or more contracts with nongovernmental entities.''.

SEC. 6. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

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

''(o) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

''(1) ANTI-BACKSLIDING ANALYSIS.—

''(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Federal Reformulated Fuels Act of 2001.

''(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this subsection, the Administrator shall publish the analysis in final form.

''(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of fuel characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2005.''.

SEC. 7. ELIMINATION OF ETHANOL WAIVER.

Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

SEC. 8. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking ''(6) OPT-IN AREAS.—(A) Upon'' and inserting the following:

''(6) OPT-IN AREAS.—

''(A) CLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon'';

(2) in subparagraph (B), by striking ''(B) If'' and inserting the following:

''(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If'';

(3) in subparagraph (A)(ii) (as so redesignated)—

(A) in the first sentence, by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(B) in the second sentence, by striking ''this paragraph'' and inserting ''this subparagraph''; and

(4) by adding at the end the following:

''(B) NONCLASSIFIED AREAS.—

''(i) IN GENERAL.—In accordance with section 110, a State may submit to the Administrator, and the Administrator may approve, a State implementation plan revision that provides for application of the prohibition specified in paragraph (5) in any portion of the State that is not a covered area or an area referred to in subparagraph (A)(i).

''(ii) PERIOD OF EFFECTIVENESS.—Under clause (i), the State implementation plan shall establish a period of effectiveness for applying the prohibition specified in paragraph (5) to a portion of a State that—

''(I) commences not later than 1 year after the date of approval by the Administrator of the State implementation plan; and

''(II) ends not earlier than 4 years after the date of commencement under subclause (I).''.

SEC. 9. MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.

Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) (as amended by section 3(a)(3)) is amended by adding at the end the following:

''(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

''(A) IN GENERAL.—The Administrator may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (B) to the production of other fuel additives that—

''(i) will be consumed in nonattainment areas;

''(ii) will assist the nonattainment areas in achieving attainment with a national primary ambient air quality standard;

''(iii) will not degrade air quality or surface or ground water quality or resources; and

''(iv) have been registered and tested in accordance with the requirements of this section.

''(B) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

''(i) is located in the United States; and

''(ii) produced methyl tertiary butyl ether for consumption in nonattainment areas during the period—

''(I) beginning on the date of enactment of this paragraph; and

''(II) ending on the effective date of the ban on the use of methyl tertiary butyl ether under paragraph (5).

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2002 through 2004.''.

S. 952

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2001''.

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act (29 U.S.C.203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT AUTHORITY.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this Act, specifically, the right to form and join a labor organization, the right to bargain over wages, hours and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 5.

SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators; and

(6) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act; or

(2) to prevent a State from prohibiting bargaining over issues which are traditional and customary management functions, except as provided in section 4(b)(3).

(b) COMPLIANCE.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 958

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 ''Western Shoshone Claims Distribution Act''.

SEC. 2. DISTRIBUTION OF DOCKET 326–K FUNDS.

The funds appropriated in satisfaction of the judgment award granted to the Western Shoshone Indians in Docket Number 326–K before the Indian Claims Commission, including all earned interest, shall be distributed as follows:

(1) The Secretary shall establish a Western Shoshone Judgment Roll consisting of all Western Shoshones who—

(A) have at least ¼ degree of Western Shoshone Blood;

(B) are citizens of the United States; and

(C) are living on the date of enactment of this Act.

(2) Any individual determined or certified as eligible by the Secretary to receive a per capita payment from any other judgment fund awarded by the Indian Claims Commission, the United States Claims Court, or the United States Court of Federal Claims, that was appropriated on or before the date of enactment of this Act, shall not be eligible for enrollment under this Act.

(3) The Secretary shall publish in the Federal Register rules and regulations governing the establishment of the Western Shoshone Judgment Roll and shall utilize any documents acceptable to the Secretary in establishing proof of eligibility. The Secretary's determination on all applications for enrollment under this paragraph shall be final.

(4) Upon completing the Western Shoshone Judgment Roll under paragraph (1), the Secretary shall make a per capita distribution of 100 percent of the funds described in this section, in a sum as equal as possible, to each person listed on the Roll.

(5)(A) With respect to the distribution of funds under this section, the per capita shares of living competent adults who have reached the age of 19 years on the date of the distribution provided for under paragraph (4), shall be paid directly to them.

(B) The per capita shares of deceased individuals shall be distributed to their heirs and legatees in accordance with regulations prescribed by the Secretary.

(C) The shares of legally incompetent individuals shall be administered pursuant to regulations and procedures established by the Secretary under section 3(b)(3) of Public Law 93-134 (25 U.S.C. 1403(b)(3)).

(D) The shares of minors and individuals who are under the age of 19 years on the date of the distribution provided for under paragraph (4) shall be held by the Secretary in supervised individual Indian money accounts. The funds from such accounts shall be disbursed over a period of 4 years in payments equaling 25 percent of the principal, plus the interest earned on that portion of the per capita share. The first payment shall be disbursed to individuals who have reached the age of 18 years if such individuals are deemed legally competent. Subsequent payments shall be disbursed within 90 days of the individual's following 3 birthdays.

(6) All funds distributed under this Act are subject to the provisions of section 7 of Public Law 93-134 (25 U.S.C. 1407).

(7) All per capita shares belonging to living competent adults certified as eligible to share in the judgment fund distribution under this section, and the interest earned on those shares, that remain unpaid for a period of 6-years shall be added to the principal funds that are held and invested in accordance with section 3, except that in the case of a minor, such 6-year period shall not begin to run until the minor reaches the age of majority.

(8) Any other residual principal and interest funds remaining after the distribution under paragraph (4) is complete shall be added to the principal funds that are held and invested in accordance with section 3.

(9) Receipt of a share of the judgment funds under this section shall not be construed as a waiver of any existing treaty rights pursuant to the ''1863 Treaty of Ruby Valley'', inclusive of all Articles I through VIII, and shall not prevent any Western Shoshone Tribe or Band or individual Shoshone Indian from pursuing other rights guaranteed by law.

SEC. 3. DISTRIBUTION OF DOCKETS 326–A–1 AND 326–A–3.

The funds appropriated in satisfaction of the judgment awards granted to the Western Shoshone Indians in Docket Numbers 326–A–1 and 326–A–3 before the United States Court of Claims, and the funds referred to under paragraphs (7) and (8) of section 2, together with all earned interest, shall be distributed as follows:

(1)(A) Not later than 120 days after the date of enactment of this Act, the Secretary shall establish in the Treasury of the United States a trust fund to be known as the ''Western Shoshone Educational Trust Fund'' for the benefit of the Western Shoshone members. There shall be credited to the Trust Fund the funds described in the matter preceding this paragraph.

(B) The principal in the Trust Fund shall not be expended or disbursed. The Trust Fund shall be invested as provided for in section 1 of the Act of June 24, 1938 (25 U.S.C. 162a).

(C)(i) All accumulated and future interest and income from the Trust Fund shall be distributed, subject to clause (ii)—

(I) as educational grants and as other forms of educational assistance determined appropriate by the Administrative Committee established under paragraph (2) to individual Western Shoshone members as required under this Act; and

(II) to pay the reasonable and necessary expenses of such Administrative Committee (as defined in the written rules and procedures of such Committee).

(ii) Funds shall not be distributed under this paragraph on a per capita basis.

(2)(A) An Administrative Committee to oversee the distribution of the educational grants and assistance authorized under paragraph (1)(C) shall be established as provided for in this paragraph.

(B) The Administrative Committee shall consist of 1 representative from each of the following organizations:

(i) The Western Shoshone Te-Moak Tribe.

(ii) The Duckwater Shoshone Tribe.

(iii) The Yomba Shoshone Tribe.

(iv) The Ely Shoshone Tribe.

(v) The Western Shoshone Business Council of the Duck Valley Reservation.

(vi) The Fallon Band of Western Shoshone.

(vii) The at large community.

(C) Each member of the Committee shall serve for a term of 4 years. If a vacancy remains unfilled in the membership of the Committee for a period in excess of 60 days, the Committee shall appoint a replacement from among qualified members of the organization for which the replacement is being made and such member shall serve until the organization to be represented designates a replacement.

(D) The Secretary shall consult with the Committee on the management and investment of the funds subject to distribution under this section.

(E) The Committee shall have the authority to disburse the accumulated interest fund under this Act in accordance with the terms of this Act. The Committee shall be responsible for ensuring that the funds provided through grants and assistance under paragraph (1)(C) are utilized in a manner consistent with the terms of this Act. In accordance with paragraph (1)(C)(i)(II), the Committee may use a portion of the interest funds to pay all of the reasonable and necessary expenses of the Committee, including per diem rates for attendance at meetings that are the same as those paid to Federal employees in the same geographic location.

(F) The Committee shall develop written rules and procedures that include such matters as operating procedures, rules of conduct, eligibility criteria for receipt of educational grants or assistance (such criteria to be consistent with this Act), application selection procedures, appeal procedures, fund disbursement procedures, and fund recoupment procedures. Such rules and procedures shall be subject to the approval of the Secretary. A portion of the interest funds in the Trust Fund, not to exceed $100,000, may be used by the Committee to pay the expenses associated with developing such rules and procedures. At the discretion of the Committee, and with the approval of the appropriate tribal governing body, jurisdiction to hear appeals of the Committee's decisions may be exercised by a tribal court, or a court of Indian offenses operated under section 11 of title 25, Code of Federal Regulations.

(G) The Committee shall employ an independent certified public accountant to prepare an annual financial statement that includes the operating expenses of the Committee and the total amount of educational grants or assistance disbursed for the fiscal year for which the statement is being prepared under this section. The Committee shall compile a list of names of all individuals approved to receive such grants or assistance during such fiscal year. The financial statement and the list shall be distributed to each organization represented on the Committee and the Secretary and copies shall be made available to the Western Shoshone members upon request.

SEC. 4. DEFINITIONS

In this Act:

(1) ADMINISTRATIVE COMMITTEE; COMMITTEE.—The terms ''Administrative Committee'' and ''Committee'' mean the Administrative Committee established under section 3(2).

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

(3) TRUST FUND.—The term ''Trust Fund'' means the Western Shoshone Educational Trust Fund established under section 3(1).

(4) WESTERN SHOSHONE MEMBERS.—The term ''Western Shoshone members'' means an individual who appears on the Western Shoshone Judgment Roll established under section 2(1), or an individual who is the lineal descendant of an individual appearing on the roll, and who—

(A) satisfies all eligibility criteria established by the Administrative Committee under section 3(F);

(B) fulfills all application requirements established by the Committee; and

(C) agrees to utilize funds distributed in accordance with section 3(1)(C)(i)(I) in a manner approved by the Committee for educational purposes.

SEC. 5. REGULATIONS.

The Secretary may promulgate such regulations as are necessary to carry out this Act.

S. 959

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 ''Montana Rural Aviation Improvement Act''.

SEC. 2. MONTANA RURAL AVIATION IMPROVEMENT.

(a) IN GENERAL.—Section 40113 of title 49, United States Code, is amended by adding at the end the following:

''(g) APPLICATION OF CERTAIN REGULATIONS TO MONTANA.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Montana, the Administrator of the Federal Aviation Administration shall consider the impact of severe weather conditions on Montana's aviation public and shall, on the basis of such considerations, establish regulatory distinctions consistent with those applied to the State of Alaska for mike-in-hand weather observation.''.

(b) IMPROVED AVAILABILITY OF INFORMATION ON WEATHER OBSERVATIONS.—

(1) FINDING.—Congress finds that the on-site certified weather observation programs at Service Level D sites in Montana are part of the essential air services in Montana and are frequently used by pilots of aircraft under emergency circumstances.

(2) MIKE-IN-HAND WEATHER OBSERVATION.—

(A) REQUIREMENT.—On-site weather observers at sites referred to in paragraph (1) shall use a mike-in-hand weather observation and reporting technique to correct and supplement weather information derived from Automated Surface Observation Sensors (ASOS) at the sites.

(B) MIKE-IN-HAND TECHNIQUE.—For the purposes of this paragraph, a mike-in-hand weather observation and reporting technique is a routine practice by which a weather observer uses radio communication to report information on weather observations directly to a pilot requesting the information, thereby ensuring that the pilot has nearly real-time access to the information.

(C) PERSONNEL TO WHICH APPLICABLE.—This paragraph applies to—

(i) on-site weather observers who are Federal Aviation Administration employees, National Weather Service employees, other Federal Government employees, or State employees; and

(ii) persons providing on-site weather observation services on a full-time or part-time basis under a contract for such services entered into by an official of the Federal Government, an official of the Government of Montana, or an official of a political subdivision of Montana.

S. 960

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 ''Medicare Medical Nutrition Therapy Amendment Act of 2001''.

SEC. 2. COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES FOR BENEFICIARIES WITH CARDIOVASCULAR DISEASES.

(a) IN GENERAL.—Section 1861(s)(2)(V) of the Social Security Act (42 U.S.C. 1395x(s)(2)(V)), as added by subsection (a) of section 105 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–471), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended to read as follows:

''(V) medical nutrition therapy services (as defined in subsection (vv)(1)) in the case of a beneficiary—

''(i) with a cardiovascular disease (including congestive heart failure, arteriosclerosis, hyperlipidemia, hypertension, and hypercholesterolemia), diabetes, or a renal disease (or a combination of such conditions) who—

''(I) has not received diabetes outpatient self-management training services within a time period determined by the Secretary;

''(II) is not receiving maintenance dialysis for which payment is made under section 1881; and

''(III) meets such other criteria determined by the Secretary after consideration of protocols established by dietitian or nutrition professional organizations; or

''(ii) with a combination of such conditions who—

''(I) is not described in clause (i) because of the application of subclause (I) or (II) of such clause;

''(II) receives such medical nutrition therapy services in a coordinated manner (as determined appropriate by the Secretary) with any services described in such subclauses that the beneficiary is receiving; and

''(III) meets such other criteria determined by the Secretary after consideration of protocols established by dietitian or nutrition professional organizations;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of such section 105.

S. 962

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 ''Government Neutrality in Contracting Act''.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

SEC. 3. PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.

(a) PROHIBITION.—

(1) GENERAL RULE.—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(A) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organization, with respect to that construction project or another related construction project; or

(B) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(i) became a signatory, or otherwise adhered to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project; or

(ii) refused to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(2) APPLICATION OF PROHIBITION.—The provisions of this section shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such paragraph.

(b) RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(1) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in subparagraph (A) or (B) of subsection (a)(1); or

(2) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in paragraph (1), do not contain any of the requirements or prohibitions described in subparagraph (A) or (B) of subsection (a)(1)

(c) FAILURE TO COMPLY.—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient or party, fails to comply with subsection (a) or (b), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(d) EXEMPTIONS.—

(1) SPECIAL CIRCUMSTANCES.—

(A) IN GENERAL.—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of subsections (a) and

(b) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(B) DEFINITION.—For purposes of subparagraph (A), a finding of ''special circumstances'' may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(2) ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.—The head of an executive agency, upon the application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all of the provisions of subsections (a) or (c), if the agency head finds—

(A) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents, with respect to that particular project, which contained any of the requirements or prohibitions set forth in subsection (a)(1); and

(B) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(e) FEDERAL ACQUISITION REGULATORY COUNCIL.—With respect to Federal contracts to which this section applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this section.

(f) DEFINITIONS.—In this section:

(1) CONSTRUCTION CONTRACT.—The term ''construction contract'' means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 105 of title 5, United States Code, except that such term shall not include the General Accounting Office.

(3) LABOR ORGANIZATION.—The term ''labor organization'' has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

S. RES. 94

Whereas the House and Senate have passed measuresthat will expedite the long-overdue memorial commemorating the sacrifices of those who fought and died in World War II;

Whereas with the completion of the World War II Memorial, there will be memorials in the capital of our Nation for each of the major conflicts of the last century;

Whereas approximately 650 members of the Armed Services have been killed in hostile action since the end of the Vietnam War;

Whereas the circumstances surrounding these deaths have been characterized both by large scale conflicts and a number of smaller incidents and actions which have received little attention;

Whereas the sacrifice of these men and women is held as dearly by their fellow citizens as the sacrifice of those claimed by earlier struggles; and

Whereas the loss of these men and women stands in testament to the risks undertaken by all members of the Armed Services each day as they carry out their duty to support and defend the Constitution: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to designate May 28, 2001, as a special day for recognizing the sacrifice of the members of the Armed Forces killed in hostile action since the end of the Vietnam War, and the sacrifices of the families of the members;

(2) to make the designation under paragraph (1) on May 28, 2001, in light of the traditional Memorial Day recognition of the veterans of the United States who have given their lives in defense of our Nation;

(3) to recognize that we live in a time of international unrest and that military service in such a time is inherently dangerous and requires the willingness to face the most extreme hazards at unexpected times and places; and

(4) to acknowledge that the people of the United States owe a debt of gratitude to all members of the Armed Services who place themselves in harm's way each day, and to their families.

S. CON. RES. 43

Whereas the Government of the Republic of Korea over many years has provided aid to the Korean automotive industry enabling that industry to develop into the fourth largest automotive industry in the world, after the United States, Japan, and the European Union;

Whereas the domestic automotive market of the Republic of Korea was completely closed to all international automotive manufacturers until 1990, and not completely open to all automotive manufacturers until 1999;

Whereas in response to complaints by the United States that the Government of the Republic of Korea was practicing unfair trade in the automotive sector, and that there was continuing anti-import bias and increasing disparity in market access for foreign motor vehicles, the Government of Korea signed two Memorandums of Understanding (MOU) with the United States in 1995 and 1998 in an effort to help increase foreign motor vehicle access to the Korean automotive market;

Whereas in the 1998 MOU, the Government of the Republic of Korea pledged specifically to simplify its tax regime in a manner that enhanced market access for foreign motor vehicles, improve the perception of foreign motor vehicles in Korea, simplify and streamline Korea's type-approval system procedures for foreign motor vehicles and other standards issues, and establish a mortgage system for motor vehicles;

Whereas 3 years after signing the 1998 MOU, the Government of the Republic of Korea has not substantially increased market access for foreign motor vehicles and its motor vehicle market still does not operate according to market principles, as evidenced by the fact that the share of the market held by foreign motor vehicles was lower in 2000 than it was in 1998, and remains the lowest of any industrialized nation;

Whereas 3 years after signing the 1998 MOU, the Government of the Republic of Korea has not made sufficient advances in simplifying its tax regime for motor vehicles or improving the perception of foreign motor vehicles in Korea;

Whereas 3 years after signing the 1998 MOU, the Government of the Republic of Korea has not taken the necessary steps to implement the MOU fully and effectively, as evidenced by the extraordinarily low foreign motor vehicle presence in Korea;

Whereas Korea is a major exporter of motor vehicles and automotive parts to the United States, reaching over a total value of $5,910,000,000 last year, compared to a total value of $480,000,000 in United States motor vehicles and automotive parts exported to Korea last year, resulting in a total automotive trade deficit of $5,300,000,000;

Whereas the extremely low level of United States vehicle sales in the Republic of Korea means that there is great difficulty in selling United States made automotive components, systems, and parts in Korea;

Whereas 1,057,620 motor vehicles were sold in the Republic of Korea in 2000, only 4,414 (or 0.42 percent) were imported and only 1,268 of those vehicles (or 0.12 percent) were made in the United States;

Whereas one Korean auto maker maintains monopolistic control of over 75 percent of Korea's domestic market; and

Whereas some Korean organizations and institutions continue to support anticompetitive activities that perpetuate entrenched commercial interests at the expense of free trade, Korean consumers, and the overall Korean economy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) believes strongly that an economically stable Republic of Korea is in the best overall foreign policy and economic interests of the United States;

(2) notes that past practices, such as protection from international competition, preferential access to credit, low interest loans, and the policy of providing assistance to chaebols in general, and the automotive sector specifically, contributed to the 1997–1998 Asian financial crisis, threatened the economic stability of the Republic of Korea and undermined the relationship between the United States and the Republic of Korea;

(3) believes that economic policies and practices effectively limiting United States manufacturers' access to the Korean automotive sector are inconsistent with the general trend toward a market-oriented approach, and that the relationship between the United States and the Republic of Korea has been, and will continue to be, significantly harmed by unfair treatment of imports of United States motor vehicles;

(4) calls on the Republic of Korea to immediately end the practices that have led to the disparity in market access, as well as to take proactive steps to repair the damage done by past policies and practices;

(5) calls on the Republic of Korea to meet the letter and spirit of the commitments contained in the 1998 Memorandum of Understanding it signed with the United States; and

(6) calls on the United States Trade Representative, the Secretary of Commerce, and the Secretary of State to monitor and report to Congress on the steps that have been taken to end the disparity in market access for imported motor vehicles in the Republic of Korea.

AMENDMENT NO. 767 (AS MODIFIED)

At the end of subtitle A of title VIII add the following:

SEC. ___. EXPANSION OF WORK OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Section 51(d)(1) (relating to members of targeted groups) is amended by striking ''or'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', or'', and by adding at the end the following:

''(I) a qualified low-income veteran.''

(b) QUALIFIED LOW-INCOME VETERAN.—Section 51(d) (relating to members of targeted groups) is amended by redesignating paragraphs (10) through (12) as paragraphs (11)

through (13), respectively, and by inserting after paragraph (9) the following:

''(10) QUALIFIED LOW-INCOME VETERAN.—

''(A) IN GENERAL.—The term 'qualified low-income veteran' means any veteran whose gross income for the taxable year preceding the taxable year including the hiring date, was below the poverty line (as defined by the Office of Management and Budget) for such preceding taxable year .

''(B) VETERAN.—The term 'veteran' has the meaning given such term by paragraph (3)(B).

''(C) SPECIAL RULES FOR DETERMINING AMOUNT OF CREDIT.—For purposes of applying this subpart to wages paid or incurred to any qualified low-income veteran—

''(i) subsection (a) shall be applied by substituting '50 percent of the qualified first-year wages and 25 percent of the qualified second-year wages' for '40 percent of the qualified first year wages', and

''(ii) in lieu of paragraphs (2) and (3) of subsection (b), the following definitions and special rule shall apply:

''(I) QUALIFIED FIRST-YEAR WAGES.—The term 'qualified first-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer.

''(II) QUALIFIED SECOND-YEAR WAGES.—The term 'qualified second-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under subclause (I).

''(III) ONLY FIRST $20,000 OF WAGES PER YEAR TAKEN INTO ACCOUNT.—The amount of the qualified first and second year wages which may be taken into account with respect to any individual shall not exceed $20,000 per year.''.

(c) PERMANENCE OF CREDIT.—Section 51(c)(4) (relating to termination) is amended by inserting ''(except for wages paid to a qualified low-income veteran)'' after ''individual''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

On page 9, strike the table between lines 11 and 12 and insert:

In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2002, 2003, and 2004	27%	30%	35%	38.60%
2005 and 2006	26%	29%	34%	37.60%
2007 and thereafter	25%	28%	33%	36.05%

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Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Survivor Benefits Improvements Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. ELIGIBILITY FOR BENEFITS UNDER CHAMPVA FOR VETERANS' SURVIVORS WHO ARE ELIGIBLE FOR HOSPITAL INSURANCE BENEFITS UNDER THE MEDICARE PROGRAM.

Subsection (d) of section 1713 is amended to read as follows:

''(d)(1)(A) An individual otherwise eligible for medical care under this section who is also entitled to hospital insurance benefits under part A of the medicare program is eligible for medical care under this section only if the individual is also enrolled in the supplementary medical insurance program under part B of the medicare program.

''(B) The limitation in subparagraph (A) does not apply to an individual who—

''(i) has attained 65 years of age as of the date of the enactment of the Veterans' Survivor Benefits Improvements Act of 2001; and

''(ii) is not enrolled in the supplementary medical insurance program under part B of the medicare program as of that date.

''(2) Subject to paragraph (3), if an individual described in paragraph (1) receives medical care for which payment may be made under both this section and the medicare program, the amount payable for such medical care under this section shall be the amount by which (A) the costs for such medical care exceed (B) the sum of—

''(i) the amount payable for such medical care under the medicare program; and

''(ii) the total amount paid or payable for such medical care by third party payers other than the medicare program.

''(3) The amount payable under this subsection for medical care may not exceed the total amount that would be paid under subsection (b) if payment for such medical care were made solely under subsection (b).

''(4) In this paragraph:

''(A) The term 'medicare program' means the program of health insurance administered by the Secretary of Health and Human Services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

''(B) The term 'third party' has the meaning given that term in section 1729(i)(3) of this title.''.

SEC. 4. FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) INSURABLE DEPENDENTS.—(1) Section 1965 is amended by adding at the end the following new paragraph:

''(10) The term 'insurable dependent', with respect to a member, means the following:

''(A) The member's spouse.

''(B) The member's child, as defined in the first sentence of section 101(4)(A) of this title.''.

(2) Section 101(4)(A) is amended in the matter preceding clause (i) by inserting ''(other than with respect to a child who is an insurable dependent under section 1965(10)(B) of such chapter)'' after ''except for purposes of chapter 19 of this title''.

(b) INSURANCE COVERAGE.—(1) Subsection (a) of section 1967 is amended to read as follows:

''(a)(1) Subject to an election under paragraph (2), any policy of insurance purchased by the Secretary under section 1966 of this title shall automatically insure the following persons against death:

''(A) In the case of any member of a uniformed service on active duty (other than active duty for training)—

''(i) the member; and

''(ii) each insurable dependent of the member.

''(B) Any member of a uniformed service on active duty for training or inactive duty training scheduled in advance by competent authority.

''(C) In the case of any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title—

''(i) the member; and

''(ii) each insurable dependent of the member.

''(2)(A) A member may elect in writing not to be insured under this subchapter.

''(B) A member may elect in writing not to insure the member's spouse under this subchapter.

''(3)(A) Subject to subparagraphs (B) and (C), the amount for which a person is insured under this subchapter is as follows:

''(i) In the case of a member, $250,000.

''(ii) In the case of a member's spouse, $100,000.

''(iii) In the case of a member's child, $10,000.

''(B) A member may elect in writing to be insured or to insure the member's spouse in an amount less than the amount provided for under subparagraph (A). The member may not elect to insure the member's child in an amount less than $10,000. The amount of insurance so elected shall, in the case of a member or spouse, be evenly divisible by $10,000.

''(C) In no case may the amount of insurance coverage under this subsection of a member's spouse exceed the amount of insurance coverage of the member.

''(4)(A) An insurable dependent of a member is not insured under this chapter unless the member is insured under this subchapter.

''(B) An insurable dependent who is a child may not be insured at any time by the insurance coverage under this chapter of more than one member. If an insurable dependent who is a child is otherwise eligible to be insured by the coverage of more than one member under this chapter, the child shall be insured by the coverage of the member whose eligibility for insurance under this subchapter occurred first, except that if that member does not have legal custody of the child, the child shall be insured by the coverage of the member who has legal custody of the child.

''(5) The insurance shall be effective with respect to a member and the insurable dependents of the member on the latest of the following dates:

''(A) The first day of active duty or active duty for training.

''(B) The beginning of a period of inactive duty training scheduled in advance by competent authority.

''(C) The first day a member of the Ready Reserve meets the qualifications set forth in section 1965(5)(B) of this title.

''(D) The date certified by the Secretary to the Secretary concerned as the date Servicemembers' Group Life Insurance under this subchapter for the class or group concerned takes effect.

''(E) In the case of an insurable dependent who is a spouse, the date of marriage of the spouse to the member.

''(F) In the case of an insurable dependent who is a child, the date of birth of such child or, if the child is not the natural child of the

member, the date on which the child acquires status as an insurable dependent of the member.''.

(2) Subsection (c) of such section is amended by striking the first sentence and inserting the following: ''If a person eligible for insurance under this subchapter is not so insured, or is insured for less than the maximum amount provided for the person under subparagraph (A) of subsection (a)(3), by reason of an election made by a member under subparagraph (B) of that subsection, the person may thereafter be insured under this subchapter in the maximum amount or any lesser amount elected as provided in such subparagraph (B) upon written application by the member, proof of good health of each person (other than a child) to be so insured, and compliance with such other terms and conditions as may be prescribed by the Secretary.''.

(c) TERMINATION OF COVERAGE.—(1) Subsection (a) of section 1968 is amended—

(A) in the matter preceding paragraph (1), by inserting ''and any insurance thereunder on any insurable dependent of such a member,'' after ''any insurance thereunder on any member of the uniformed services,''; and

(B) by adding at the end the following new paragraph:

''(5) With respect to an insurable dependent of the member, insurance under this subchapter shall cease—

''(A) 120 days after the date of an election made in writing by the member to terminate the coverage; or

''(B) on the earliest of—

''(i) 120 days after the date of the member's death;

''(ii) 120 days after the date of termination of the insurance on the member's life under this subchapter; or

''(iii) 120 days after the termination of the dependent's status as an insurable dependent of the member.''.

(2) Such subsection is further amended—

(A) in the matter preceding paragraph (1), by striking '', and such insurance shall cease—'' and inserting ''and such insurance shall cease as follows:'';

(B) by striking ''with'' after the paragraph designation in each of paragraphs (1), (2), (3), and (4) and inserting ''With'';

(C) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''thirty-one days—'' and inserting ''31 days, insurance under this subchapter shall cease—'';

(ii) in subparagraph (A)—

(I) by striking ''one hundred and twenty days'' after ''(A)'' and inserting ''120 days''; and

(II) by striking ''prior to the expiration of one hundred and twenty days'' and inserting ''before the end of 120 days''; and

(iii) by striking the semicolon at the end of subparagraph (B) and inserting a period;

(D) in paragraph (2)—

(i) by striking ''thirty-one days'' and inserting ''31 days,'';

(ii) by striking ''one hundred and twenty days'' both places it appears and inserting ''120 days''; and

(iii) by striking the semicolon at the end and inserting a period;

(E) in paragraph (3)—

(i) by inserting a comma after ''competent authority'';

(ii) by striking ''one hundred and twenty days'' both places it appears and inserting ''120 days''; and

(iii) by striking ''; and'' at the end and inserting a period; and

(F) in paragraph (4), by inserting ''insurance under this subchapter shall cease'' before ''120 days after '' the first place it appears.

(3) Subsection (b)(1)(A) of such section is amended by inserting ''(to insure against death of the member only)'' after ''converted to Veterans' Group Life Insurance''.

(d) PREMIUMS.—Section 1969 is amended by adding at the end the following new subsections:

''(g)(1)(A) During any period in which a spouse of a member is insured under this subchapter and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary as the premium allocable to the pay period for providing that insurance coverage. No premium may be charged for providing insurance coverage for a child.

''(B) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and the spouse of the member is insured under a policy of insurance purchased by the Secretary under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary (which shall be the same for all such members) as the share of the cost attributable to insuring the spouse of such member under this policy, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made.

''(2)(A) The Secretary shall determine the premium amounts to be charged for life insurance coverage for spouses of members under this subchapter.

''(B) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

''(C) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary in advance of that policy year.

''(h) Any overpayment of a premium for insurance coverage for an insurable dependent of a member that is terminated under section 1968(a)(5) of this title shall be refunded to the member.''.

(e) PAYMENTS OF INSURANCE PROCEEDS.—Section 1970 is amended by adding at the end the following new subsection:

''(i) Any amount of insurance in force on an insurable dependent of a member under this subchapter on the date of the dependent's death shall be paid, upon the establishment of a valid claim therefor, to the member or, in the event of the member's death before payment to the member can be made, then to the person or persons entitled to receive payment of the proceeds of insurance on the member's life under this subchapter.''.

(f) CONVERSION OF SGLI TO PRIVATE LIFE INSURANCE.—Section 1968(b) is amended by adding at the end the following new paragraph:

''(3)(A) In the case of a policy purchased under this subchapter for an insurable dependent who is a spouse, upon election of the spouse, the policy may be converted to an individual policy of insurance under the same conditions as described in section 1977(e) of this title (with respect to conversion of a Veterans' Group Life Insurance policy to such an individual policy) upon written application for conversion made to the participating company selected by the spouse and payment of the required premiums. Conversion of such policy to Veterans' Group Life Insurance is prohibited.

''(B) In the case of a policy purchased under this subchapter for an insurable dependent who is a child, such policy may not be converted under this subsection.''.

(g) EFFECTIVE DATE AND INITIAL IMPLEMENTATION.—(1) The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

(2) Each Secretary concerned, acting in consultation with the Secretary of Veterans Affairs, shall take such action as is necessary to ensure that during the period between the date of the enactment of this Act and the effective date determined under paragraph (1) each eligible member—

(A) is furnished an explanation of the insurance benefits available for dependents under the amendments made by this section; and

(B) is afforded an opportunity before such effective date to make elections that are authorized under those amendments to be made with respect to dependents.

(3) For purposes of paragraph (2):

(A) The term ''Secretary concerned'' has the meaning given that term in section 101 of title 38, United States Code.

(B) The term ''eligible member'' means a member of the uniformed services described in subparagraph (A) or (C) of section 1967(a)(1) of title 38, United States Code, as amended by subsection (b)(1).

SEC. 5. RETROACTIVE APPLICABILITY OF INCREASE IN MAXIMUM SGLI BENEFIT FOR MEMBERS DYING IN PERFORMANCE OF DUTY ON OR AFTER OCTOBER 1, 2000.

(a) APPLICABILITY OF INCREASE IN BENEFIT.—Notwithstanding subsection (c) of section 312 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1854), the amendments made by subsection (a) of that section shall take effect on October 1, 2000, with respect to any member of the uniformed services who died in the performance of duty (as determined by the Secretary concerned) during the period beginning on October 1, 2000, and ending at the close of March 31, 2001, and who on the date of death was insured under the Servicemembers' Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code, for the maximum coverage available under that program.

(b) DEFINITIONS.—In this section:

(1) The term ''Secretary concerned'' has the meaning given that term in section 101(25) of title 38, United States Code.

(2) The term ''uniformed services'' has the meaning given that term in section 1965(6) of title 38, United States Code.

SEC. 6. EXPANSION OF OUTREACH EFFORTS TO ELIGIBLE DEPENDENTS.

(a) AVAILABILITY OF OUTREACH SERVICES FOR CHILDREN, SPOUSES, SURVIVING SPOUSES, AND DEPENDENT PARENTS.—Paragraph (2) of section 7721(b) is amended to read as follows:

''(2) the term 'eligible dependent' means a spouse, surviving spouse, child, or dependent parent of a person who served in the active military, naval, or air service.''.

(b) IMPROVED OUTREACH PROGRAM.—(1) Subchapter II of chapter 77 is amended by adding at the end the following new section:

''§ 7727. Outreach for eligible dependents

''(a) In carrying out this subchapter, the Secretary shall ensure that the needs of eligible dependents are fully addressed.

''(b) The Secretary shall ensure that the availability of outreach services and assistance for eligible dependents under this subchapter is made known through a variety of means, including the Internet, announcements in veterans publications, and announcements to the media.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 7726 the following new item:

''7727. Outreach for eligible dependents.''.

SEC. 7. TECHNICAL AMENDMENTS TO THE MONTGOMERY GI BILL STATUTE.

(a) CLARIFICATION OF ELIGIBILITY REQUIREMENT FOR BENEFITS.—

(1) IN GENERAL.—Clause (i) of section 3011(a)(1)(A), as amended by section 103(a)(1)(A) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1825), is amended by striking ''serves an obligated period of active duty of'' and inserting ''(I) in the case of an individual whose obligated period of active duty is three years or more, serves at least three years of continuous active duty in the Armed Forces, or (II) in the case of an individual whose obligated period of active duty is less than three years, serves''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419).

(b) ENTITLEMENT CHARGE FOR OFF-DUTY TRAINING AND EDUCATION.—

(1) IN GENERAL.—Section 3014(b)(2) is amended—

(A) in subparagraph (A), by striking ''(without regard to'' and all that follows through ''this subsection''; and

(B) by adding at the end the following new subparagraph:

''(C) The number of months of entitlement charged under this chapter in the case of an individual who has been paid a basic educational assistance allowance under this subsection shall be equal to the number (including any fraction) determined by dividing the total amount of such educational assistance allowance paid the individual by the full-time monthly institutional rate of educational assistance which such individual would otherwise be paid under subsection (a)(1), (b)(1), (c)(1), (d)(1), or (e)(1) of section 3015 of this title, as the case may be.''.

(2) CONFORMING AMENDMENTS.—(A) Section 3015 is amended—

(i) in subsections (a)(1) and (b)(1), by inserting ''subsection (h)'' after ''from time to time under''; and

(ii) by striking the subsection that was inserted as subsection (g) by section 1602(b)(3)(C) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–359) and redesignated as subsection (h) by 105(b)(2) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1829).

(B) Section 3032(b) is amended—

(i) by striking ''the lesser of'' and inserting ''the least of the following:'';

(ii) by striking ''or'' after ''chapter,''; and

(iii) by inserting before the period at the end the following: '', or (3) the amount of the charges of the educational institution elected by the individual under section 3014(b)(1) of this title''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419).

(c) INCREMENTAL INCREASES FOR CONTRIBUTING ACTIVE DUTY MEMBERS.—

(1) ACTIVE DUTY PROGRAM.—Section 3011(e), as added by section 105(a)(1) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828), is amended—

(A) in paragraph (2), by inserting '', but not more frequently than monthly'' before the period;

(B) in paragraph (3), by striking ''$4'' and inserting ''$20''; and

(C) in paragraph (4)—

(i) by striking ''Secretary. The'' and inserting ''Secretary of the military department concerned. That''; and

(ii) by striking ''by the Secretary''.

(2) SELECTED RESERVE PROGRAM.—Section 3012(f), as added by section 105(a)(2) of such Act, is amended—

(A) in paragraph (2), by inserting '', but not more frequently than monthly'' before the period;

(B) in paragraph (3), by striking ''$4'' and inserting ''$20''; and

(C) in paragraph (4)—

(i) by striking ''Secretary. The'' and inserting ''Secretary of the military department concerned. That''; and

(ii) by striking ''by the Secretary''.

(3) INCREASED ASSISTANCE AMOUNT.—Section 3015(g), as added by section 105(b)(3) of such Act, is amended—

(A) in the matter preceding paragraph (1), by inserting ''effective as of the first day of the enrollment period following receipt of such contributions from such individual by the Secretary concerned,'' after ''by section 3011(e) or 3012(f) of this title,''; and

(B) in paragraph (1)—

(i) by striking ''$1'' and inserting ''$5'';

(ii) by striking ''$4'' and inserting ''$20''; and

(iii) by inserting ''of this title'' after ''section 3011(e) or 3012(f)''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 105 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828).

(d) DEATH BENEFITS.—

(1) IN GENERAL.—Paragraph (1) of section 3017(b) is amended to read as follows:

''(1) the total of—

''(A) the amount reduced from the individual's basic pay under section 3011(b), 3012(c), 3018(c), 3018A(b), 3018B(b), 3018C(b), or 3018C(e) of this title;

''(B) the amount reduced from the individual's retired pay under section 3018C(e) of this title;

''(C) the amount collected from the individual by the Secretary under section 3018B(b), 3018C(b), or 3018C(e) of this title; and

''(D) the amount of any contributions made by the individual under section 3011(c) or 3012(f) of this title, less''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as of May 1, 2001.

(e) CLARIFICATION OF CONTRIBUTIONS REQUIRED BY VEAP PARTICIPANTS WHO ENROLL IN BASIC EDUCATIONAL ASSISTANCE.—

(1) CLARIFICATION.—Section 3018C(b), as amended by section 104(b) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828), is amended by striking ''or (e)''.

(2) TREATMENT OF CERTAIN CONTRIBUTIONS.—Any amount collected under section 3018C(b) of title 38, United States Code (whether by reduction in basic pay under paragraph (1) of that section, collection under paragraph (2) of that section, or both), with respect to an individual who enrolled in basic educational assistance under section 3018C(e) of that title, during the period beginning on November 1, 2000, and ending on the date of the enactment of this Act, shall be treated as an amount collected with respect to the individual under section 3018C(e)(3)(A) of that title (whether as a reduction in basic pay under clause (i) of that section, a collection under clause (ii) of that section, or both) for basic educational assistance under section 3018C of that title.

(f) CLARIFICATION OF TIME PERIOD FOR ELECTION OF BEGINNING OF CHAPTER 35 ELIGIBILITY FOR DEPENDENTS.—

(1) IN GENERAL.—(A) Section 3512(a)(3)(B), as amended by section 112 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1831), is amended to read as follows:

''(B) the eligible person elects that beginning date by not later than the end of the 60-day period beginning on the date on which the Secretary provides written notice to that person of that person's opportunity to make such election, such notice including a statement of the deadline for the election imposed under this subparagraph; and''.

(B) Section 3512(a)(3)(C), as so amended, is amended by striking ''between the dates described in'' and inserting ''the date determined pursuant to''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000.

SEC. 8. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) Effective as of November 1, 2000, section 107 is amended—

(A) in the second sentence of subsection (a), by inserting ''or (d)'' after ''subsection (c)'';

(B) by redesignating the second subsection (c) (added by section 332(a)(2) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419)) as subsection (d); and

(C) in subsection (d), as so redesignated, by striking ''In'' in paragraph (1) and inserting ''With respect to benefits under chapter 23 of this title, in''.

(2) Section 1710B(c)(2)(B) is amended by striking ''on the date of the enactment of the Veterans Millennium Health Care and Benefits Act'' and inserting ''November 30, 1999''.

(3) Section 2301(f) is amended—

(A) in the matter in paragraph (1) preceding subparagraph (A), by striking ''(as'' and all that follows through ''in section'' and inserting ''(as described in section''; and

(B) in paragraph (2), by striking ''subparagraphs'' and inserting ''subparagraph''.

(4) Section 3452 is amended—

(A) in subsection (a)(1)—

(i) by striking ''or'' at the end of subparagraph (A); and

(ii) by striking ''clause (B) of this paragraph'' in subparagraph (C) and inserting ''subparagraph (B)'';

(B) in subsection (a)(2)—

(i) by striking ''paragraph (1)(A) or (B)'' and inserting ''subparagraph (A) or (B) of paragraph (1)''; and

(ii) by striking ''one hundred and eighty days'' and inserting ''180 days'';

(C) in subsection (a)(3), by striking ''section 511(d) of title 10'' and inserting ''section 12103(d) of title 10''; and

(D) in subsection (e), by striking ''chapter 4C of title 29,'' and inserting ''the Act of August 16, 1937, popularly known as the 'National Apprenticeship Act' (29 U.S.C. 50 et seq.),''.

(5) Section 3462(a) is amended by striking paragraph (3).

(6) Section 3512 is amended—

(A) in subsection (a)(5), by striking ''clause (4) of this subsection'' and inserting ''paragraph (4)''; and

(B) in subsection (b)(2), by striking ''willfull'' and inserting ''willful''.

(7) Section 3674 is amended—

(A) in subsection (a)(2)—

(i) in subparagraph (A)—

(I) by striking '', effective at the beginning of fiscal year 1988,''; and

(II) by striking ''section 3674A(a)(4)'' and inserting ''section 3674A(a)(3)'';

(ii) in subparagraph (B), by striking ''paragraph (3)(A)'' and inserting ''paragraph (3)''; and

(iii) in subparagraph (C), by striking ''section 3674A(a)(4)'' and inserting ''section 3674A(a)(3)''; and

(B) in subsection (c)—

(i) by striking ''on September 30, 1978, and''; and

(ii) by striking ''thereafter,''.

(8) Section 3674A(a)(2) is amended by striking ''clause (1)'' and inserting ''paragraph (1)''.

(9) Section 3734(a) is amended—

(A) by striking ''United States Code,'' in the matter preceding paragraph (1); and

(B) by striking ''appropriations in'' in paragraph (2) and inserting ''appropriations for''.

(10) Section 4104 is amended—

(A) in subsection (a)(1)—

(i) by striking ''Beginning with fiscal year 1988,'' and inserting ''For any fiscal year,'';

(ii) by striking ''clause'' in subparagraph (B) and inserting ''subparagraph''; and

(iii) by striking ''clauses'' in subparagraph (C) and inserting ''subparagraphs'';

(B) in subsection (a)(4), by striking ''on or after July 1, 1988''; and

(C) in subsection (b)—

(i) by striking ''shall—'' in the matter preceding paragraph (1) and inserting ''shall perform the following functions:''

(ii) by capitalizing the initial letter of the first word of each of paragraphs (1) through (12);

(iii) by striking the semicolon at the end of each of paragraphs (1) through (10) and inserting a period; and

(iv) by striking ''; and'' at the end of paragraph (11) and inserting a period.

(11) Section 4303(13) is amended by striking the second period at the end.

(12) Section 5103(b)(1) is amended by striking ''1 year'' and inserting ''one year''.

(13) Section 5701(g) is amended by striking ''clause'' in paragraphs (2)(B) and (3) and inserting ''subparagraph''.

(14)(A) Section 7367 is repealed.

(B) The table of sections at the beginning of chapter 73 is amended by striking the item relating to section 7367.

(15) Section 8125(d) is amended—

(A) in paragraph (1), by striking ''(beginning in 1992)'';

(B) in paragraph (2), by striking ''(beginning in 1993)''; and

(C) by striking paragraph (3).

(16) The following provisions are each amended by striking ''hereafter'' and inserting ''hereinafter'': sections 545(a)(1), 1710B(e)(1), 3485(a)(1), 3537(a), 3722(a), 3763(a), 5121(a), 7101(a), 7105(b)(1), 7671, 7672(e)(1)(B), 7681(a)(1), 7801, and 8520(a).

(b) PUBLIC LAW 106–419.—Effective as of November 1, 2000, and as if included therein as originally enacted, the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419) is amended as follows:

(1) Section 111(f)(3) (114 Stat. 1831) is amended by striking ''3654'' and inserting ''3564''.

(2) Section 323(a)(1) (114 Stat. 1855) is amended by inserting a comma in the second quoted matter therein after ''duty''.

(3) Section 401(e)(1) (114 Stat. 1860) is amended by striking ''this'' both places it appears in quoted matter and inserting ''This''.

(4) Section 402(b) (114 Stat. 1861) is amended by striking the close quotation marks and period at the end of the table in paragraph (2) of the matter inserted by the amendment made that section.

(c) PUBLIC LAW 102–590.—Section 3(a)(1) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking '', during,''.

Amend the title so as to read ''An Act to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments, and for other purposes.''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BOND. Mr. President, in executive session, I ask unanimous consent that the Senate proceed to the consideration of the following nominations en bloc: Nos. 79, 80, 81, 82, 99, 100, 101, 135 through 154, 156, 157, 160, 167, and all nominations on the Secretary's desk; and reported by the Commerce Committee, Timothy Muris, PN267. I also ask unanimous consent that the HELP Committee be discharged from further consideration of the nomination of Donald Findlay, PN372, and the Senate proceed to its consideration. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

DEPARTMENT OF ENERGY

Bruce Marshall Carnes, of Virginia, to be Chief Financial Officer, Department of Energy.

David Garman, of Virginia, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy).

Francis S. Blake, of Connecticut, to be Deputy Secretary of Energy.

Robert Gordon Card, of Colorado, to be Under Secretary of Energy.

Patrick Henry Wood III, of Texas, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2005.

Nora Mead Brownell, of Pennsylvania, to be a member of the Federal Energy Regulatory Commission for a term expiring June 30, 2006. (Reappointment)

Nora Mead Brownell, of Pennsylvania, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2001.

DEPARTMENT OF COMMERCE

Maria Cino, of Virginia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Bruce P. Mehlman, of Maryland, to be Assistant Secretary of Commerce for Technology Policy.

Kathleen B. Cooper, of Texas, to be Under Secretary of Commerce for Economic Affairs.

DEPARTMENT OF TRANSPORTATION

Sean B. O'Hollaren, of Oregon, to be an Assistant Secretary of Transportation.

Donna R. McLean, of the District of Columbia, to be an Assistant Secretary of Transportation.

FEDERAL COMMUNICATIONS COMMISSION

Michael K. Powell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2002. (Reappointment)

Kathleen Q. Abernathy, of Maryland, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1999.

Kevin J. Martin, of North Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2001.

Michael Joseph Copps, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2000.

FEDERAL TRADE COMMISSION

Timothy J. Muris, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 1994.

DEPARTMENT OF STATE

Stephen Brauer, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

A. Elizabeth Jones, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (European Affairs).

Walter H. Kansteiner, of Virginia, to be an Assistant Secretary of State (African Affairs).

Lorne W. Craner, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

William J. Burns, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Near Eastern Affairs).

Ruth A. Davis, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

Carl W. Ford, Jr., of Arkansas, to be an Assistant Secretary of State (Intelligence and Research).

Christina B. Rocca, of Virginia, to be Assistant Secretary of State for South Asian Affairs.

Paul Vincent Kelly, of Virginia, to be an Assistant Secretary of State (Legislative Affairs).

Donald Burnham Ensenat, of Louisiana, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Peter S. Watson, of California, to be President of the Overseas Private Investment Corporation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Piyush Jindal, of Louisiana, to be an Assistant Secretary of Health and Human Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Thomas Scully, of Virginia, to be Administrator of the Health Care Financing Administration.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Edmund P. Giambastiani, Jr.