(Ms. MIKULSKI) was added as a cosponsor of S. 626, a bill to amend the Internal Revenue Code of 1986 to permanently extend the work opportunity credit and the welfare-to-work credit, and for other purposes.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 726

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 726, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of prepayments for natural gas.

S. 860

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 960

At the request of Mr. BINGAMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 1016

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1016, a bill to amend titles XIX and XXI of the Social Security Act to improve the health benefits coverage of infants and children under the medicaid and State children's health insurance program, and for other purposes.

S. 1030

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) 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. 1050

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

S. 1067

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1067, a bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

S. RES. 72

At the request of Mr. SPECTER, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. Res. 72, a resolution designating the month of April as ''National Sexual Assault Awareness Month.''

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 42

At the request of Mr. BROWNBACK, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 42, a concurrent resolution condemning the Taleban for their discriminatory policies and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINTS RESOLUTIONS

By Mr. CONRAD (for himself, Mr. NICKLES, Mr. BREAUX, Mr. DORGAN, Mr. FITZGERALD, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. KYL, Mr. SCHUMER, Mr. TORRICELLI, and Mrs. LINCOLN):

S. 1087. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today, joined by my colleagues Mr. NICKLES, Mr. BREAUX, Mr. DORGAN, Mr. FITZGERALD, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON of Arkansas, Mr. JOHNSON, Mr. KYL, Mr. SCHUMER, and Mr. TORRICELLI, to introduce important legislation to provide for a 10-year depreciation life for leasehold improvements. Leasehold improvements are the alterations to leased space made by a building owner as part of the lease agreement with a tenant.

This is a common sense move that will help bring economic development to cities and towns around the country that want to revitalize their business districts. It will allow owners of commercial property to remodel their buildings to better meet the business needs of their communities—whether it's new computer ports and data lines for high-tech entrepreneurs, or better lighting and sales space for retailers.

In actual commercial use, leasehold improvements typically last as long as the lease—an average of 5 to 10 years. However, the Internal Revenue Code requires leasehold improvements to be depreciated over 39 years—the life of the building itself.

Economically, this makes no sense. The owner receives taxable income over the life of the lease, yet can only recover the costs of the improvements associated with that lease over 39 years—a rate nearly four times slower. This preposterous mismatch of income and expenses causes the owner to incur an artificially high tax cost on these improvements.

The bill we are introducing today will correct this irrational and uneconomic tax treatment by shortening the cost recovery period for certain leasehold improvements from 39 years to a more realistic 10 years. If enacted, this legislation would more closely align the expenses incurred to construct improvements with the income they generate over the term of the lease.

By reducing the cost recovery period, the expense of making these improvements could fall more into line with the economics of a commercial lease transaction, and more building owners would be able to adapt their buildings to fit the needs of today's business tenant.

We have an interest in keeping existing buildings commercially viable. When older buildings can serve tenants who need modern, efficient commercial space, there is less pressure for developing greenfields in outlying areas. Americans are concerned about preserving open space, natural resources, and a sense of neighborhood. The current law 39-year cost recovery period for leasehold improvements is an impediment to reinvesting in existing properties and communities.

Shortening the recovery period will make renovation and revitalization of business properties more attractive. That will be good not just for property owners, but also for the economic development professionals who are working hard every day to attract new businesses to empty downtown storefronts or aging strip malls. And it will be good for the architects and contractors who carry out the renovations.

The broad appeal of this proposal is reflected in the roster of supporters we have attracted. The proposal has been endorsed by Building and Office Managers Association International; International Council of Shopping Centers; National Association of Industrial and Office Properties; National Association of Real Estate Investment Trusts; National Association of Realtors; American Institute of Architects; Real Estate Roundtable; Associated General Contractors; National Retail Federation; and International Franchise Association.

I urge all Senators to join us in supporting this legislation to provide rational depreciation treatment for leasehold improvements.

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. 1087

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 ''Business Property Economic Revitalization Act of 2001''.

SEC. 2. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.

(a) 10-YEAR RECOVERY PERIOD.—Subparagraph (D) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 10-year property) is amended by striking ''and'' at

the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) any qualified leasehold improvement property.''.

(b) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—Subsection (e) of section 168 of such Code is amended by adding at the end the following new paragraph:

''(6) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

''(I) by the lessee (or any sublessee) of such portion, or

''(II) by the lessor of such portion,

''(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

''(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator,

''(iii) any structural component benefiting a common area, and

''(iv) the internal structural framework of the building.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) COMMITMENT TO LEASE TREATED AS LEASE.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

''(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

''(I) members of an affiliated group (as defined in section 1504), and

''(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection.

''(D) IMPROVEMENTS MADE BY LESSOR.—

''(i) IN GENERAL.—In the case of an improvement made by the person who was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.

''(ii) EXCEPTION FOR CHANGES IN FORM OF BUSINESS.—Property shall not cease to be qualified leasehold improvement property under clause (i) by reason of—

''(I) death,

''(II) a transaction to which section 381(a) applies,

''(III) a mere change in the form of conducting the trade or business so long as the property is retained in such trade or business as qualified leasehold improvement property and the taxpayer retains a substantial interest in such trade or business,

''(IV) the acquisition of such property in an exchange described in section 1031, 1033, 1038, or 1039 to the extent that the basis of such property includes an amount representing the adjusted basis of other property owned by the taxpayer or a related person, or

''(V) the acquisition of such property by the taxpayer in a transaction described in section 332, 351, 361, 721, or 731 (or the acquisition of such property by the taxpayer from the transferee or acquiring corporation in a transaction described in such section), to the extent that the basis of the property in the hands of the taxpayer is determined by reference to its basis in the hands of the transferor or distributor.

''(iii) RELATED PERSON.—For purposes of this subparagraph, a person (hereafter in this clause referred to as the 'related person') is related to any person if the related person bears a relationship to such person specified in section 267(b) or 707(b)(1), or the related person and such person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52).''.

(c) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Paragraph (3) of section 168(b) of such Code is amended by adding at the end the following new subparagraph:

''(G) Qualified leasehold improvement property described in subsection (e)(6).''.

(d) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of such Code is amended by inserting after the item relating to subparagraph (D)(ii) the following new item:

''(D)(iii) ..... 10''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified leasehold improvement property placed in service after the date of the enactment of this Act.

By Mr. ROCKEFELLER (for himself and Mr. SPECTER):

S. 1088. A bill to amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI bill for education leading to employment in high technology industry, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am tremendously pleased to introduce today legislation that would allow veterans to use their Montgomery GI bill educational benefits to pay for short-term, high technology courses that lead to lucrative careers. I am pleased to be joined by my colleague on the Veterans' Affairs Committee, Ranking Minority Member Senator ARLEN SPECTER.

The GI bill allowed a generation of soldiers returning from World War II to create the booming post-war economy, and, in fact, the prosperity that we enjoy today. Today's Montgomery GI bill, MGIB, modeled after the original GI bill, provides a valuable recruitment and retention tool for the Armed Services and begins to repay veterans for the service they have given to our Nation. As a transition benefit, it allows veterans to gain the skills they need to adjust productively to civilian life.

Currently, the MGIB provides a basic monthly benefit of $650 for 36 months of education. This payment structure is designed to assist veterans pursuing traditional four-year degrees at universities. However, in today's fast paced, high-tech economy, traditional degrees may not always be the best option. Many veterans are pursuing forms of nontraditional training, short-term courses often leading to certification in a technical field. In certain fields, these certifications are a prerequisite to employment.

These courses, such as Microsoft or Cisco systems training, may be offered through training centers, private contractors to community colleges, or the companies themselves. They often last just a few weeks or months, and can cost many thousands of dollars. The way MGIB is paid out in monthly disbursements is not suited to this course structure. For example, MGIB would pay, at most, $1300 for a two-month course that potentially costs $10,000.

Even if veterans claimed this small benefit, providers must be approved by VA as an educational institution in every State in which they operate in order for MGIB benefits to be paid for coursework. Because veterans would only recoup a small portion of the course cost from VA, many of the course providers do not undertake the onerous processing of becoming VA-approved. Therefore, many veterans with MGIB eligibility are forced to bear the entire costs of these courses. Many borrow the funds to pay for them, incurring significant interest charges.

I note that last year, in Public Law 106–419, Congress extended MGIB benefits to cover the costs of certification exams that these courses prepare veterans to take. I believe that we should take the next logical step and pay for the courses themselves.

The percentage of veterans who actually use the MGIB benefits that they have earned and paid for is startlingly low, despite almost full enrollment in the program by servicemembers. By increasing the flexibility of the MGIB program, we will permit more veterans to take advantage of these benefits. We should give veterans the right to choose what kind of educational program will be best for them.

This legislation would modify the payment method to accommodate the compressed schedule of the courses. Specifically, Section 1 would allow veterans to receive an accelerated payment equal to 60 percent of the cost of the program. This is comparable to VA's MGIB benefit for flight training, for which VA reimburses 60 percent of the costs. The dollar value of the accelerated payment would then be deducted from the veteran's remaining entitlement. Section 2 would allow courses offered by these providers to be covered by MGIB.

In closing, I note that many servicemembers leave the military with skills that place them in demand for careers in the technology sector. But even these veterans may require coursework to convert their military skills to civilian careers. The MGIB must continue to evolve to keep pace with the careers and education that today's veterans require. I urge my colleagues to join me in recognizing the changing needs of our veterans, and to maintain this investment in our veterans and our Nation.

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. 1088

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

SECTION 1. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FOR EDUCATION LEADING TO EMPLOYMENT IN HIGH TECHNOLOGY INDUSTRY.

(a) IN GENERAL.—(1) Chapter 30 of title 38, United States Code, is amended by inserting after section 3014 the following new section:

''§ 3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology industry

''(a) An individual described in subsection (b) who is entitled to basic educational assistance under this subchapter may elect to receive an accelerated payment of the basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

''(b) An individual described in this subsection is an individual who is—

''(1) enrolled in an approved program of education that leads to employment in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); and

''(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

''(c)(1) The amount of the accelerated payment of basic educational assistance made to an individual making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of basic educational assistance to which the individual remains entitled under this chapter at the time of the payment.

''(2) In this subsection, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''(3) The educational institution providing the program of education for which an accelerated payment of basic educational assistance allowance is elected by an individual under subsection (a) shall certify to the Secretary the amount of the established charges for the program of education.

''(d) An accelerated payment of basic educational assistance made to an individual under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary receives a certification from the educational institution providing the program of education of the individual's enrollment in and pursuit of the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of basic educational assistance made to an individual under this section, the individual's entitlement to basic educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of basic educational assistance allowance otherwise payable to an individual under section 3015 of this title increases during the enrollment period of a program of education for which an accelerated payment of basic educational assistance is made under this section, the individual's entitlement to basic educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by computing the portion of the accelerated payment attributable to each monthly rate that would have payable for the enrollment, dividing each such portion by the applicable monthly rate, and adding the results together.

''(f) The Secretary may, pursuant to such regulations as the Secretary shall prescribe, recover overpayments of basic educational assistance under this chapter resulting from accelerated payments of basic educational assistance under this section.

''(g) The Secretary shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for electing and using accelerated payments of basic educational assistance under this section and for the recovery of overpayments of basic educational assistance under this chapter resulting from accelerated payments of basic educational assistance under this section.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 3014 the following new item:

''3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology industry.''.

(b) RESTATEMENT AND EXPANSION OF CERTAIN ADMINISTRATIVE AUTHORITIES.—Subsection (g) of section 3680 of title 38, United States Code, is amended to read as follows:

''(g)(1) The Secretary may, pursuant to regulations which the Secretary shall prescribe, determine and define with respect to an eligible veteran and eligible person the following:

''(A) Enrollment in a course or a program of education or training.

''(B) Pursuit of a course or program of education or training.

''(C) Attendance at a course or program of education and training.

''(2) The Secretary may withhold payment of benefits to an eligible veteran or eligible person until the Secretary receives such proof as the Secretary may require of enrollment in and satisfactory pursuit of a program of education by the eligible veteran or eligible person. The Secretary shall adjust the payment withheld, when necessary, on the basis of the proof the Secretary receives.

''(3) In the case of an individual other than an individual described in paragraph (4), the Secretary may accept the individual's monthly certification of enrollment in and satisfactory pursuit of a program of education as sufficient proof of the certified matters.

''(4) In the case of an individual who has received an accelerated payment of basic educational assistance under section 3014A of this title during an enrollment period for a program of education, the Secretary may accept the individual's certification of enrollment in and satisfactory pursuit of the program of education as sufficient proof of the certified matters if the certification is submitted after the enrollment period has ended.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect eight months after the date of the enactment of this Act, and shall apply with respect to enrollments in courses or programs of education or training beginning on or after that date.

SEC. 2. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY ENTITIES IN DEFINITION OF EDUCATIONAL INSTITUTION.

(a) IN GENERAL.—Sections 3452(c) and 3501(a)(6) of title 38, United States Code, are each amended by adding at the end the following new sentence: ''Such term also includes any private entity (that meets such requirements as the Secretary may establish) that offers, either directly or under an agreement with another entity (that meets such requirements), a course or courses to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain, maintain, or advance in employment in a profession or vocation in a high technology occupation (as determined by the Secretary).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to enrollments in courses occurring on or after the date of the enactment of this Act.

By Mr. ROCKEFELLER:

S. 1089. A bill to amend section 7253 of title 38, United States Code, to expand temporarily the United States Court of Appeals for Veterans Claims in order to further facilitate staggered terms for judges on that court, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am today introducing this legislation which attempts to ensure there will be a sufficient number of judges on the U.S. Court of Appeals for Veterans Claims so as to decide the appeals of our Nation's veterans for disability claims. In addition, this bill would terminate the Notice of Disagreement requirement in the current law which acts as a bar to appealing cases to the court.

The U.S. Court of Appeals for Veterans Claims, CAVC, originally named the Court of Veterans' Appeals, was created in 1988 in the Veterans Judicial Review Act, VJRA, to provide judicial review to veterans' claims for benefits from the Department of Veterans Affairs. It is comprised of one chief judge and six associate judges.

At the court's inception, the terms for judges on the court were not staggered. The original chief judge and six associate judges were appointed to 15-year terms within 16 months of one another from 1989 to 1991. A new judge was appointed in 1997 to fill a vacancy created by the death of one of the

originally appointed judges. The chief judge retired in 2000 and his seat has not yet been filled. By 2005, the terms of five of the remaining judges will end.

Because the judges' terms were not staggered, it is very likely that there will be simultaneous vacant seats.

In 1998, Congress attempted to preemptively avoid the crisis of having only two sitting judges, and the resulting backlog of cases, by offering some of the original judges an opportunity to retire early. However, no judges accepted the offer. Therefore, we must again make the effort to solve this problem. The legislation I am introducing proposes to do so by allowing two additional judges to be appointed to full terms, in order to bridge the retirement of the original judges.

Specifically, this bill would temporarily expand the membership of the court by two judgeships until August 2005, when the last of the seven original judges' terms will expire. This expansion should give ample time for the President to nominate and the Senate to confirm judges for the court, and avoid the potentially damaging effects of a court with only two judges.

In addition, this bill would terminate the Notice of Disagreement, NOD, as a jurisdictional requirement for review at the court. The NOD begins the appellate process within the VA. The veteran usually sends the NOD to a regional office of the VA, telling the regional office that he disagrees with the regional office's decision, in whole or part. This constitutes notice that the veteran is appealing his case to the Board of Veterans' Appeals. When Congress created the court in 1988, it required claims to have an NOD filed after November 18, 1988, the date of enactment of the VJRA, in order to be appealed to the CAVC. This explicit rule was enacted to keep the new court from becoming overwhelmed with appeals.

However, many difficulties have arisen with this jurisdictional requirement, due to the complexity of the VA appellate process. Problems mainly arise in determining what is the applicable NOD when there are multiple agency decisions and extensive correspondence by the claimants. Also, many cases originated before November 18, 1988, adding to the difficulty of determining which NOD confers jurisdiction to the court. In addition, much litigation has occurred to determine what type of writing constitutes an NOD, and the type of language that must be used to construe disagreement over the VA's decision.

While there has been favorable response to the court, the anticipated floodgates have not opened. Last year the court decided 1,556 claims. This legislation does not confer jurisdiction upon the court on any matter not currently within its jurisdiction. Instead, it is meant to free up the court to determine appeals on the merits. The appellate process for veterans' claims is long enough without a veteran being additionally burdened to argue over NODs.

In closing, I urge my colleagues to join me in supporting this bill. Veterans appeals already take years, sometimes decades. We must do what we can to avoid increasing the length of the process.

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. 1089

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

SECTION 1. TEMPORARY EXPANSION OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS TO FACILITATE STAGGERED TERMS OF JUDGES.

(a) IN GENERAL.—(1) Section 7253 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(h) TEMPORARY EXPANSION OF COURT.—(1) Notwithstanding subsection (a) and subject to the provisions of this subsection, the authorized number of judges of the Court from the date of the enactment of this subsection until August 15, 2005, is nine judges.

''(2) Of the two additional judges authorized by this subsection—

''(A) not more than one judge may be appointed pursuant to a nomination made in 2001 or 2002;

''(B) not more than one judge may be appointed pursuant to a nomination made in 2003; and

''(C) if a judge is not appointed pursuant to a nomination made in 2001 or 2002, a nomination made in 2003, or both, the number of judges not appointed pursuant to either such nomination, or both, may be appointed pursuant to a nomination made in 2004, but only if such nomination is made before September 30, 2004.

''(3) The term of office and eligibility for retirement of a judge appointed under this subsection, other than a judge described in paragraph (4), shall be governed by the provisions of section 1012 of the Court of Appeals for Veterans Claims Amendments of 1999 (title X of Public Law 106–117; 113 Stat. 1590; 38 U.S.C. 7296 note) if the judge is one of the first two judges appointed to the Court after November 30, 1999.

''(4) A judge of the Court as of the date of the enactment of this subsection who was appointed before 1991 may accept appointment as a judge of the Court under this subsection notwithstanding that the term of office of the judge on the Court has not yet expired under this section.''.

(2) No appointment may be made under section 7253 of title 38, United States Code, as amended by paragraph (1), if the appointment would provide for a number of judges (other than judges serving in recall status under section 7257 of title 38, United States Code) who could serve a complete term on the Court as of August 15, 2005, in excess of seven judges.

(b) STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b), by inserting ''APPOINTMENT.—'' before ''The judges'';

(2) in subsection (c), by inserting ''TERM OF OFFICE.—'' before ''The terms'';

(3) in subsection (f), by striking ''(f)(1)'' and inserting ''(f) REMOVAL.—(1)''; and

(4) in subsection (g), by inserting ''RULES.—'' before ''The Court''.

SEC. 2. REPEAL OF REQUIREMENT FOR WRITTEN NOTICE REGARDING ACCEPTANCE OF REAPPOINTMENT AS CONDITION TO RETIREMENT FROM UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7296(b)(2) of title 38, United States Code, is amended by striking the second sentence.

SEC. 3. TERMINATION OF NOTICE OF DISAGREEMENT AS JURISDICTIONAL REQUIREMENT FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) TERMINATION.—Section 402 of the Veterans' Judicial Review Act (division A of Public Law 100–687; 102 Stat. 4122; 38 U.S.C. 7251 note) is repealed.

(b) ATTORNEY FEES.—Section 403 of the Veterans' Judicial Review Act (102 Stat. 4122; 38 U.S.C. 5904 note) is repealed.

(c) CONSTRUCTION.—The repeal in subsection (a) may not be construed to confer upon the United States Court of Appeals for Veterans Claims jurisdiction over any appeal or other matter not within the jurisdiction of the Court as provided in section 7266(a) of title 38, United States Code.

(d) APPLICABILITY.—The repeals made by subsections (a) and (b) shall apply to—

(1) any appeal filed with the United States Court of Appeals for Veterans Claims on or after the date of the enactment of this Act; and

(2) any appeal pending before the Court on that date, other than an appeal in which the Court has made a final disposition under section 7267 of title 38, United States Code, even though such appeal is not yet final under section 7291(a) of title 38, United States Code.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, and Mr. SPECTER):

S. 1091. A bill to amend section 1116 of title 38, United States Code, to modify and extend authorities on the presumption of service-connection for herbicide-related disabilities of Vietnam era veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce today legislation that would continue to respond to at least some of the concerns of Vietnam veterans exposed to Agent Orange during their service to this Nation. I am pleased to be joined by my colleague on the Veterans' Affairs Committee, Ranking Minority Member Senator ARLEN SPECTER, and my good friend, Senator TOM DASCHLE, the Senate majority leader and a true champion of Vietnam veterans.

In passing the Agent Orange Act of 1991, Congress demonstrated its commitment to securing fair treatment for veterans enduring long-term health consequences following their service during the Vietnam war. The bill before us would continue the systematic scientific reviews that help us understand these consequences. Provisions in this bill also would extend the presumptive period for Vietnam veterans suffering from respiratory cancers and ease the burden on veterans in proving exposure to Agent Orange.

The Agent Orange Act of 1991 directed the National Academy of Sciences, NAS, to review scientific evidence on the health effects of exposure to dioxin and other chemicals found in

herbicides used in Vietnam. The scientific reviews, there have been four thus far, have found evidence of connections between exposure to dioxin and diseases such as respiratory cancers, Type 2 diabetes, and the birth defect spina bifida, all currently compensated by the VA as service connected.

These reviews will end after 2002 unless we act now. We simply do not know enough about the long-term effects of dioxin exposure to say that the body of scientific evidence is complete. The bill before us would direct the Secretary of Veterans Affairs to extend the existing agreement with NAS to provide five more biennial reports.

Currently, title 38 of the United States Code allows Vietnam veterans with respiratory cancers to claim benefits for this disease as a service-connected disability, but only if the disease manifested within 30 years of their service in Vietnam. The most recent NAS report confirmed that there is no scientific basis for assuming that cancers linked to dioxin exposure would occur within a specific window of time.

The bill that I am introducing would remove this arbitrary limit, and would restore eligibility for benefits to any Vietnam veterans with respiratory cancers previously denied due to the cutoff. I recently learned of the tragic story of Jerry Slusher from Huntington, WV, a decorated combat veteran of the Vietnam war. While dying of respiratory cancer in 1999, Jerry filed for benefits and learned that he might have been eligible, if only he had been diagnosed just a few months earlier. The men and women who served this Nation, and who struggle with the consequences of that service so many years later, deserve better.

Lastly, this bill would give all Vietnam veterans the benefit of the doubt regarding their exposure in Vietnam when claiming benefits for diseases related to Agent Orange exposure. Due to the difficulties in determining who might have been exposed to Agent Orange, Congress determined in 1991 that the Secretary of Veterans Affairs should concede exposure to veterans whose military records indicated that they served in Vietnam during the Vietnam era. This presumption eased a veteran's burden in qualifying for service-connected benefits.

VA subsequently interpreted this law to mean that, if a veteran had served in Vietnam during the war, it should be presumed that the veteran was exposed to Agent Orange. However, the United States Court of Appeals for Veterans Claims ruled in McCartt v. West (12 Vet. App. 164[1999]) that VA had interpreted the statute too broadly. This ruling limited the presumption of exposure to Vietnam veterans diagnosed with one or more of the diseases listed by the Secretary of Veterans Affairs, rather than to any disease claimed by a veteran.

As a result, veterans who suffer from diseases not on this list must go about the difficult task of proving exposure to Agent Orange while serving in Vietnam, and that the disease resulted from that exposure. This legislation would restore the presumption of exposure for all veterans who served in Vietnam during the war.

This bill ensures that the system of scientific review and determinations for presumptive compensation already in place for Vietnam veterans will continue. We must address these issues promptly to continue to assist veterans who have already waited too long for answers. I urge my colleagues in the Senate to join me in supporting this legislation.

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 the RECORD as follows:

S. 1091

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

SECTION 1. MODIFICATION AND EXTENSION OF AUTHORITIES ON THE PRESUMPTION OF SERVICE-CONNECTION FOR HERBICIDE-RELATED DISABILITIES OF VIETNAM ERA VETERANS.

(a) REPEAL OF 30-YEAR LIMITATION ON MANIFESTATION OF RESPIRATORY CANCERS.—Subsection (a)(2)(F) of section 1116 of title 38, United States Code, is amended by striking ''within 30 years'' and all that follows through ''May 7, 1975''.

(b) TREATMENT OF CLAIMS DENIED UNDER LIMITATION ON MANIFESTATION.—(1) The Secretary of Veterans Affairs shall treat each claim for disability compensation under section 1116 of title 38, United States Code, for a disease covered by subsection (a)(2)(F) of that section that was denied by reason of the 30-year limitation on manifestation specified in that subsection (as that subsection was in effect on the day before the date of the enactment of this Act) as having been submitted under that section as amended by subsection (a).

(2) In the case of an award of compensation with respect to a claim described in paragraph (1)—

(A) the effective date of the award shall be the date on which the claim would otherwise have been granted had the limitation referred to in that paragraph not applied to the claim when originally submitted; and

(B) the amount of compensation payable for the claim for any month before the date of the enactment of this Act shall be the amount of disability compensation provided for under chapter 11 of title 38, United States Code, for that month.

(c) PRESUMPTION OF EXPOSURE TO HERBICIDE AGENTS IN VIETNAM DURING VIETNAM ERA.—(1) Section 1116 of title 38, United States Code, is further amended—

(A) by transferring paragraph (3) of subsection (a) to the end of the section and redesignating such paragraph, as so transferred, as subsection (f); and

(B) in subsection (f), as so transferred and redesignated—

(i) by striking ''For the purposes of this subsection, a veteran'' and inserting ''For purposes of establishing a service connection for a disability resulting from exposure to a herbicide agent, including a presumption of service-connection under this section, a veteran''; and

(ii) by striking ''and has a disease referred to in paragraph (1)(B) of this subsection''.

(2)(A) The section heading of that section is amended to read as follows:

''§ 1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure''.

(B) The table of section at the beginning of chapter 11 of that title is amended by striking the item relating to section 1116 and inserting the following new item:

''1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure.''.

(d) EXTENSION OF AUTHORITY TO PRESUME SERVICE-CONNECTION FOR ADDITIONAL DISEASES.—(1) Subsection (e) of section 1116 of title 38, United States Code, is amended by striking ''10 years'' and inserting ''20 years''.

(2) Section 3(i) of the Agent Orange Act of 1991 (38 U.S.C. 1116 note) is amended by striking ''10 years'' and inserting ''20 years''.

(e) TECHNICAL AMENDMENT.—Subsection (a)(2)(F) of section 1116 of title 38, United States Code, as amended by subsection (a) of this section, is further amended by inserting ''of disability'' after ''manifest to a degree''.

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mrs. MURRAY, and Mr. INOUYE):

S. 1094. A bill to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HUTCHISON. Mr. President, I am pleased to be joined by Senator MIKULSKI and Senator MURRAY to offer legislation on a critical health research issue. When I first started looking into the Federal commitment to these deadly blood cancers, leukemia, lymphoma, and multiple myeloma, I was frankly astonished to learn that, despite the fact that these cancers account for 11 percent of all cancer deaths in the U.S., they receive less than 5 percent of the research funding from the National Cancer Institute.

That is why I would like to offer legislation today that would authorize an additional $250 million in research at the National Institutes of Health next year, and at least that amount in subsequent years. The bill also contains the specific authorization of $25 million next year to expand public education, outreach, and early detection programs for three of these deadly blood cancers.

It is my hope and my expectation that this legislation will serve to focus additional resources on these diseases, as well as to help expand the public's awareness of how deadly and pervasive they can be.

I commend the Senators from Maryland and Washington for their support on this issue and urge other Senators to join us in this effort.

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. 1094

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 ''Hematological Cancer Research Investment and Education Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that:

(1) An estimated 109,500 people in the United States will be diagnosed with leukemia, lymphoma, and multiple myeloma in 2001.

(2) New cases of the blood cancers described in paragraph (1) account for 8.6 percent of new cancer cases.

(3) Those devastating blood cancers will cause the deaths of an estimated 60,300 persons in the United States in 2001. Every 9 minutes, a person in the United States dies from leukemia, lymphoma, or multiple myeloma.

(4) While less than 5 percent of Federal funds for cancer research are spent on those blood cancers, those blood cancers cause 11 percent of all cancer deaths in the United States.

(5) Increased Federal support of research into leukemia, lymphoma, and multiple myeloma has resulted and will continue to result in significant advances in the early detection, the treatment, and ultimately the cure of those blood cancers.

SEC. 3. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

(a) RESEARCH.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

''SEC. 409I. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

''(a) RESEARCH.—

''(1) SUBJECT.—The Director of the National Institutes of Health shall establish and carry out a program for the conduct and support of research with respect to blood cancer, and particularly with respect to leukemia, lymphoma, and multiple myeloma.

''(2) ADMINISTRATION.—The Director of the National Institutes of Health shall carry out this subsection through the Director of the National Cancer Institute and in collaboration with any other agencies that the Director of the National Institutes of Health determines to be appropriate.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $250,000,000 for fiscal year 2002 and each subsequent fiscal year.

''(b) INFORMATION AND EDUCATION.—

''(1) SUBJECT.—The Director of the Centers for Disease Control and Prevention shall establish and carry out a program to provide information and education for the general public with respect to blood cancer, and particularly with respect to leukemia, lymphoma, and multiple myeloma.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for fiscal year 2002 and each subsequent fiscal year.''.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 114—COMMEMORATING THE 125TH ANNIVERSARY OF THE BATTLE AT LITTLE BIGHORN

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

S. RES. 114

Whereas, On June 25, 1876, the 7th Cavalry of the United States Army, led by Lieutenant Colonel George Armstrong Custer, fought with a group of Sioux, Cheyenne and Arapaho Indians camped on the shores of the Little Bighorn River.

Whereas, this battle was the result of increasing hostility between the United States and Sioux and Cheyenne tribes over Sioux ownership of the Black Hills and the trespass of non-Indians into the area;

Whereas, the Sioux believed the Black Hills, or Paha Sapa, as they called them, to be sacred, a place they traveled to in order to have visions and pray;

Whereas, the United States and Sioux leaders agreed to the Treaty of Fort Laramie in 1868, securing to the Sioux the ownership of the Black Hills forever, and pledging to aid and assist in keeping trespassers away from the Black Hills;

Whereas, the United States violated the Treaty of Fort Laramie in 1874 by sending, without the permission of the Sioux, a reconnaissance mission to the Black Hills, led by General George Armstrong Custer;

Whereas, tensions were rising in Sioux Country, where the tribes were becoming increasingly unsettled, and feared the loss of Sioux Country and their way of life;

Whereas, the Battle at Little Bighorn was preceded by two military engagements, occurring on March 17, 1876, and June 17, 1876;

Whereas, after the second engagement, now known as the Battle at Rosebud, the Sioux and Cheyenne moved their encampment from the Rosebud River to the Little Bighorn River;

Whereas, Lieutenant Colonel Custer, along with 650 soldiers and scouts, was dispatched to scout for the Indians along the Rosebud and Little Bighorn Rivers;

Whereas, on the morning of June 25, 1876, Lieutenant Colonel Custer discovered the Indian encampment of approximately 10,000 on the shore of the Little Bighorn River and determined to engage in a battle with them;

Whereas, Lieutenant Colonel Custer's forces, upon attempting to engage the Indian warriors at the shore of the Little Bighorn River, were forced back up the ridge from which they attacked and forced west, and were overwhelmed by Indian forces;

Whereas, the 201 men under the command of Lieutenant Colonel Custer were killed and the total losses suffered by the U.S. Army numbered 258;

Whereas, the Sioux and Cheyenne, led by Sitting Bull, Crazy Horse, and Gall, suffered losses of approximately 58;

Whereas, the Battle of Little Bighorn occupies a legendary place in American history, a tragic clash of two cultures leading to the demise of the traditional Indian way of life, and the end of the era known in American history as the ''Indian Wars'';

Resolved, that the Senate,

(1) honors the memory of those who died in the battle, the Indians fighting for a way of life that they believed in, the cavalry troops fighting for a young nation in which they believed;

(2) recognizes June 25th, 2001 as the 125th Anniversary of the Battle of Little Bighorn;

(3) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

Mr. CAMPBELL: Mr. President, next Monday, June 25th, marks the 125 anniversary of the Battle of Little Bighorn, an event which occupies near-mythical significance in the American psyche and one that is representative of an era past in the American West.

In 1990, I introduced legislation which changed the American perspective of the Battle of Little Bighorn. The bill, which latter became Public Law 102–201, achieved two key goals: First, it changed the name of the Custer Battlefield National Monument to Little Bighorn Battlefield National Monument. Additionally, it directed that a monument be designed and built which commemorated the American Indian individuals who died in the Battle of Little Bighorn.

When I began the process for changing the name of the Little Bighorn Battlefield National Monument, my purpose was not to scour and rewrite history but to provide a small measure of justice to the American Indians who died there, protecting their families, their property, and their way of life. Ultimately, the name change signified a shift in attitude about the way our Nation views the Battle of Little Bighorn.

Now, instead of the scene of a bloody battle in which U.S. troops were entirely decimated while ''fighting brutal savages who stood in the way of westward progress'' as some early reports described it, the name now represents what really happened 125 years ago, the inevitable and tragic clash of two cultures and the end of an era.

The Battle of the Little Bighorn, while known as the greatest victory of a group of American Indians over the U.S. Army during the period known as the Indian Wars, also marks the beginning of the demise of the western American Indian peoples in the United States, their loss of freedom, and the end of their traditional way of life.

Today I introduce a resolution that would commemorate the 125th anniversary of the battle and honor the memory of all who died in that epic battle, Indian and non-Indian alike, for they all believed in what they fought for and they all made the ultimate sacrifice for their respective cause.

SENATE RESOLUTION 115—RESOLUTION ENCOURAGING A LASTING CEASE-FIRE IN MACEDONIA, COMMENDING THE PARTIES FOR SEEKING A POLITICAL SOLUTION, AND FOR OTHER PURPOSES

Mr. MCCONNELL (for himself, Mr. LEAHY, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 115

Whereas, the political, economic, and social situation in Macedonia has steadily deteriorated since February 2001;

Whereas, ongoing fighting between the National Liberation Army and the Government of Macedonia presents a clear and present danger to the viability of Macedonia;

Whereas, a Macedonian civil war exacerbates tensions in the region and could trigger additional incidents of violence in the Balkans;

Whereas, the ongoing fighting has displaced at least 18,000 people inside Macedonia, and forced another 40,000 people to flee into neighboring countries;

Whereas, political parties in Macedonia are negotiating a political solution to the current crisis;