(Mr. JEFFORDS) was added as a cosponsor of S. 1018, a bill to provide market loss assistance for apple producers.

S. 1019

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1019, a bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes.

S. 1025

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1025, a bill to provide for savings for working families.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1185

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1185, a bill to amend title XVIII of the Social Security Act to assure access of medicare beneficiaries to prescription drug coverage through the SPICE drug benefit program.

S. 1188

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1188, a bill to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, and for other purposes.

S.J. RES. 12

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S.J. Res. 12, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 119

At the request of Mr. BAYH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 119, a resolution combating the Global AIDS pandemic.

S. CON. RES. 53

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Con. Res. 53, concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself and Mr. DASCHLE).

S. 1190. A bill to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account; considered and passed.

Mr. LOTT. Mr. President, 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. 1190

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

SECTION 1. RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—

(1) Section 530 of the Internal Revenue Code of 1986 is amended by striking ''an education individual retirement account'' each place it appears and inserting ''a Coverdell education savings account''.

(2) Section 530(a) of such Code is amended—

(A) by striking ''An education individual retirement account'' and inserting ''A Coverdell education savings account'', and

(B) by striking ''the education individual retirement account'' and inserting ''the Coverdell education savings account''.

(3) Section 530(b)(1) of such Code is amended—

(A) by striking ''education individual retirement account'' in the text and inserting ''Coverdell education savings account'', and

(B) by striking ''EDUCATION INDIVIDUAL RETIREMENT ACCOUNT'' in the heading and inserting ''COVERDELL EDUCATION SAVINGS ACCOUNT''.

(4) Sections 530(d)(5) and 530(e) of such Code are amended by striking ''education individual retirement account'' each place it appears and inserting ''Coverdell education savings account''.

(5) The heading for section 530 of such Code is amended to read as follows:

''SEC. 530. COVERDELL EDUCATION SAVINGS ACCOUNTS.''.

(6) The item in the table of contents for part VII of subchapter F of chapter 1 of such Code relating to section 530 is amended to read as follows:

''Sec. 530. Coverdell education savings accounts.''.

(b) CONFORMING AMENDMENTS.—

(1) The following provisions of the Internal Revenue Code of 1986 are amended by striking ''an education individual retirement'' each place it appears and inserting ''a Coverdell education savings'':

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 4973(a).

(D) Subsections (c) and (e) of section 4975.

(2) The following provisions of such Code are amended by striking ''education individual retirement'' each place it appears in the text and inserting ''Coverdell education savings'':

(A) Section 26(b)(2)(E).

(B) Section 4973(e).

(C) Section 6693(a)(2)(D).

(3) The headings for the following provisions of such Code are amended by striking ''EDUCATION INDIVIDUAL RETIREMENT'' each place it appears and inserting ''COVERDELL EDUCATION SAVINGS''.

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 529(c)(3)(B)(vi).

(D) Section 4975(c)(5).

(4) The heading for section 4973(e) of such Code is amended by striking ''EDUCATION INDIVIDUAL RETIREMENT'' and inserting ''COVERDELL EDUCATION SAVINGS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. CLELAND (for himself, Ms. SNOWE, Mr. SCHUMER, and Mr. HOLLINGS):

S. 1192. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to intercity buses required under the Americans with Disabilities Act of 1990; to the Committee on Finance.

Mr. CLELAND. Mr. President, in the summer of 1990, President George Bush signed the Americans with Disabilities Act, ADA, into law saying, ''Let the shameful wall of exclusion finally come tumbling down.'' With intercity buses playing an important role in transporting millions of passengers throughout the country, we must ensure the means are available for all Americans to access this transportation mode. That is why I am introducing, along with Senators SNOWE, HOLLINGS, and SCHUMER, a bill to provide tax credits to intercity bus companies which purchase coaches in compliance with the ADA. Our bill expands a current tax credit to give bus owners a 50 percent tax credit of the cost of purchasing and installing hydraulic wheelchair lifts and other devices to improve accessibility.

As my colleagues know, I have long been a proponent of ensuring accessibility. In fact, while I was a member of the Georgia State Senate in the early 1970s, I sponsored a bill to make public facilities accessible to the disabled, and this bill became law. Georgia was a national leader at that time, and I have been pleased to see the changes throughout the country with regard to accessibility over the past three decades. However, there is more that can and should be done.

With their reliability, safety and low cost, over the road buses are the preferred mode of transportation for millions of Americans, and with the 2012 deadline to have all over the road buses be wheelchair accessible approaching, it is time for Congress to aid in meeting this mandate. The Transportation Research Board estimates that the annual coast of upgrading and replacing the over the road bus fleet could average $25–$27 million, not to mention the extra training and maintenance costs. At the heart of the intercity bus industry are small businesses, on which this deadline would impose a significant toll. If these small businesses can not meet this deadline, the rural communities that have no other means of transportation will suffer, or large portions of the upgrade costs will be

passed on to consumers in the form of higher fares, that is, unless Congress provides some assistance. Our legislation would do exactly that.

I believe that bus service is destined to play an ever important role in transportation planning. In my home State of Georgia, many of the metropolitan counties have been declared as out of attainment with the Clean Air Act. As a result, Georgia is re-evaluating its transportation priorities, which includes moving people between intercity destinations. Personally, I envision a Georgia, and a United States, where buses play an important role in transporting people to hub cities for work or to transfer to another mode of transportation.

The cost to us if we lose bus services is incalculable. All segments of the community will obviously be affected and not for the better. However, by working together, legislators, the disabled, the elderly, and the bus industry can and must strengthen bus service for all communities and the millions of Americans who use the service of over the road buses. I encourage my colleagues to join in support of this legislation.

By Mr. SPECTER (for himself, Ms. STABENOW, and Mr. WARNER):

S. 1194. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on environment and Public Works.

Mr. SPECTER. Mr. President, I have sought recognition to introduce a bill that would allow States to pass laws limiting the import of waste from other States. Addressing the interstate shipment of solid waste is a top environmental priority for millions of Pennsylvanians and for me. As you are aware, Congress came very close to enacting legislation to address this issue in 1994, and the Senate passed interstate waste and flow control legislation in May, 1995 by an overwhelming 94–6 margin, only to see it die in the House of Representatives. I look forward to my new role as a member of the Senate Committee on Environment and Public Works and am confident that with the strong leadership of my colleagues Chairmen CHAFEE and SMITH, we can get quick action on a strong waste bill and put the necessary pressure on the other body to conclude this effort once and for all.

As you are aware, the Supreme Court has put us in the position of having to intervene in the issue of trash shipments. In recent years, the Court has struck down State laws restricting the importation of solid waste from other jurisdictions under the Interstate Commerce Clause of the U.S. Constitution. The only solution is for Congress to enact legislation conferring such authority on the States, which would then be Constitutional.

It is time that the largest trash exporting States bite the bullet and take substantial steps towards self-sufficiency for waste disposal. The legislation passed by the Senate in the 103rd and 104th Congresses would have provided much-needed relief to Pennsylvania, which is by far the largest importer of out-of-State waste in the Nation. According to the Pennsylvania Department of Environmental Protection, 3.9 million tons of out-of-State municipal solid waste entered Pennsylvania in 1993, rising to 4.3 million tons in 1994, 5.2 million in 1995, 6.3 million tons from out-of-State in 1996 and 1997, and a record 7.2 million tons in 1998, which are the most recent statistics available. Most of this trash came from New York and New Jersey, with New York responsible for 44 percent and New Jersey responsible for 41 percent of the municipal solid waste imported into Pennsylvania in 1998.

This is not a problem limited to one small corner of my State. Millions of tons of trash generated in other States find their final resting place in more than 50 landfills throughout Pennsylvania.

Now, more than ever, we need legislation which will go a long way toward resolving the landfill problems facing Pennsylvania, Indiana, and similar waste importing States. I am particularly concerned by the developments in New York, where the closure of the city's one remaining landfill, Fresh Kills, has been announced this year. I am advised that 13,200 tons per day of New York City trash were sent there and that Pennsylvania is a likely destination of this trash.

I have met with county officials, environmental groups, and other Pennsylvanians to discuss the solid waste issue specifically, and it often comes up in the public open house town meetings I conduct in all of Pennsylvania's 67 counties. I came away from those meetings impressed by the deep concerns expressed by the residents of communities which host a landfill rapidly filling up with the refuse of millions of New Yorkers and New Jerseyans whose States have failed to adequately manage the waste they generate.

Recognizing the recurrent problem of landfill capacity in Pennsylvania, since 1989 I have pushed to resolve the interstate waste crisis. I have introduced legislation with my late colleague, Senator John Heinz, and then with former Senator Dan Coats along with cosponsors from both sides of the aisle which would have authorized States to restrict the disposal of out-of-State municipal waste in any landfill or incinerator within its jurisdiction. I was pleased when many of the concepts in our legislation were incorporated in the Environment and Public Works Committee's reported bills in the 103rd and 104th Congresses, and I supported these measures during floor consideration.

During the 103rd Congress, we encountered a new issue with respect to municipal solid waste, the issue of waste flow control authority. On May 16, 1994, the Supreme Court held (6–3) in Carbone versus Clarkstown that a flow control ordinance, which requires all solid waste to be processed at a designated waste management facility, violates the Commerce Clause of the United States Constitution. In striking down the Clarkstown ordinance, the Court stated that the ordinance discriminated against interstate commerce by allowing only the favored operator to process waste that is within the town's limits. As a result of the Court's decision, flow control ordinances in Pennsylvania and other States are considered unconstitutional.

I have met with country commissioners who have made clear that this issue is vitally important to the local governments in Pennsylvania and my office has, over the past years received numerous phone calls and letters from individual Pennsylvania counties and municipal solid waste authorities that support waste flow control legislation. Since 1988, flow control has been the primary tool used by Pennsylvania counties to enforce solid waste plans and meet waste reduction and recycling goals or mandates. Many Pennsylvania jurisdictions have spent a considerable amount of public funds on disposal facilities, including upgraded sanitary landfills, state-of-the-art resource recovery facilities, and co-composting facilities. In the absence of flow control authority, I am advised that many of these worthwhile projects could be jeopardized and that there has been a fiscal impact on some communities where there are debt service obligations.

In order to fix these problems, my legislation would provide a presumptive ban on all out-of-state municipal solid waste, including construction and demolition debris, unless a landfill obtains the agreement of the local government to allow for the importation of waste. It would provide a freeze authority to allow a State to place a limit on the amount of out-of-State waste received annually at each facility. It would also provide a ratchet authority to allow a State to gradually reduce the amount of out-of-state municipal waste that may be received at facilities. These provisions will provide a concrete incentive for the largest exporting states to get a handle on their solid waste management immediately. To address the problem of flow control my bill would provide authority to allow local governments to designate where privately collected waste must be disposed. This would be a narrow fix for only those localities that constructed facilities before the 1994 Supreme Court ruling and who relied on their ability to regulate the flow of garbage to pay for their municipal bonds.

This is an issue that affects numerous states, and I urge my colleagues to support this very important legislation.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. BOND, Mr. REID, Mr. SCHUMER, Mr. CORZINE, and Mr. DURBIN):

S. 1195. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SARBANES. Mr. President, today Senator MIKULSKI, Senator BOND, and I, along with a number of our colleagues, are introducing, ''The Credit Watch Act of 2001,'' a bill that will authorize the Federal Housing Administration (FHA), to identify lenders who have excessively high early default and claim rates and consequently terminate their origination approval. This legislation is necessary to protect the FHA fund and take action against lenders who are contributing to the deterioration of our neighborhoods.

A rash of FHA loan defaults have led to foreclosures and vacant properties in cities around the country. In Baltimore, the effects of high foreclosure rates are acute. In some neighborhoods, there are many vacant foreclosed homes within just a few block of each other. This can often be the beginning of a neighborhood's decline. The high volume of vacant properties creates a perception that both the property and the neighborhood are not highly valued. In turn, these neighborhoods deteriorate physically and often attract criminal activity.

It's like a rotten apple in a barrel. The rundown appearance of one home spreads to the surrounding neighborhood. Stabilization and revitalization efforts are undermined by the presence of abandoned homes.

The Department of Housing and Urban Development, HUD, community activists, and local law makers have come together to examine the loans being made in neighborhoods with high foreclosure rates.

In Baltimore and other cities, these groups that careless lenders are offering the FHA insured loans to families who cannot afford to pay them back. This results in defaults and foreclosures. A foreclosed property can easily turn into an uninhabited home, which can either begin or continue a cycle of decline.

In an effort to reduce the number of loans that end in foreclosure, the FHA developed several new oversight methods, one of which is ''Credit Watch.''

''Credit Watch'' is an automated system that keeps track of the number of early foreclosures and claims of lenders in a particular area. This legislation authorizes the FHA to revoke the origination approval of lenders who have significantly higher rates of early defaults and claims than other lenders in the same area. The FHA is currently targeting lenders with default rates of 300 percent of the area average.

Credit Watch has been an effective tool in tracking down bad lenders. Since HUD launched Credit Watch in May 1999, the Department has terminated the origination approval agreements of 77 lender branches. An additional 177 lender branches were placed on Credit Watch, warning, status.

The legislation accounts for differing regional by ensuring that lenders are only compared to other making loans in the same community. It also provides a manner by which terminated lenders may appeal the decision of the FHA, if they believe that mitigating factors may justify higher default rates.

When lenders make loans with no regard for the consumer or the health of the community, the FHA must be able to take action in a timely manner so that costly abuses of the FHA insurance fund can be stopped. Quick action not only protects the health of the Mutual Mortgage Insurance, MMI, fund, it protect neighborhoods from the detrimental effects of high vacancy rates and consumers from the pain of foreclosure and serious damage to their credit.

Lenders that offer loans to individuals who cannot afford them should not be able to continue making those loans. It is a bad deal for taxpayers. It is a bad deal for neighborhoods. It is a bad deal for the families who take out the loan.

Credit Watch is an useful and efficient way for the FHA to prevent these unfortunate foreclosures from happening. While we need to address the larger issue of predatory lending in our communities. ''Credit Watch'' is an obvious and immediate solution to one part of this problem.

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

S. 1196. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. BOND. Mr. President, today I am introducing the Small Business Investment Company Amendments Act of 2001. This bill is important for one simple reason: once enacted it paves the way for more investment capital to be available for more small businesses that are seeking to grow and hire new employees.

In 1958, Congress created the SBIC program to assist small business owners in obtaining investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of $500,000—$3 million have to look elsewhere. SBICs are frequently the only sources of investment capital for growing small businesses.

Often we are reminded that the SBIC program has helped some of our Nations best known companies. It has provided a financial boost at critical points in the early growth period for many companies that are familiar to all of us. For example, Federal Express received a needed infusion of capital from two SBA-licensed SBICs at a critical juncture in its development stage. The SBIC program also helped other well-known companies, when they were not so well-known, such as Intel, Outback Steakhouse, America Online, and Callaway Golf.

What is not well known is the extraordinary help the SBIC program provides to Main Street America small businesses. These are companies we know from home towns all over the United States. Main Street companies provide both stability and growth in our local business communities. A good example of a Main Street company is Steelweld Equipment Company, founded in 1932, which designs and manufactures utility truck bodies in St. Clair, Missouri. The truck bodies are mounted on chassis made by Chrysler, Ford, and General Motors. Steelweld provides truck bodies for Southwestern Bell Telephone Co., Texas Utilities, Paragon Cable, GTE, and GE Capital Fleet.

Steelweld is a privately held, woman-owned corporation. The owner, Elaine Hunter, went to work for Steelweld in 1966 as a billing clerk right out of high school. She rose through the ranks of the company and was selected to serve on the board of directors. In December 1995, following the death of Steelweld's founder and owner, Ms. Hunter received financing from a Missouri-based SBIC, Capital for Business, CFB, Venture Fund II, to help her complete the acquisition of Steelweld. CFB provided $500,000 in subordinated debt. Senior bank debt and seller debt were also used in the acquisition.

Since Ms. Hunter acquired Steelweld, its manufacturing process was redesigned to make the company run more efficiently. By 1997, Steelweld's profitability had doubled, with annual sales of $10 million and 115 employees. SBIC program success stories like Ms. Hunter's experience at Steelweld occur regularly throughout the United States.

In 1991, the SBIC program was experiencing major losses, and the future of the program was in doubt. Consequently, in 1992 and 1996, the Committee on Small Business worked closely with the Small Business Administration to correct deficiencies in the law in order to ensure the future of the program.

Today, the SBIC Program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity investment capital. And it is important to focus on the significant role that is played by the SBIC program in support of growing small businesses. When Fortune Small Business compiled its list 100 fastest growing small companies in 2000, 6 of the top 12 businesses on the list received SBIC financing during their critical growth years.

The ''Small Business Investment Company Amendments Act of 2001''

would permit the annual interest fee paid by Participating Securities SBICs to increase from 1.0 percent to no more than 1.28 percent. In addition, the bill would make three technical changes to the Small Business Investment Act of 1958, '58 Act, that are intended to make improvements in the day-to-day operation of the SBIC program.

Projected demand for the Participating Securities SBIC program for FY 2002 is $3.5 billion, a significant increase over the FY 2001 program level of $2.5 billion. It is imperative that Congress approve this relatively small increase in the annual interest charge paid by the Participating Securities SBICs before the end of the fiscal year. This fee increase, when combined with an appropriation of $26.2 million for FY 2002, the same amount Congress approved for FY 2001, will support a program level of $3.5 million.

The ''Small Business Investment Company Amendments Act of 2001'' would also make some relatively technical changes the '58 Act that are drafted to improve the operations of the SBIC program. Section 3 would remove the requirement that the SBA take out local advertisements when it seeks to determine if a conflict of interest exists involving an SBIC. This section has been recommended by the SBA, that has informed me that is has never received a response to a local advertisement and believes the requirement is unnecessary.

The bill would amend Title 12 and Title 18 of the United States Code to insure that false statements made to the SBA under the SBIC program would have the same penalty as making false statements to an SBIC. This section would make it clear that a false statement to SBA or to an SBIC for the purpose of influencing their respective actions taken under the '58 Act would be a criminal violation. The courts could then assess civil and criminal penalties for such violations.

Section 5 of the bill would amend Section 313 of the '58 Act to permit the SBA to remove or suspend key management officials of an SBIC when they have willfully and knowingly committed a substantial violation of the '58 Act, any regulation issued by the SBA under the Act, a cease-and desist order that has become final, or committed or engaged in any act, omission or practice that constitutes a substantial breach of a fiduciary duty of that person as a management official.

The amendment expands the definition of persons covered by Section 313 to be ''management officials,'' which includes officers, directors, general partners, managers, employees, agents of other participants in the management or conduct of the SBIC. At the time Section 313 of the '58 Act was enacted in November 1966, an SBIC was organized as a corporation. Since that time, SBIC has been organized as partnerships and Limited Liability Companies (LLCs), and this amendment would take into account those organizations.

Mr. President, I ask unanimous consent that section-by-section summary be printed in the RECORD.

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

SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001—SECTION-BY-SECTION SUMMARY

Section 1. Short title

This Act will be called the ''Small Business Investment Company Amendments Act of 2001.''

Section 2. Subsidy fees

This section amends the Small Business Investment Act of 1958 to permit the SBA to collect an annual interest fee from SBICs in an amount not to exceed 1.28 percent of the outstanding Participating Security and Debenture balance. In no case will the SBA be permitted to charge an interest fee that would reduce the credit subsidy rate to less than 0 percent, when combined with other fees and congressional appropriations. This section would take effect on October 1, 2001.

Section 3. Conflicts of interest

This change would remove the requirement that SBA run local advertisements when it seeks to determine if a conflict of interest is present. SBA has informed me that it has never received a response to a local advertisement and believes the requirement is unnecessary. SBA would continue to publish these notices in the Federal Register. This section would not prohibit the SBA from running local advertisements should it believe it is necessary. It is supported by the SBA.

Section 4. Penalties for false statements

This section would amend Title 12 and Title 18 of the United States Code to insure that false statements made to SBA under the SBIC program would have the same penalty as making false statements to an SBIC. The section would make it clear that a false statement to SBA or to an SBIC for the purpose of influencing their respective actions taken under the Small Business Investment Act of 1958 would be a criminal violation. The courts could then assess civil and criminal penalties for such violations.

Section 5. Removal or suspension of management officials

This section would amend Section 313 the Small Business Investment Act of 1958 to expand the list of persons who could be removed or suspended by the SBA from the management of an SBIC to include officers, directors, employees, agents, or other participants of an SBIC. The persons subject to this section are called ''Management Officials,'' a new term added by this amendment. The amendment does not change the legal or practical effect of the provisions of Section 313; however, it has been drafted to make its provisions easier to follow.

Sections 3, 4, and 5 would take effect on enactment of the Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 136—TO AUTHORIZE TESTIMONY DOCUMENT PRODUCTION AND LEGAL REPRESENTATION IN STATE OF CONNECTICUT V. KENNETH J. LAFONTAINE, JR.

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

S. RES. 136

Whereas, in the case of State of Connecticut v. Kenneth J. LaFountaine Jr., No. 01–29206, pending in Connecticut Superior Court in the City of Hartford, testimony and document production have been requested from James O'Connell, an employee in the office of Senator Lieberman;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That James O'Connell and any other employee of the Senate from whom testimony or document production may be required are authorized to testify and produce documents in the case of State of Connecticut v. Kenneth J. LaFountaine Jr., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent James O'Connell and any Member or employee of the Senate in connection with the testimony and document production authorize in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1010. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1011. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1012. Mr. SMITH, of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1013. Mr. BOND (for himself, Mrs. CARNAHAN, Mr. GRASSLEY, and Mr. HARKIN) proposed an amendment to the bill H.R. 2311, supra.

SA 1014. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1015. Mr. CRAIG (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1016. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1017. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1018. Mr. MURKOWSKI proposed an amendment to the bill H.R. 2311, supra.