

of arsenic in soil surrounding CCA-treated wood playground equipment.

(4) The State of Florida recently announced that its own wood-treatment plant would cease using arsenic as a preservative.

(5) PlayNation Play Systems, which manufactures playground equipment, announced in June 2001 that it would no longer use CCA as a preservative in its playground products.

(6) In May 2001, the Environmental Protection Agency announced that it would expedite its ongoing review of the health risks facing children playing near CCA-treated wood playground equipment, and produce its findings in June 2001. The EPA later postponed the release of its risk assessment until the end of the summer of 2001, and announced that its risk assessment would be reviewed by a Scientific Advisory Panel in October 2001.

(7) The EPA also plans to expedite its risk assessment regarding the re-registering of arsenic as a pesticide by accelerating its release from 2003 to 2002.

(8) The Consumer Product Safety Commission, which has the authority to ban hazardous and dangerous products, announced in June 2001 that it would consider a petition seeking the banning of CCA-treated wood from all playground equipment.

(9) Many viable alternatives to CCA-treated wood exist, including cedar, plastic products, aluminum, and treated wood without CCA. These products, alone or in combination, can fully replace CCA-treated wood in playground equipment.

(b) *SENSE OF THE SENATE.*—It is the sense of the Senate that the potential health and safety risks to children playing on and around CCA-treated wood playground equipment is a matter of the highest priority, which demands immediate attention from the Congress, the Executive Branch, State and local governments, affected industries, and parents.

(c) *REPORT.*—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Consumer Product Safety Commission, shall submit a report to Congress which shall include—

(1) the Environmental Protection Agency's most up-to-date understanding of the potential health and safety risks to children playing on and around CCA-treated wood playground equipment;

(2) the Environmental Protection Agency's current recommendations to State and local governments about the continued use of CCA-treated wood playground equipment; and

(3) an assessment of whether consumers considering purchases of CCA-treated wood playground equipment are adequately informed concerning the health effects associated with arsenic.

**SEC. 430. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.** From amounts available to the National Science Foundation under this Act, a total of \$115,000,000 may be available to carry out the Experimental Program to Stimulate Competitive Research (EPSCoR), which includes \$25,000,000 in co-funding.

**SEC. 431. SENSE OF THE SENATE CONCERNING THE STATE WATER POLLUTION CONTROL REVOLVING FUND.** (a) *FINDINGS.*—Congress finds that—

(1) funds from the drinking water State revolving fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) are allocated on the basis of an infrastructure needs survey conducted by the Administrator of the Environmental Protection Agency, in accordance with the Safe Drinking Water Act Amendments of 1996 (Public Law 104-182);

(2) the needs-based allocation of that fund was enacted by Congress and is seen as a fair and reasonable basis for allocation of funds under a revolving fund of this type;

(3) the Administrator of the Environmental Protection Agency also conducts a wastewater

infrastructure needs survey that should serve as the basis for allocation of the State water pollution control revolving fund established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.);

(4) the current allocation formula for the State water pollution control revolving fund is so inequitable that it results in some States receiving funding in an amount up to 7 times as much as States with approximately similar populations, in terms of percentage of need met; and

(5) the Senate has proven unwilling to address that inequity in an appropriations bill, citing the necessity of addressing new allocation formulas only in authorization bills.

(b) *SENSE OF THE SENATE.*—It is the sense of the Senate that the Committee on Environment and Public Works of the Senate should be prepared to enact authorizing legislation (including an equitable, needs-based formula) for the State water pollution control revolving fund as soon as practicable after the Senate returns from recess in September.

This Act may be cited as the “*Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002*”.

#### NOMINATIONS

Mr. REID. Mr. President, in the presence of the distinguished Republican leader, I want to announce that since July 9 the Senate will have been able to confirm 168 civilian nominations. Today alone, we have been able to do 58. This week we did 88. This does not take into consideration the scores and scores of military nominations that have been confirmed by the Senate.

I think this speaks well of some of the progress we are making. We appreciate the cooperation of the Republican leader in allowing us to move through some of this legislation. It has been very difficult the last few days, but with his help we have been able to accomplish a great deal. I am glad it is Friday afternoon at 3:40 and we are getting ready to close the Senate rather than trying to figure out who we can get to preside all night.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, let me say again that I appreciate the number of nominees that have been confirmed. I think that will help our overall relationship. A lot of these civilian nominees to head agencies and Assistant Secretary positions clearly need to be moved through. So I am glad to see it is happening. I hope we can continue this pattern when we return in September. And I hope we will begin then to make steady progress on the confirmation of judicial nominees both for the circuit courts as well as the district courts, and also, as soon as they are received, begin to move U.S. attorneys and U.S. marshals in districts throughout the country.

#### MEASURE READ THE FIRST TIME—H.R. 4

Mr. LOTT. Mr. President, I understand H.R. 4 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. LOTT. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk.

The PRESIDING OFFICER. The Senator from Nevada.

#### CONGRATULATING UKRAINE ON THE 10TH ANNIVERSARY OF THE RESTORATION OF ITS INDEPENDENCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 114, S. Con. Res. 62.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 62) congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies.

There being no objection, the Senate proceeded to consider the concurrent resolution.

#### AMENDMENT NO. 1479

Mr. REID. Mr. President, Senator HELMS has an amendment at the desk. I ask unanimous consent for its consideration and that the amendment be agreed to.

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

The amendment (No. 1479) was agreed to, as follows:

(Purpose: To make a clerical correction)

In paragraph (6) of section 1 of the concurrent resolution, strike “Oleksandrov” and insert “Oleksandrov”.

Mr. REID. I ask unanimous consent that the concurrent resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 62), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

#### S. CON. RES. 62

Whereas August 24, 2001, marks the tenth anniversary of the restoration of independence in Ukraine;

Whereas the United States, having recognized Ukraine as an independent state on December 25, 1991, and having established diplomatic relations with Ukraine on January 2, 1992, recognizes that fulfillment of the vision of a Europe whole, free, and secure requires a strong, stable, democratic Ukraine fully

integrated in the Euro-Atlantic community of democracies;

Whereas, during the fifth anniversary commemorating Ukraine's independence, the United States established a strategic partnership with Ukraine to promote the national security interests of the United States in a free, sovereign, and independent Ukrainian state;

Whereas Ukraine is an important European nation, having the second largest territory and sixth largest population in Europe;

Whereas Ukraine is a member of international organizations such as the Council of Europe and the Organization on Security and Cooperation in Europe (OSCE), as well as international financial institutions such as the International Monetary Fund (IMF), the World Bank, and the European Bank for Reconstruction and Development (EBRD);

Whereas in July 1994, Ukraine's presidential elections marked the first peaceful and democratic transfer of executive power among the independent states of the former Soviet Union;

Whereas five years ago, on June 28, 1996, Ukraine's parliament voted to adopt a Ukrainian Constitution, which upholds the values of freedom and democracy, ensures a citizen's right to own private property, and outlines the basis for the rule of law in Ukraine without regard for race, religion, creed, or ethnicity;

Whereas Ukraine has been a paragon of inter-ethnic cooperation and harmony as evidenced by the OSCE's and the United States State Department's annual human rights reports and the international community's commendation for Ukraine's peaceful handling of the Crimean secession disputes in 1994;

Whereas Ukraine, through the efforts of its government, has reversed the downward trend in its economy, experiencing the first real economic growth since its independence in fiscal year 2000 and the first quarter of 2001;

Whereas Ukraine furthered the privatization of its economy through the privatization of agricultural land in 2001, when the former collective farms were turned over to corporations, private individuals, or cooperatives, thus creating an environment that leads to greater economic independence and prosperity;

Whereas Ukraine has taken major steps to stem world nuclear proliferation by ratifying the START I Treaty on nuclear disarmament and the Treaty on the Non-Proliferation of Nuclear Weapons, subsequently has turned over the last of its Soviet-era nuclear warheads on June 1, 1996, and in 1998 agreed not to assist Iran with the completion of a nuclear power plant in Bushehr thought to be used for the possible production of weapons of mass destruction;

Whereas Ukraine has found many methods to implement military cooperation with its European neighbors, as well as peacekeeping initiatives worldwide, as exhibited by Ukraine's participation in the KFOR and IFOR missions in the former Yugoslavia, and offering up its own forces to be part of the greater United Nations border patrol missions in the Middle East and the African continent;

Whereas Ukraine became a member of the North Atlantic Cooperation Council of the North Atlantic Treaty Alliance (NATO), signed a NATO-Ukraine Charter at the Madrid Summit in July 1997, and has been a participant in the Partnership for Peace (PfP) program since 1994 with regular training maneuvers at the Yavoriv military base in Ukraine and on Ukraine's southern-most shores of the Black Sea;

Whereas on June 7, 2001, Ukraine signed a charter for the GUUAM (Georgia, Ukraine,

Uzbekistan, Azerbaijan, and Moldova) alliance, in hopes of promoting regional interests, increasing cooperation, and building economic stability; and

Whereas 15 years ago, the Soviet-induced nuclear tragedy of Chernobyl gripped Ukrainian lands with insurmountable curies of radiation which will affect generations of Ukraine's inhabitants, and thus, now, Ukraine promotes safety for its citizens and its neighboring countries, as well as concern for the preservation of the environment by closing the last Chernobyl nuclear reactor on December 15, 2000; Now, therefore, be it

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

**SECTION 1. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) as a leader of the democratic nations of the world, the United States congratulates the people of Ukraine on their tenth anniversary of independence and supports peace, prosperity, and democracy in Ukraine;

(2) Ukraine has made significant progress in its political reforms during the first ten years of its independence, as is evident by the adoption of its Constitution five years ago;

(3) the territorial integrity, sovereignty, and independence of Ukraine within its existing borders is an important factor of peace and stability in Europe;

(4) the President, the Prime Minister, and Parliament of Ukraine should continue to enact political reforms necessary to ensure that the executive, legislative, and judicial branches of the Government of Ukraine transparently represent the interests of the Ukrainian people;

(5) the Government and President of Ukraine should promote fundamental democratic principles of freedom of speech, assembly, and a free press;

(6) the Government and President of Ukraine should actively pursue in an open and transparent fashion investigations into violence committed against journalists, including the murders of Heorhiy Gongadze and Ihor Oleksandrov;

(7) the Government of Ukraine (including the President and Parliament of Ukraine) should uphold international standards and procedures of free and fair elections in preparation for its upcoming parliamentary elections in March 2002;

(8) the Government of Ukraine (including the President and Parliament of Ukraine) should continue to accelerate its efforts to transform its economy into one founded upon free market principles and governed by the rule of law;

(9) the United States supports all efforts to promote a civil society in Ukraine that features a vibrant community of nongovernmental organizations (NGOs) and an active, independent, and free press;

(10) the Government of Ukraine (including the President and Parliament of Ukraine) should follow a westward-leaning foreign policy whose priority is the integration of Ukraine into Euro-Atlantic structures;

(11) the President of the United States should continue to consider the interests and security of Ukraine in reviewing or revising any European military and security arrangements, understandings, or treaties; and

(12) the President of the United States should continue to support and encourage Ukraine's role in NATO's Partnership for Peace program and the deepening of Ukraine's relationship with NATO.

**SEC. 2. TRANSMITTAL OF THE RESOLUTION.**

The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States with the further request that the President transmit such copy to the Government of Ukraine.

**THURGOOD MARSHALL UNITED STATES COURTHOUSE**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 110, S. 584.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 584) to designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The bill (S. 584) was read the third time and passed, as follows:

S. 584

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

**SECTION 1. DESIGNATION OF THURGOOD MARSHALL UNITED STATES COURTHOUSE.**

The United States courthouse located at 40 Centre Street in New York, New York, shall be known and designated as the "Thurgood Marshall United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the Thurgood Marshall United States Courthouse.

**EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE**

Mr. REID. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from the consideration of H.R. 558 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 558) to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 558) was read the third time and passed.

The PRESIDENT pro tempore. The Senator from Nevada.