S. 871

At the request of Mr. CLELAND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 940

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 1014

At the request of Mr. BUNNING, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1014, a bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and for other purposes.

S. 1030

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1030, a bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes.

S. 1037

At the request of Mrs. HUTCHISON, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1037, a bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes.

S. 1041

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 1041, a bill to establish a program for an information clearinghouse to increase public access to defibrillation in schools.

S. 1050

At the request of Mr. SANTORUM, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1050, a bill to protect infants who are born alive.

S. CON. RES. 35

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 35, a concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

S. CON. RES. 37

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution expressing the sense of Congress on the importance of promoting electronic commerce, and for other purposes.

S. CON. RES. 45

At the request of Mr. FITZGERALD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 45 , a concurrent resolution expressing the sense of Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON (for himself and Mr. DAYTON):

S. 1058. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and the producers of biodiesel, and for other purposes; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, the debate over energy use in America has gripped our national attention for well over a year. A week doesn't go by that you don't pick up a newspaper or magazine and read at least one story about our Nation's domestic or foreign energy crisis. One issue in the energy debate that has caught my attention and that of farmers in my State is renewable fuels.

The technology to convert agricultural crops into combustible fuel, suitable for use in modern diesel and gasoline engines, has existed for more than 100 years. I believe this process continues to hold great potential for America. The production and use of biofuels offers our Nation a safe, renewable source of energy for travel and transport, not to mention the long-term economic benefits for farmers and consumers.

That is why I rise today to introduce the Biodiesel Renewable Fuels Act. I am pleased that Senator DAYTON has joined with me as my lead cosponsor. This bill encourages the use of biodiesel by establishing a tax credit for manufacturers who produce a blend of conventional diesel and soybean or oilseed additives. By reducing the diesel fuel excise tax, suppliers will receive a 3-cent-per-gallon credit for using a diesel blend that contains at least 2 percent biodiesel. This tax credit is very similar to the existing tax incentive for ethanol, a biofuel made from corn-based products. I believe a tax incentive for soy-based biodiesel will increase domestic production and capture the agricultural, environmental and economical benefits associated with using this renewable source of energy.

Most Americans don't realize that farm communities sit atop a vast and virtually untapped source of renewable fuels in the form of agriculture crops. Farmers in Arkansas are interested in developing new markets for soybean and oilseed products. In Arkansas for example, farmers grew 94 million bushels, or 2.5 million metric tons, of soybeans last year. Nationally, farmers produced 2.6 billion bushels of soybeans in 1999–2000, equal to 72 million metric tons. The oil derived from soybeans and other oilseed crops can be refined into a diesel additive or diesel alternative. According to a USDA study released in 1996, an annual market for biodiesel of 100 million gallons in the United States would raise the price of soybeans by up to seven cents per bushel. Given the recent U.S. soybean crop, that kind of annual market would result in more than $168 million directly related to the use of soy-based biodiesel.

Producing biodiesel domestically also means that more money stays in the U.S. Instead of purchasing more foreign petroleum, manufacturers can reduce their dependence on overseas oil by adding biodiesel blends for use in existing diesel engines. If domestic companies are encouraged to develop the infrastructure necessary to produce more biodiesel, the economic effect will be more U.S. jobs, lower prices for the consumer and larger markets for farmers.

Developing markets for agricultural commodities and reducing our dependence on foreign oil is good, but there are environmental benefits as well. It is well documented that the burning of biofuels in combustion engines reduces the emissions of harmful greenhouse gases and particulate matter. In fact, biodiesel passes some of the Environmental Protection Agency's most stringent emissions and health standards for fuel additives and fuel alternatives. This becomes important when you consider the EPA's recent announcement that California should continue to use ethanol as a fuel oxygenate to improve air quality. As more cities and States are faced with having to improve the quality of their air, I believe biofuels are a sensible alternative to existing oxygenates which are not as friendly to the environment or human health.

If using biodiesel improves air quality, reduces our dependence on foreign oil and provides a value-added market for soybean and oilseed crops, then we should support legislation to further development of this renewable source of fuel. My bill is good for farmers, it's good for consumers and it's good for

the environment. I ask unanimous consent that the text of the Biodiesel Renewable Fuels Act be printed in the RECORD.

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

S. 1058

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Biodiesel Renewable Fuels Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. CREDIT FOR BIODIESEL USED AS FUEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 40 the following new section:

''SEC. 40A. BIODIESEL USED AS FUEL.

''(a) GENERAL RULE.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is an amount equal to the biodiesel mixture credit.

''(b) DEFINITION OF BIODIESEL MIXTURE CREDIT.—For purposes of this section—

''(1) BIODIESEL MIXTURE CREDIT.—

''(A) IN GENERAL.—The biodiesel mixture credit of any taxpayer for any taxable year is the sum of the products of the biodiesel mixture rate for each blend of qualified biodiesel mixture and the number of gallons of the blend of the taxpayer for the taxable year.

''(B) BIODIESEL MIXTURE RATE.—For purposes of subparagraph (A), the biodiesel mixture rate shall be—

''(i) the applicable amount for a B–1 blend,

''(ii) 3.0 cents for a B–2 blend, and

''(iii) 20.0 cents for a B–20 blend.

''(C) BLENDS.—For purposes of this paragraph—

''(i) B–1 BLEND.—The term 'B–1 blend' means a qualified biodiesel mixture if at least 0.5 percent but less than 2.0 percent of the mixture is biodiesel.

''(ii) B–2 BLEND.—The term 'B–2 blend' means a qualified biodiesel mixture if at least 2.0 percent but less than 20 percent of the mixture is biodiesel.

''(iii) B–20 BLEND.—The term 'B–20 blend' means a qualified biodiesel mixture if at least 20 percent of the mixture is biodiesel.

''(D) APPLICABLE AMOUNT.—For purposes of this paragraph, the term 'applicable amount' means, in the case of a B–1 blend, the amount equal to 1.5 cents multiplied by a fraction the numerator of which is the percentage of biodiesel in the B–1 blend and the denominator of which is 1 percent.

''(2) QUALIFIED BIODIESEL MIXTURE.—

''(A) IN GENERAL.—The term 'qualified biodiesel mixture' means a mixture of diesel and biodiesel which—

''(i) is sold by the taxpayer producing such mixture to any person for use as a fuel; or

''(ii) is used as a fuel by the taxpayer producing such mixture.

''(B) SALE OR USE MUST BE IN TRADE OR BUSINESS, ETC.—Biodiesel used in the production of a qualified biodiesel mixture shall be taken into account—

''(i) only if the sale or use described in subparagraph (A) is in a trade or business of the taxpayer; and

''(ii) for the taxable year in which such sale or use occurs.

''(C) CASUAL OFF-FARM PRODUCTION NOT ELIGIBLE.—No credit shall be allowed under this section with respect to any casual off-farm production of a qualified biodiesel mixture.

''(c) COORDINATION WITH EXEMPTION FROM EXCISE TAX.—The amount of the credit determined under this section with respect to any biodiesel shall, under regulations prescribed by the Secretary, be properly reduced to take into account any benefit provided with respect to such biodiesel solely by reason of the application of section 4041(n) or section 4081(f).

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BIODIESEL DEFINED.—

''(A) IN GENERAL.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from vegetable oils for use in compressional-ignition (diesel) engines. Such term shall include esters derived from vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflowers, flaxseeds, and mustard seeds.

''(B) REGISTRATION REQUIREMENTS.—Such term shall only include a biodiesel which meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

''(2) BIODIESEL MIXTURE NOT USED AS A FUEL, ETC.—

''(A) IMPOSITION OF TAX.—If—

''(i) any credit was determined under this section with respect to biodiesel used in the production of any qualified biodiesel mixture, and

''(ii) any person—

''(I) separates the biodiesel from the mixture, or

''(II) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the biodiesel mixture rate applicable under subsection (b)(1)(B) and the number of gallons of the mixture.

''(B) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under subparagraph (A) as if such tax were imposed by section 4081 and not by this chapter.

''(3) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(e) ELECTION TO HAVE BIODIESEL FUELS CREDIT NOT APPLY.—

''(1) IN GENERAL.—A taxpayer may elect to have this section not apply for any taxable year.

''(2) TIME FOR MAKING ELECTION.—An election under paragraph (1) for any taxable year may be made (or revoked) at any time before the expiration of the 3-year period beginning on the last date prescribed by law for filing the return for such taxable year (determined without regard to extensions).

''(3) MANNER OF MAKING ELECTION.—An election under paragraph (1) (or revocation thereof) shall be made in such manner as the Secretary may by regulations prescribe.''

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following:

''(16) the biodiesel fuels credit determined under section 40A.''

(c) CONFORMING AMENDMENTS.—

(1) Section 39(d) is amended by adding at the end the following:

''(11) NO CARRYBACK OF BIODIESEL FUELS CREDIT BEFORE JANUARY 1, 2003.—No portion of the unused business credit for any taxable year which is attributable to the biodiesel fuels credit determined under section 40A may be carried back to a taxable year beginning before January 1, 2003.''

(2) Section 196(c) is amended by striking ''and'' at the end of paragraph (9), by striking the period at the end of paragraph (10), and by adding at the end the following:

''(11) the biodiesel fuels credit determined under section 40A.''

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 40 the following new item:

''Sec. 40A. Biodiesel used as fuel.''

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

SEC. 3. REDUCTION OF MOTOR FUEL EXCISE TAXES ON BIODIESEL MIXTURES.

(a) IN GENERAL.—Section 4081 (relating to manufacturers tax on petroleum products) is amended by adding at the end the following new subsection:

''(f) BIODIESEL MIXTURES.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—In the case of the removal or entry of a qualified biodiesel mixture, the rate of tax under subsection (a) shall be the otherwise applicable rate reduced by the biodiesel mixture rate (if any) applicable to the mixture.

''(2) TAX PRIOR TO MIXING.—

''(A) IN GENERAL.—In the case of the removal or entry of diesel fuel for use in producing at the time of such removal or entry a qualified biodiesel mixture, the rate of tax under subsection (a) shall be the otherwise applicable rate, reduced by the amount determined under subparagraph (B).

''(B) APPLICABLE REDUCTION.—For purposes of subparagraph (A), the amount determined under this subparagraph is an amount equal to the biodiesel mixture rate for the qualified biodiesel mixture to be produced from the diesel fuel, divided by a percentage equal to 100 percent minus the percentage of biodiesel which will be in the mixture.

''(3) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 40A shall have the meaning given such term by section 40A.

''(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (6) and (7) of subsection (c) shall apply for purposes of this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4041 is amended by adding at the end the following new subsection:

''(n) BIODIESEL MIXTURES.—Under regulations prescribed by the Secretary, in the case of the sale or use of a qualified biodiesel mixture (as defined in section 40A(b)(2)), the rates under paragraphs (1) and (2) of subsection (a) shall be the otherwise applicable rates, reduced by any applicable biodiesel mixture rate (as defined in section 40A(b)(1)(B)).''.

(2) Section 6427 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) BIODIESEL MIXTURES.—Except as provided in subsection (k), if any diesel fuel on which tax was imposed by section 4081 at a rate not determined under section 4081(f) is used by any person in producing a qualified biodiesel mixture (as defined in section 40A(b)(2)) which is sold or used in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the per gallon applicable biodiesel mixture rate (as defined in section 40A(b)(1)(B)) with respect to such fuel.''.

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

SEC. 4. HIGHWAY TRUST FUND HELD HARMLESS.

There are hereby transferred (from time to time) from the funds of the Commodity Credit Corporation amounts equivalent to the reductions that would occur (but for this section) in the receipts of the Highway Trust Fund by reason of the amendments made by this Act. Such transfers shall be made on the basis of estimates made by the Secretary of the Treasury and adjustments shall be made to subsequent transfers to reflect any errors in the estimates.

Mr. DAYTON. Mr. President, I rise today to introduce, along with my distinguished colleague Senator HUTCHINSON from Arkansas, legislation that will increase the use of biodiesel fuel throughout our country.

Biodiesel is a natural additive to diesel fuel, much as ethanol is to regular gasoline. It is also a fuel in its own right. Biodiesel is made from soybeans and other vegetable oils. Its use as a 2-percent blend with diesel fuel, and in some instances as high as a 20-percent blend, will increase the demand for these commodities, boost their market price, and reduce the toxic carbon emissions from trucks and other vehicles across this Nation, all at no additional cost to American taxpayers.

Our legislation would provide a 3-cent-per-gallon credit to diesel fuel suppliers using 2-percent biodiesel and up to a 20-cent-per-gallon credit for blends containing 20-percent biodiesel.

As soybean prices rise then due to the increased usage, Federal spending on the U.S. Department of Agriculture Marketing Assistance Loan Program will be reduced accordingly, resulting in substantial savings for the American taxpayers.

A credit such as this would otherwise reduce the revenues that would be going into the highway trust fund. Given the deterioration of many of our Nation's highways, that would be unwise. Thus, this legislation provides for the Commodity Credit Corporation to reimburse the highway trust fund for its forgone revenues.

Our current energy crisis is also an opportunity for our country. I currently have a van driving around the State of Minnesota that uses 85-percent ethanol fuel with no difficulties whatsoever. These agricultural fuels are not just possible tomorrow, they are practical today. We just need to help them become financially competitive, until these industries can reach the volume of production necessary to compete with the giant oil industry.

In conclusion, this legislation is an important step in several right directions—toward less foreign oil dependency, toward higher agricultural commodity prices for American farmers, toward lower taxpayer costs for our struggling farm economy, and toward a cleaner air quality for us all. I respectfully urge my colleagues to support this important legislation.

By Mr. BAYH:

S. 1059. A bill to amend the Internal Revenue Code of 1986 to provide that certain postsecondary educational benefits provided by an employer to children of employees shall be excludable from gross income as a scholarship; to the Committee on Finance.

By Mr. BAYH:

S. 1060. A bill to amend the Internal Revenue Code of 1986 to provide that certain postsecondary educational benefits provided by an employer to children of employees shall be excludable from gross income as part of an educational assistance program; to the Committee on Finance.

Mr. BAYH. Mr. President, I am pleased to introduce legislation today that will help thousands of American workers with the financial burden associated with sending a daughter or son to college. In this climate of labor shortages, U.S. companies are looking for innovative ways to maintain and attract a dedicated and qualified workforce. Some companies have creatively turned to providing college scholarships for their employees' children. My legislation would allow employees to deduct these scholarships from their gross income. Under current law, an employee generally is not taxed on post-secondary education assistance provided by an employer for the benefit of the employee. My bill would extend this treatment to employer-provided education assistance for the employees' children, up to $2,000 per child.

As many of my colleagues know, employer-provided education assistance is considered an integral tool in keeping America's workforce well trained and equipped to deal with the changing face of the New Economy. Current law not only allows companies to keep an up-to-date labor pool, but also allows many workers to move from low-wage, entry level positions up the economic ladder of success. Extending tax-free treatment to the children of employees not only will help working families, but will contribute to our Nation's competitiveness in an increasingly dynamic global economy.

My legislation is very simple. It allows employees whose companies provide educational scholarships for employees' children to exclude up to $2000 from gross income per child. An employee may not exclude more than $5,250 from gross income for employer education assistance. This is the limit established under Section 127(a)(2) of the Internal Revenue Code for employer education assistance. In essence, there would be ''family cap.'' Workers could deduct a $2,000 scholarship for their child and could also exclude up to $3,250 of educational benefits for themselves, however, the combined amounts could not exceed $5,250.

In today's economy, American companies are no longer looking purely for a high-school diploma, but require that their workers have some sort of post-secondary education or training. Many working families struggle in providing this basic start which will help their children get well-paying jobs.

This piece of legislation is also a modest proposal. The Joint Committee on Taxation has scored this provision at $231 million over 10 years. I look forward to working to make sure that this provision is fully offset in a responsible manner. I hope my colleagues will join me to help ease the burden of American families with the soaring costs of higher education.

By Mr. MCCONNELL:

S. 1061. A bill to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historic Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCONNELL. Mr. President, last month the Bush Administration unveiled a new national energy strategy that strikes an important balance between the twin priorities of production and conservation. Today I am proud to introduce legislation with Congressman HAL ROGERS that takes a step toward fulfilling the conservation side of that energy equation in my home state of Kentucky.

Our bill, the Fern Lake Conservation and Recreation Act of 2001, will authorize the Cumberland Gap National Historical Park to purchase Fern Lake, a natural landmark on the Kentucky-Tennessee border that has served as the municipal water supply for Middlesboro, KY since the lake was constructed in 1893. This bill will protect the lake as a clean and safe source of rural water for Kentuckians, enhance the scenic and recreational value of Cumberland Gap National Historical Park, and increase tourism opportunities in the three states that border the Park—Kentucky, Tennessee, and Virginia.

For those who may be less familiar with this part of the country, Fern Lake is a beautiful and pristine body of water set against the backdrop of the Appalachian Mountains. The 150-acre lake presently sits adjacent to the Park and is part of the viewshed from Pinnacle Overlook, which is one of the Park's most popular attractions. It is said that the glassy surface of Fern Lake is so clear that you can see fish swimming 10 feet below the surface. Perhaps that is one of the reasons why Middlesboro Mayor Ben Hickman describes his town's water supply as one of the best in the United States.

With a lake of such natural beauty and exceptional water quality, it is no wonder that the citizens and community leaders want to protect it. Although Fern Lake has been privately owned for most of its existence, it has been for sale since July 2000, and there is concern in Middlesboro that a new owner may not share the same interests regarding the lake as those embraced by the community. That is why a growing chorus of community leaders and citizens have called for the Cumberland Gap National Historical Park to purchase Fern Lake. This solution would guarantee management of this

wonderful resource consistent with the needs of the community.

This legislation is needed because currently the Park is prohibited by law from expanding its boundaries by purchasing new land with appropriated funds. Our bill, therefore, authorizes the Park to use appropriated funds, if necessary, to purchase Fern Lake (and up to 4,500 acres of the surrounding watershed) and to manage the lake for public recreational uses. This bill also requires the Park to maintain Fern Lake as a source of clean drinking water, authorizes the Park to sell water to the city of Middlesboro, and permits the proceeds of the water sales to be spent by the Secretary of the Interior without further appropriation. And because the scenic and recreational values of Fern Lake will benefit the tourism industry in all three adjacent states—Kentucky, Tennessee, and Virginia—the legislation directs the Secretary of the Interior to consult with appropriate officials in these states to determine the best way to manage the municipal water supply and to promote the increased tourism opportunities associated with Park ownership of Fern Lake.

This bill is a small but important example of the type of targeted conservation measures that are essential to making a national energy policy work for all Americans. This is not the conservation of environmental extremism that seeks to divide communities, vilify opponents, or present unworkable approaches in the name of political opportunism. Rather, this is conservation that builds upon community consensus. It is common sense conservation that seeks environmental solutions that will enhance rather than disturb local industries such as tourism, which have been so vital to economically depressed areas such as southeastern Kentucky. And finally, this is conservation that is careful to consider, and where necessary, to protect, the property rights of affected landowners. This bill requires that the Park acquire land from willing sellers only, and the National Park Service has assured us that it has no authority to place land-use restrictions on private land until the land is actually acquired by the Park.

Targeted and consensus-driven conservation measures such as this one are not always easy to craft, but they are always worth the effort. This bill is proof that environmental protection and economic development need not be at odds, and that there are a number of responsible and practical conservation opportunities that can bring communities together rather than tear them apart. Indeed, if this simple formula for finding consensus conservation opportunities—broad community support, local employment, and private property protections—was replicated in all 50 States, we could make actual and noticeable strides as a nation toward protecting and promoting our natural treasures.

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

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

S. 1061

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 ''Fern Lake Conservation and Recreation Act of 2001''.

SEC. 2. FINDINGS AND PURPOSES.

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

(1) Fern Lake and its surrounding watershed in Bell County, Kentucky, and Claiborne County, Tennessee, is within the potential boundaries of Cumberland Gap National Historical Park as originally authorized by the Act of June 11, 1940 (54 Stat 262; 16 U.S.C. 261 et seq.).

(2) The acquisition of Fern Lake and its surrounding watershed and its inclusion in Cumberland Gap National Historical Park would protect the vista from Pinnacle Overlook, which is one of the park's most valuable scenic resources and most popular attractions, and enhance recreational opportunities at the park.

(3) Fern Lake is the water supply source for the City of Middlesboro, Kentucky, and environs.

(4) The 4500-acre Fern Lake watershed is privately owned, and the 150-acre lake and part of the watershed are currently for sale, but the Secretary of the Interior is precluded by the first section of the Act of June 11, 1940 (16 U.S.C. 261), from using appropriated funds to acquire the lands.

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

(1) to authorize the Secretary of the Interior to use appropriated funds if necessary, in addition to other acquisition methods, to acquire from willing sellers Fern Lake and its surrounding watershed in order to protect scenic and natural resources and enhance recreational opportunities at Cumberland Gap National Historical Park; and

(2) to allow the continued supply of safe, clean, drinking water from Fern Lake to the City of Middlesboro, Kentucky, and environs.

SEC. 3. LAND ACQUISITION, FERN LAKE, CUMBERLAND GAP NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) FERN LAKE.—The term ''Fern Lake'' means Fern Lake located in Bell County, Kentucky, and Claiborne County, Tennessee.

(2) LAND.—The term ''land'' means land, water, interests in land, and any improvements on the land.

(3) PARK.—The term ''park'' means Cumberland Gap National Historical Park, as authorized and established by the Act of June 11, 1940 (54 Stat 262; 16 U.S.C. 261 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) ACQUISITION AUTHORIZED.—The Secretary may acquire for addition to the park lands consisting of approximately 4,500 acres and containing Fern Lake and its surrounding watershed, as generally depicted on the map entitled ''Fern Lake Watershed Boundary Addition, Cumberland Gap National Historical Park'', numbered 380/80,004, and dated May 2001. The map shall be on file in the appropriate offices of the National Park Service.

(c) AUTHORIZED ACQUISITION METHODS.—

(1) IN GENERAL.—Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary may acquire lands described in subsection (b) by donation, purchase with donated or appropriated funds, or exchange. However, the lands may be acquired only with the consent of the owner.

(2) EASEMENTS.—At the discretion of the Secretary, the Secretary may acquire land described in subsection (b) that is subject to an easement for the continued operation of providing the water supply for the City of Middlesboro, Kentucky, and environs.

(d) BOUNDARY ADJUSTMENT AND ADMINISTRATION.—Upon the acquisition of land under this section, the Secretary shall revise the boundaries of the park to include the land in the park. Subject to subsection (e), the Secretary shall administer the acquired lands as part of the park in accordance with the laws and regulations applicable to the park.

(e) SPECIAL ISSUES RELATED TO FERN LAKE.—

(1) PROTECTION OF WATER QUALITY.—The Secretary shall manage public recreational use of Fern Lake, if acquired by the Secretary, in a manner that is consistent with the protection of the lake as a source of safe, clean, drinking water.

(2) SALE OF WATER.—In the event the Secretary's acquisition of land includes the water supply of Fern Lake, the Secretary may enter into contracts to facilitate the sale and distribution of water from the lake for the municipal water supply for the City of Middlesboro, Kentucky, and environs. The Secretary shall ensure that the terms and conditions of any such contract is consistent with National Park Service policies for the protection of park resources. Proceeds from the sale of the water shall be available for expenditure by the Secretary at the park without further appropriation.

(3) CONSULTATION REQUIREMENTS.—In order to better manage Fern Lake and its surrounding watershed, if acquired by the Secretary, in a manner that will facilitate the provision of water for municipal needs as well as the establishment and promotion of new recreational opportunities made possible by the addition of Fern Lake to the park, the Secretary shall consult with—

(A) appropriate officials in the States of Kentucky, Tennessee, and Virginia and political subdivisions of these States;

(B) organizations involved in promoting tourism in these States; and

(C) other interested parties.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. BIDEN, Mrs. CLINTON, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. JOHNSON, and Mr. INOUYE):

S. 1062. A bill to amend the Public Health Service Act to promote organ donation and facilitate interstate linkage and 24-hour access to State donor registries, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, this year the waiting list for organ transplants among Americans stands at more than 75,000. I rise to urge all Senators, and all Americans to become organ donors. I rise to introduce legislation to make it easier for individuals to donate and make it simpler to identify the decedents's donation wishes. I am pleased that Senators COLLINS, BIDEN, CLINTON, FEINGOLD, FEINSTEIN, JOHNSON, and INOUYE join me in this effort.

Access to organ transplantation remains limited by the shortage of donated organs. Each day, an average of

17 people on the waiting list will die. And the waiting list is growing. In fact, since 1990 the number of men, women and children awaiting life-saving transplants has grown by at least 10 percent easy year. We need to move expeditiously to reduce these deaths due to the scarcity of willing organ donors. Every 14 minutes we do not act, another name is added to the national transplant waiting list.

Over the last several years, I have worked with many of my colleagues on a variety of initiatives to increase organ donation. In 1996, I authored legislation to include an organ donation card with every Federal income tax refund mailed. More than 70 million donor cards were mailed, the largest distribution in history. In 1997, I authored a provision in the Labor, Health and Human Services, and Education Appropriation bill that authorized a study of hospital best practices for increasing organ donation. More recently, I launched a campaign known as ''Give Thanks, Give Life'' with the National Football League and a large coalition of advocacy organizations to promote family discussions over Thanksgiving of family members' desire to become organ donors.

But we need to do more. Major barriers to donation still exist. A recent analysis by the Lewin Group, Inc., found low rates of family consent to donation. In addition, there are many missed opportunities in the process of identifying and referring all potential donors to procurement organizations so that families may be approached. A 1996 study of potential organ donors in hospitals found that in nearly a third of all cases, potential donors were not identified or no request was made to the family.

Today I am introducing a comprehensive proposal to address these obstacles, including a number of new initiatives. The DONATE Act: 1. Establishes a national organ and tissue donor registry resource center at the Department of Health and Human Services; 2. Authorizes grants to States to support the development, enhancement, expansion and evaluation of statewide organ and tissue donor registries; 3. Funds additional research to learn more about effective strategies that increase donation rates; 4. Provides financial assistance to donors for travel and subsistence expenses incurred toward making living donations of their organs; 5. Expands Federal efforts to educate the public about organ donation and improve outreach activities; 6. Provides grants to hospitals and organ procurement organizations to fund organ coordinators; and 7. Directs the Secretary of the Treasury to strike a bronze medal to commemorate organ donors and their families.

Organ and tissue donor registries have the potential to greatly improve donation rates. Registries provide medical and/or procurement personnel easy access to the donation wishes of brain-dead patients. By indicating the potential donors wishes to the family, a registry documentation can aid in securing next of kin consent. Despite the fact that 85 percent of Americans support organ donation for transplants, studies indicate that only about 50 percent of families consent to donation. Well-designed databases can improve coordination between hospitals, physicians, organ procurement organizations and families. Registries can also assist in evaluating education and outreach efforts by providing information about registrant demographics and audience-specific effectiveness of awareness campaigns. Yet currently only about a dozen States operate mature, centralized organ and tissue donor registries.

I am proud that the State of Illinois was one of the first and is currently the largest such system. In Illinois, individuals can indicate their willingness to donate by signing their drivers license. Drivers' license applicants are also asked if they wish to have their name listed on the confidential statewide registry. In addition to signing up at a driver services facility, persons can join the registry by calling an eight hundred number or electronically via the web. More than 3 million Illinoisans have already joined and 100,000 more sign up each month. Today, participation in the Illinois Donor Registry is 39 percent statewide, an increase of 77 percent since 1993. In addition, about one fifth of all facilities are reporting participation rates at or above 50 percent. Most importantly, organ donation has risen 40 percent since 1993 and the Regional Organ Bank of Illinois has led the nation in the number of organs recovered for transplantation since 1994.

But unfortunately Illinois is the exception and not the rule. Most States do not have programs and gaps in knowledge exist. In fact, no one kept track of which States operate organ donor registries until recently. We have little information about what works best when developing registries. Guidance for States about the basic components of effective systems such as the core functions and content, legal and ethical standards, privacy protections and data exchange protocols, is scarce.

And in addition to the fact that most States do not operate registries, among those who do, currently no mechanism exists to share information between these registries. So if a Illinoisan dies in Wisconsin, law enforcement or hospital officials in Wisconsin have no easy way of knowing of the victims intent to donate. To be effective, registries need to be accessible to the proper authorities around the clock without regard for State boundaries. To be effective, registries also need to function as an advance directive, ensuring that the donors wishes are honored.

The DONATE Act both funds State registry development and creates the technical expertise States need to do so. The bill establishes a National Organ and Tissue Donation Resource Center, informed by a task force of national experts, to develop registry guidelines for States based on best practices. The Center would maintain a donor registry clearinghouse, including a web site, to collect, synthesize, and distribute information about what works. The proposal also requires that a mechanism be established to link State registries and to provide around-the-clock access to information. To help ensure that registry development is based on evidence of effectiveness and best practices, and to help us understand better how to utilize the registry tool to increase donations, the DONATE Act asks an advisory task force to examine state registries and make recommendations to Congress about the states of such systems and ways to develop linkages between state registries.

Public education is equally as important as developing better technical tools and programs to increase donation if we are to do a better job of matching the number of donors to people in need of a transplant. The DONATE Act launches a national effort to raise public awareness about the importance of organ donation and funds research to find better ways to improve donation rates. The bill authorizes State grants for innovative organ donor awareness and outreach initiatives and programs aimed at increasing donation.

A number of additional innovative initiatives are included in this bill. The DONATE Act would directly assist living donors, providing financial assistance to offset travel, subsistence and other expenses incurred toward making living donations of their organs. Similar provisions recently cleared the House of Representatives by more than 400 votes. The DONATE Act includes the House passed bill, with a number of improvements. For example, the Act does not restrict such assistance to artificial residency requirements and it does not limit assistance only to those who donate organs to low income recipients.

The DONATE Act also provides grants to hospitals and organ procurement organizations to fund staff positions for organ coordinators. These in-house organ coordinators would be responsible for coordinating organ donation and recovery at a hospital or a group of hospitals. Research has shown that these types of initiatives can have dramatic results. A four-year retrospective study of a large public hospital in Houston that implemented a coordinator program resulted in a 64 percent increase in the consent rate along with a 94 percent increase in the number of organ donors.

Finally, the DONATE Act incorporates a valuable initiative developed by Senator BILL FRIST to present donors or the family of a donor with a Congressional medal recognizing their gift of life. The bronze medal is just

one small, meaningful way we can acknowledge the important act of donating to save another person's life.

A great deal of input from experts, and from my colleagues as well, contributed to this legislation. All of these important provisions come with the strong support and input of many groups whose mission it is to help save lives by increasing organ donation, including the American Liver Foundation, the American Society of Transplantation and the American Society of Transplant Surgeons. I strongly believe that this type of concrete investment and commitment from the Federal government is overdue and will make a real difference. And in this case a real difference is someone's life.

I urge my colleagues to join me in this effort to wipe out the waiting list for transplants. I urge you all to cosponsor the DONATE Act and move expeditiously to pass this legislation.

By Mr. BOND (for himself, Mr. REID, Mr. SMITH of New Hampshire, Mr. KERRY, Mr. WARNER, Mr. CHAFEE, Mr. WYDEN, Mr. CLELAND, Mr. ENSIGN, and Ms. LANDRIEU):

S. 1064. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide certain relief from liability for small businesses; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, it is a pleasure for me to introduce the Small Business Liability Protection Act of 2001. This bill will provide a lifeline for the thousands of small business owners threatened by lawsuits and litigation under the broken Superfund liability system. Joining me in introducing this legislation are Senators REID, SMITH, KERRY, WARNER, CHAFEE, CLELAND, LANDRIEU, ENSIGN, and WYDEN.

The bill is simple. All this bill does is protect those who contributed very small amounts of waste, or waste no different than common household garbage, to a Superfund site. The bill will also speed up the process for handling those little fish with a limited ability to pay towards a Superfund site's cleanup.

The exact same version of this bill passed the House unanimously in May and I am proud to have similar bipartisan support for this Senate version. We have members from both the Environment Committee and the Small Business Committee supporting this bill at introduction and I encourage all my colleagues to join our effort.

My bill will not let polluters off the hook. This common-sense proposal will make the Superfund program a little more reasonable and workable. With this legislation, we can begin to provide some relief to small business owners who are held hostage by potential Superfund liability.

For years now, members from both sides of the aisle have said that the Superfund program is broken, it doesn't work, it must be reformed. Unfortunately we haven't gotten past the rhetoric to fix the problem. Instead of making changes that will produce results that are better for the taxpayers, better for the environment, and more efficient for everyone involved—government agencies, Federal bureaucrats, and Congress have protected this troubled and inefficient program from meaning reform.

As Washington has played politics with the Superfund program, innocent Main Street small business owners across the nation, the engine of our economy, continue to be unfairly pulled into Superfund's legal quagmire. We now have the opportunity to put all of that behind us and move forward with bipartisan, common-sense reform.

Let's put a human face on this: recently, just across the Missouri border—in Quincy, Illinois—160 small business owners were asked to pay the EPA more than $3 million for garbage legally hauled to a dump more than 20 years ago. The situation in Quincy is just one example of the very real, ongoing Superfund legal threat to small business owners across the nation.

We all know that Superfund was created to clean up the Nation's most-hazardous waste sites. Superfund was not created to have small business owners sued for simply throwing out their trash! These small business owners are faced with so many challenges already, that the thousands of dollars in penalties and lawsuits leave them with no choice but to mortgage their businesses, their employees and their future to pay for the bills of a broken government program.

How many times will we tell ourselves that this unacceptable situation must be fixed before we act? Small business owners literally cannot afford to wait around while we delay action on the common-sense fixes required to protect them and our environment.

Is this legislation everything I would like to see. No. But this bill does move us in the direction we need to go to ensure cleanup, fairness, and progress in reforming the Superfund program.

In recognition of our small businesses around the country, I introduce this bill and look forward to ensuring speedy adoption of this long overdue legislation.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 113—CONGRATULATIONS TO THE LOS ANGELES LAKERS ON THEIR SECOND CONSECUTIVE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 113

Whereas the Los Angeles Lakers are the undisputed 2001 National Basketball Association champions and thus champions of the world;

Whereas this is the second consecutive season that the Los Angeles Lakers have won the National Basketball Association championship;

Whereas the Los Angeles Lakers are one of America's preeminent sports franchises and have won their 13th NBA Championship.

Whereas the Los Angeles Lakers sealed their second consecutive championship with the best playoff record in the history of the National Basketball Association, and became the first team to go through the playoffs undefeated on the road;

Whereas this exceptionally gifted team is guided by Phil Jackson, one of the most successful coaches in the history of professional basketball, who led the Lakers to victory in 23 of their last 24 games;

Whereas the Los Angeles Lakers' 2001 National Basketball Association championship was characterized by a remarkable team effort, led by the series Most Valuable Player Shaquille O'Neal; and

Whereas it is appropriate and fitting to now offer these athletes and their coach the attention and accolades they have earned: Now, therefore, be it

Resolved, That the Senate congratulates the entire 2001 Los Angeles team and its coach Phil Jackson for their remarkable achievement, and their drive, discipline, and dominance.

Mrs. BOXER. Mr. President, last Friday, as millions of Americans and basketball fans around the world watched on television and listened on the radio, the Los Angeles Lakers defeated the Philadelphia 76ers to become the 2001 National Basketball Association champions.

This is the second consecutive year that the Lakers have won the NBA championship.

No team has ever enjoyed a post-season quite like the Lakers. They clinched the championship in five games, finishing the playoffs with a record of 15–1—the best ever. They were also the first team to go through the playoffs without losing a single game on the road.

Throughout the playoffs and championship series, one player in particular came to symbolize the Lakers' march to victory: The Big Man—Shaquille O'Neal. Because of his sterling play and leadership, Shaquille O'Neal was named Most Valuable Player for the series. O'Neal, of course, benefitted from a sterling supporting cast that included Kobe Bryant, Rick Fox, Derek Fisher, Robert Horry and others.

Indeed, Mr. President, this year's championship was truly a team effort.

While the lion's share of the credit for their remarkable victory goes to the players themselves, I also want to acknowledge the outstanding coaching staff led by head coach Phil Jackson. This is Coach Jackson's eighth NBA title and his second with the Lakers.

I think it is safe to say that these Los Angeles Lakers are a basketball dynasty-in-the-making, and I am delighted to introduce this resolution acknowledging their efforts and congratulating the Lakers and their fans in California and around the world.

Mrs. FEINSTEIN. Mr. President, I rise today to congratulate the Los Angeles Lakers for winning the National