

EC-5178. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Correction to the California State Implementation Plan" (FRL7122-8) received on January 4, 2002; to the Committee on Environment and Public Works.

EC-5179. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Interim Final Determination that State has Corrected the Deficiency"; to the Committee on Environment and Public Works.

EC-5180. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Approval and Promulgation of State Implementation Plans; Inspection and Maintenance Program and Fuel Requirements: Alaska"; to the Committee on Environment and Public Works.

EC-5181. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District" (FRL7118-1) received on January 4, 2002; to the Committee on Environment and Public Works.

EC-5182. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans; for Designated Facilities and Pollutants; State of Alabama, Georgia, Kentucky, and South Carolina" (FRL7124-7) received on January 4, 2002; to the Committee on Environment and Public Works.

EC-5183. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Coal Mining Point Source Category; Amendment to Effluent Limitations Guidelines and New Source Performance Standards" (FRL7125-4) received on January 4, 2002; to the Committee on Environment and Public Works.

EC-5184. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Corrective Action Management Unit Rule" (FRL7124-3) received on January 4, 2002; to the Committee on Environment and Public Works.

EC-5185. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Final Rule to Establish Two Additional Manatee Protection Areas in Florida" (RIN1018-AH80) January 9, 2002; to the Committee on Environment and Public Works.

EC-5186. A communication from the Acting Director of the Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Reclassification of *Scutellaria montana* (Large-Flowered Skullcap) from Endangered to Threatened" (RIN1018-AG07) received on January 9, 2002; to the Committee on Environment and Public Works.

EC-5187. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(1) Authority for Hazardous Air Pollutants; State of Virginia; Department of Environmental Quality" (FRL7126-8) received on January 9, 2002; to the Committee on Environment and Public Works.

EC-5188. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary Drinking Water Regulations: Long Term Enhanced Surface Water Treatment Rule" (FRL7124-2) received on January 9, 2002; to the Committee on Environment and Public Works.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself, Mr. SPECTER, Mrs. BOXER, and Mr. REID):

S. 1893. A bill to ban human cloning while protecting stem cell research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM (for himself and Mr. NELSON of Florida):

S. 1894. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FITZGERALD:

S. 1895. A bill to require investment advisers to make prominent public disclosures of ties with companies being analyzed by them, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER:

S. 1896. A bill to prohibit accounting firms from providing management consulting services for the companies they audit and any other non-audit related services that could result in a potential conflict of interest or otherwise impair the independence of the auditor, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CARNAHAN (for herself and Mr. DAYTON):

S. 1897. A bill to require disclosure of the sale of securities by an affiliate of the issuer of the securities to be made available to the Commission and to the public in electronic form, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself and Mr. GRAHAM):

S. Res. 201. A resolution commending the University of Miami Hurricanes football team for winning the 2001 NCAA Division I-A collegiate football national championship; considered and agreed to.

By Mr. WYDEN (for himself and Ms. COLLINS):

S. Con. Res. 94. A concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education; to the Committee on the Judiciary.

### ADDITIONAL COSPONSORS

S. 145

At the request of Mr. THURMOND, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 822

At the request of Mrs. MURRAY, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 822, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issues to acquire renewable resources on land subject to conservation easement.

S. 978

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 978, a bill to provide for improved management of, and increased accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1289

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1289, a bill to require the Secretary of the Navy to report changes in budget and staffing that take place as a result of the regionalization program of the Navy.

S. 1464

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1464, a bill to amend the Internal Revenue Code of 1986 to modify the definition of rural airports for purposes of the air transportation tax.

S. 1552

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1552, a bill to provide for grants through the Small Business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001.

S. 1678

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be

treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1839

At the request of Mr. ALLARD, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. RES. 182

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 182, a resolution expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty.

S. CON. RES. 72

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Con. Res. 72, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued honoring Martha Matilda Harper, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mr. NELSON of Florida):

S. 1894. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. GRAHAM. Mr. President, the city of Miami is constantly changing.

New buildings and facilities are being built daily adding to the cosmopolitan and modern flavor of the city. However, while in the process of building for the future, Miami has found a piece of its past, the Miami Circle.

Discovered in 1998, the Miami Circle is 38 feet in diameter and has been carved into the underlying bedrock. While its true purpose is unknown, it is thought that the circle was used to support different types of structures. Along with the Circle, myriad other ancient artifacts have been found at the site, making it a treasure trove of archaeological artifacts and a window into the history of the area. The true origin of this site has yet to be determined but it is widely believed it was created by the Tequesta Indians.

This piece of Miami's heritage is also part of Florida's as well as the Nation's. It is believed to be the only cut-in-rock prehistoric structural footprint ever found in eastern North America. It is and will be a valuable tool in understanding America's indigenous peoples, their culture, and their technological prowess. In fact, a recent discovery of a Tequesta burial grounds not far from the Miami Circle has made the Miami Circle an even more significant historical site.

For these reasons, the site of the Miami Circle needs to be preserved. This legislation will set the preservation process in motion by authorizing a feasibility study to be conducted to determine if Miami Circle should be preserved as part of Biscayne National Park. This important piece of America's heritage deserves the same protection that other American archaeological treasures enjoy. This study will help make that happen.

By Mr. FITZGERALD:

S. 1895. A bill to require investment advisers to make prominent public disclosures of ties with companies being analyzed by them, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FITZGERALD. 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. 1895

*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 "Independent Investment Advisers Act of 2002".

#### SEC. 2. FINDINGS.

Congress finds that, in the decade preceding the date of enactment of this Act—

(1) events have raised concerns about the independence of the research conducted by investment advisers, particularly those who are affiliated with brokerage houses and investment banking institutions; and

(2) the number of class-action lawsuits alleging conflicts of interest on the part of investment advisers has increased dramatically.

#### SEC. 3. ENHANCED DISCLOSURES BY INVESTMENT ADVISERS.

The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by inserting after section 204A the following:

"PUBLIC DISCLOSURE OF TIES TO ISSUERS

"SEC. 204B. (a) If an investment adviser publishes any analysis or report regarding a company or the securities of a company, the investment adviser shall prominently disclose, in plain language—

"(1) the amount of any fees that the investment adviser, or person associated with the investment adviser, has received from that company during the 3-year period preceding the date of publication;

"(2) any merger or acquisition transaction handled by the investment adviser during the 5-year period preceding the date of publication that involves any debt or equity instruments of that company, including transactions that are concurrent with the publication;

"(3) any personal debt or equity holdings that the investment adviser or person associated with the investment adviser has in the company; and

"(4) the extent to which the investment adviser or person associated with the investment adviser has debt or equity holdings in that company.

"(b) In this section, the term 'publication' has the meaning given that term by regulation of the Commission, and includes—

"(1) any written description of the subject company or the securities of that company by the investment adviser; and

"(2) to the extent practicable—

"(A) any public appearance by the investment adviser or person associated with the investment adviser, such as participation in a seminar or forum regarding the subject company or the securities of that company;

"(B) participation by the investment adviser or person associated with the investment adviser in an interactive electronic discussion group by the investment adviser regarding the subject company or the securities of that company; and

"(C) any radio or television interview of the investment adviser or person associated with the investment adviser regarding the subject company or the securities of that company."

(b) COMMISSION REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission shall issue final regulations to carry out section 204B of the Investment Advisers Act of 1940, as added by this section.

(c) EFFECTIVE DATE.—Section 204B of the Investment Advisers Act of 1940, as added by this Act, shall become effective on the date of issuance of final regulations under subsection (b).

By Mrs. BOXER:

S. 1896. A bill to prohibit accounting firms from providing management consulting services for the companies they audit and any other non-audit related services that could result in a potential conflict of interest or otherwise impair the independence of the auditor, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. BOXER. Mr. President, today, I am introducing the Auditor Independence Act of 2002. The Act directs the Securities and Exchange Commission, SEC, to issue regulations prohibiting accounting firms from providing management consulting services for the companies they audit and barring accounting firms from providing any