

Administration stated that the econometric model would not be available until FY 2004. After exhaustive negotiations with the senior White House staff, I was able to secure an agreement to accelerate their use of the model retroactive to October 1, 2002, the beginning of FY 2003. The bill before us today is designed to waive a key provision of the Federal Credit Reform Act that prohibits the Congress from changing a credit subsidy rate estimate once it has been transmitted to the Congress as part of the President's annual budget submission. This may be the first time this provision has been waived since implementation of the Act in FY 1992.

We would not be where we are today resolving this important matter without the tireless efforts of my colleagues in the Senate and the House of Representatives. Mr. MANZULLO, Chairman of the House Committee on Small Business, fought for this change every step of the way. The Ranking Member, Ms. VELAZQUEZ, was especially vigilant in her efforts. In the Senate, my colleague from Massachusetts and Chairman of the Committee on Small Business and Entrepreneurship, JOHN KERRY, has kept the Committee focused on resolving this issue for the past year and has insisted that we resolve the credit subsidy rate controversy for FY 2003.

Resolving the 7(a) credit subsidy rate issue is good for small businesses. It will mean more jobs and economic fuel to grow start-up and growing small businesses. I urge each of my colleagues to vote a resounding "Aye" for this important bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid on the table with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 3172) was read three times and passed, as follows:

S. 3172

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

#### SECTION 1. SUBSIDY RATE FOR SMALL BUSINESS LOANS.

Notwithstanding section 502(5)(F) of the Federal Credit Reform Act of 1990 and section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Director of the Office of Management and Budget, in calculating the Federal cost for guaranteeing loans during fiscal year 2003 under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) may use the most recently approved subsidy cost model and methodology in conjunction with the program and economic assumptions, and historical data which were included in the fiscal year 2003 budget. After written notification to Congress, the Small Business Administration shall implement the validated, OMB-approved subsidy rate for fiscal year 2003, using this model and methodology. Such rate shall be deemed to have been effective on October 1, 2002.

#### SEC. 2. USE OF EMERGENCY FUNDS FOR SMALL BUSINESS LOANS.

Chapter 2 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 is amended by striking "For emergency expenses" after "BUSINESS LOANS PROGRAM ACCOUNT" and inserting the following: "For loan guarantee subsidies under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or for emergency expenses".

#### CONGRATULATING THE PEOPLE OF MOZAMBIQUE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 358 submitted earlier today by Senator BIDEN. The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 358) congratulating the people of Mozambique on their successful efforts to establish, build, and maintain peace in their country for the past ten years, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements in relation to this matter be printed in the RECORD.

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

The resolution (S. Res. 358) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 358

Whereas, on October 4, 1992, having overcome the hardships of a colonial struggle, decolonization, and armed regional and national conflict, the people of Mozambique, the parties to the civil war in Mozambique, and the leadership of Mozambique reached a peaceful settlement to the devastating 16-year civil war;

Whereas this peace was facilitated by the good offices of the Comunidade di Sant' Egidio in Rome and supported by regional friends and the international community;

Whereas in 1994 and 1999 Mozambique held multi-party elections deemed free and fair by the international community;

Whereas this peace has been consolidated and strengthened by Mozambique civil society, helping to keep the Government of Mozambique on a course of political and economic reforms despite the challenges currently presented by HIV/AIDS, floods, droughts, and regional instability;

Whereas the Government of Mozambique has initiated sound economic reforms, including the privatization of state-run enterprises, the reduction and simplification of import tariffs, and the liberalization of agricultural markets, resulting in extraordinary economic growth;

Whereas the resources that have become available by Mozambique's participation in the Highly Indebted Poor Countries Initiative have been responsibly channeled by the Government of Mozambique into anti-poverty programs;

Whereas, despite the progress that Mozambique has made, more than one-half of the

people of Mozambique over 15 years of age are illiterate, twenty-eight percent of the children under five are malnourished, infant mortality stands at more than 12 percent, and life expectancy is only 42 years;

Whereas the United States values democratic principles, the rule of law, peace, and stability in all nations that comprise the community of states; and

Whereas Mozambique has been transformed from a war-torn country to one where political disputes are settled through peaceful means: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the people of Mozambique on ten years of continued peace and growing democracy and commends the Government of Mozambique for continued economic and political reforms;

(2) salutes the Comunidade di Sant' Egidio for using its good offices to facilitate and mediate the peace process that led to the October 4, 1992, agreement;

(3) recognizes the indispensable role that civil society in Mozambique has played in both achieving peace and deepening democratic reforms; and

(4) stands ready to assist the Government of Mozambique on a variety of programs, including humanitarian and development assistance, HIV/AIDS prevention, and technical assistance to fight corruption.

#### MENTAL HEALTH EQUITABLE TREATMENT ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H.R. 5716, which is now at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 5716) to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to extend the mental health benefits parity provisions for an additional year, and for other purposes.

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

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

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

The bill (H.R. 5716) was read the third time and passed.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. KENNEDY. Mr. President, we have passed tonight a bill to extend for one year the current provisions of the 1986 Mental Health Equitable Treatment Act which provides limited parity for insurance coverage of mental illness.

But today is not a day to celebrate. Instead, it is a call to arms—a call to pass the full and meaningful mental health parity bill that Paul Wellstone and PETE DOMENICI have fought for so tirelessly. It is a day to sound the battle cry for finally ensuring that no American is discriminated against because they suffer from a mental illness.

Mental illness is a pervasive problem in our society, and too often it is a problem that is swept under the rug

with an immense human cost. One out of five Americans will suffer from some form of mental illness this year—but only one-third of them will receive treatment.

The fight against discrimination is not new—it is as old as the Republic and as fresh as today's headlines. All Americans deserve equality of opportunity and fundamental fairness.

Next year this fight begins anew. All of us are saddened that Paul Wellstone is no longer with us to carry on this fight. But we intend to honor his memory and continue to fight for the cause for which he worked so hard. We will not rest until we enact legislation that ends the cruel discrimination that burdens so many Americans suffering from mental illness.●

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107-21

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 15, 2002, by the President of the United States:

Convention on Supplementary Compensation for Nuclear Damage, Treaty Document No. 107-21; I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

I transmit herewith, for Senate advice and consent to ratification, with a declaration, the Convention on Supplementary Compensation for Nuclear Damage done at Vienna on September 12, 1997. This Convention was adopted by a Diplomatic Conference convened by the International Atomic Energy Agency (IAEA) and was opened for signature at Vienna on September 29, 1997, during the IAEA General Conference. Then-Secretary of Energy Federico Peña signed the Convention for the United States on that date, subject to ratification. Also transmitted for the information of the Senate is the report of the Department of State concerning the Convention.

The Convention establishes a legal framework for defining, adjudicating, and compensating civil liability for nuclear damage that results from an incident in the territory of a Party, or in certain circumstances in international waters, and creates a contingent international supplementary compensation fund. This fund would be activated in the event of an incident with damage so extensive that it exhausts the compensation funds that the Party where the incident occurs is obligated under the Convention to make available.

The international supplementary fund would be made up largely of contributions from Parties that operate nuclear power plants. The improved legal certainty and uniformity provided under the Convention combined with the availability of additional resources provided by the international supplementary fund create a balanced package appealing both to countries that operate nuclear power plants and those that do not. The Convention thus creates for the first time the potential for a nuclear civil liability convention with global application.

Prompt U.S. ratification of the Convention is important for two reasons. First, U.S. suppliers of nuclear technology now face potentially unlimited third-party civil liability arising from their activities in foreign markets because the United States is not currently party to any international nuclear civil liability convention. In addition to limiting commercial opportunities, lack of liability protection afforded by treaty obligations has limited the scope of participation by major U.S. companies in the provision of safety assistance to Soviet-designed nuclear power plants, increasing the risk of future accidents in these plants. Once widely applied, the Convention will create for suppliers of U.S. nuclear equipment and technology substantially the same legal environment in foreign markets that they now experience domestically under the Price-Anderson Act. It will level the playing field on which they meet foreign competitors and eliminate the liability concerns that have inhibited them from providing the fullest range of safety assistance.

Second, under existing nuclear liability conventions many potential victims outside the United States generally have no assurance that they will be adequately or promptly compensated in the event they are harmed by a civil nuclear incident, especially if that incident occurs outside their borders or damages their environment. The Convention, once widely accepted, will provide that assurance.

United States leadership is essential in order to bring the Convention into force soon. With the United States as an initial Party, other countries will find the Convention attractive and the number of Parties is likely to grow quickly. Without U.S. leadership, the Convention could take many years to enter into force. The creation of a global civil liability regime will play a critical role in allowing nuclear power to achieve its full potential in the diverse and environmentally responsible world energy structure we need to build in the coming decades.

The Convention is consistent with the primary existing U.S. statute governing nuclear civil liability, the Price-Anderson Act of 1957. Adoption of the Convention would require virtually no substantive changes in that Act. Moreover, under legislation that is being submitted separately to imple-

ment the Convention, the U.S. contingent liability to contribute to the international supplementary fund would be completely covered, either by funds generated under the Price-Anderson Act in the event of an accident covered by both that Act and the Convention, or by funds contributed to a retrospective pool by U.S. suppliers of nuclear equipment and technology in the event of an accident covered by the Convention but falling outside the Price-Anderson system. In either case, U.S. taxpayers would not have to bear the burden of the U.S. contribution to the international supplementary fund.

The Convention allows nations that are party to existing nuclear liability conventions to join the new global regime easily, without giving up their participation in those conventions. It also permits nations that do not belong to an existing convention to join the new regime easily and rapidly. The United States in particular benefits from a grandfather clause that allows it to join the Convention without being required to change certain aspects of the Price-Anderson system that would otherwise be inconsistent with its requirements.

The Convention, without relying on taxpayer funds, will increase the compensation available to potential victims of a civil nuclear incident, strengthen the position of U.S. exporters of nuclear equipment and technology, and permit us to provide safety assistance to the world's least-safe reactors more effectively.

I urge the Senate to act expeditiously in giving its advice and consent to ratification of the Convention on Supplementary Compensation for Nuclear Damage, with a declaration as set forth in the accompanying report of the Department of State.

#### TO REDUCE PREEXISTING PAYGO BALANCES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5708, which is now at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 5708) to reduce preexisting PAYGO balances, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the RECORD, without intervening action or debate.

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

The bill (H.R. 5708) was read the third time and passed.