

each worker may hold and encouraging diversification of investment of plan assets, and for other purposes.

S. 1839

At the request of Mr. ALLARD, the name of the Senator from Kentucky (Mr. BUNNING) 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. 1873

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1873, a bill to amend the Internal Revenue Code of 1986 to allow credits for the installation of energy efficiency home improvements, and for other purposes.

S. 1881

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1881, a bill to require the Federal Trade Commission to establish a list of consumers who request not to receive telephone sales calls.

S. RES. 109

At the request of Mr. REID, the names of the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

S. RES. 182

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) 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. 84

At the request of Mr. SCHUMER, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 84, a concurrent resolution providing for a joint session of Congress to be held in New York City, New York.

AMENDMENT NO. 2700

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 2700 proposed to H.R. 622, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

AMENDMENT NO. 2722

At the request of Mr. ALLARD, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of amendment No. 2722 proposed to H.R. 622, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

posed to H.R. 622, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

AMENDMENT NO. 2738

At the request of Mrs. HUTCHISON, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of amendment No. 2738 intended to be proposed to H.R. 622, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING:

S. 1908. A bill to exclude the receipts and disbursements of the Abandoned Mine Reclamation Fund from the budget of the United States Government, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

Mr. BUNNING. 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. 1908

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

SECTION 1. ABANDONED MINE RECLAMATION FUND.

(a) EXCLUSION FROM BUDGET.—Notwithstanding any other provision of law, the receipts and disbursements of the Abandoned Mine Reclamation Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President;

(2) the congressional budget; or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) AVAILABILITY OF FUNDS.—Section 401(d) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(d)) is amended to read as follows:

"(d) All amounts in the fund at the end of any fiscal year shall be immediately available for obligation or expenditure, without further appropriation, for the purposes of this title at the commencement of the next fiscal year."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 202—CONGRATULATING THE NEW ENGLAND PATRIOTS FOR WINNING SUPER BOWL XXXVI

Mr. KENNEDY, (for himself, Mr. KERRY, and Mr. REED) submitted the following resolution; which was considered and agreed to:

S. RES. 202

Whereas, yesterday, the New England Patriots pulled off a thrilling 20-17 victory over the St. Louis Rams in Super Bowl XXXVI;

Whereas, the victory is the first world championship for the Patriots, and it could not have come at a more poignant time for our country;

Whereas, at a time when our entire country is banding together, the Patriots set a wonderful example of self-sacrifice and unity, showing us all what is possible when we work together, believe in each other, and collaborate for the greater good;

Whereas, coach Bill Belichick stressed teamwork, saying that only by working together could the Patriots overcome their opponent, the best team in the NFL's regular season, the St. Louis Rams;

Whereas, the team was led by Tom Brady, Ty Law, Tedy Bruschi, Mike Vrabel, and Troy Brown, but played together to forge a victory for the whole team;

Whereas, the Patriots showed their true spirit, using running back Kevin Faulk, receiver Troy Brown, and intelligent play from Brady to drive from inside their own 20 yard line to give kicker Adam Vinatieri the chance to win the game with only 7 seconds left on the clock.

Whereas, the Patriots won the game as the clock expired;

Whereas, all of us in Massachusetts, and indeed all who live in New England, are proud of the Patriots and their extraordinary season;

Whereas, eight years ago Bob Kraft bought the Patriots, and today he brings the Lombardi trophy home to fans who have been waiting for 42 years;

Whereas, in Massachusetts, April 15th is Patriot's Day—a day when we celebrate the brave men and women who fought for our nation's independence—but, for generations of New England sports fans, yesterday will always be our Patriot's Day; now therefore, be it

Resolved, That the Senate commends the World Champion New England Patriots for their extraordinary victory in Super Bowl XXXVI.

SENATE RESOLUTION 203—MAKING TEMPORARY MAJORITY APPOINTMENTS TO THE SELECT COMMITTEE ON ETHICS

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 203

Resolved, That for matters before the Select Committee on Ethics involving the investigation of Senator TORRICELLI, and the Senator from Nevada (Mr. REID) and the Senator from Hawaii (Mr. AKAKA) be replaced by the Senator from Hawaii (Mr. INOUE) and the Senator from Rhode Island (Mr. REED) with the Senator from Hawaii (Mr. INOUE) acting as Chairman in matters regarding such investigation.

That for all other matters before the Select Committee on Ethics the committee membership shall be unchanged.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2762. Mr. ENZI (for himself, Mr. COCHRAN, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table.

SA 2763. Mr. ENZI (for himself, Mr. COCHRAN, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the

bill H.R. 622, *supra*; which was ordered to lie on the table.

SA 2764. Mr. REID (for himself, Mr. KYL, Mr. NELSON, of Florida, Mr. HATCH, and Mr. MILLER) proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) *supra*.

SA 2765. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 622, *supra*; which was ordered to lie on the table.

SA 2766. Mr. REID (for Mr. DURBIN (for himself, Mr. WELLSTONE, Mr. DAYTON, Ms. LANDRIEU, and Mrs. LINCOLN)) proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) *supra*.

SA 2767. Mrs. LINCOLN (for herself, Mr. GRAHAM, Mr. NELSON, of Florida, Mr. MILLER, Mr. CORZINE, Mr. DAYTON, Mr. KERRY, Mrs. MURRAY, Mr. TORRICELLI, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) *supra*.

SA 2768. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 622, *supra*; which was ordered to lie on the table.

SA 2769. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 622, *supra*; which was ordered to lie on the table.

SA 2770. Mr. CRAIG (for himself, Mr. TORRICELLI, Mr. GRASSLEY, Mr. SANTORUM, Mr. FRIST, Mr. ENSIGN, and Mr. HUTCHINSON) proposed an amendment to the bill H.R. 622, *supra*.

SA 2771. Mr. DORGAN (for himself, Mr. SMITH, of Oregon, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 622, *supra*; which was ordered to lie on the table.

SA 2772. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 622, *supra*; which was ordered to lie on the table.

SA 2773. Mr. GRASSLEY (for himself, Ms. SNOWE, and Mr. LOTT) proposed an amendment to the bill H.R. 622, *supra*.

SA 2774. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 622, *supra*; which was ordered to lie on the table.

SA 2775. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 622, *supra*; which was ordered to lie on the table.

SA 2776. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 622, *supra*; which was ordered to lie on the table.

SA 2777. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 622, *supra*; which was ordered to lie on the table.

SA 2778. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 622, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2762. Mr. ENZI (for himself, Mr. COCHRAN, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SECTION 1. REPEAL OF OCCUPATIONAL TAXES RELATING TO DISTILLED SPIRITS, WINE, AND BEER.

(a) REPEAL OF OCCUPATIONAL TAXES.—

(1) IN GENERAL.—The following provisions of part II of subchapter A of chapter 51 of the Internal Revenue Code of 1986 (relating to occupational taxes) are hereby repealed:

(A) Subpart A (relating to proprietors of distilled spirits plants, bonded wine cellars, etc.)

(B) Subpart B (relating to brewer).

(C) Subpart D (relating to wholesale dealers) (other than sections 5114 and 5116).

(D) Subpart E (relating to retail dealers) (other than section 5124).

(E) Subpart G (relating to general provisions) (other than sections 5142, 5143, 5145, and 5146).

(2) NONBEVERAGE DOMESTIC DRAWBACK.—Section 5131 of such Code is amended by striking “, on payment of a special tax per annum.”

(3) INDUSTRIAL USE OF DISTILLED SPIRITS.—Section 5276 of such Code is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1)(A) The heading for part II of subchapter A of chapter 51 of such Code and the table of subparts for such part are amended to read as follows:

“PART II—MISCELLANEOUS PROVISIONS

“Subpart A. Manufacturers of stills.

“Subpart B. Nonbeverage domestic drawback claimants.

“Subpart C. Recordkeeping by dealers.

“Subpart D. Other provisions.”

(B) The table of parts for such subchapter A is amended by striking the item relating to part II and inserting the following new item:

“Part II. Miscellaneous provisions.”

(2) Subpart C of part II of such subchapter (relating to manufacturers of stills) is redesignated as subpart A.

(3)(A) Subpart F of such part II (relating to nonbeverage domestic drawback claimants) is redesignated as subpart B and sections 5131 through 5134 are redesignated as sections 5111 through 5114, respectively.

(B) The table of sections for such subpart B, as so redesignated, is amended—

(i) by redesignating the items relating to sections 5131 through 5134 as relating to sections 5111 through 5114, respectively, and

(ii) by striking “and rate of tax” in the item relating to section 5111, as so redesignated.

(C) Section 5111 of such Code, as redesignated by subparagraph (A), is amended—

(i) by striking “and rate of tax” in the section heading.

(ii) by striking the subsection heading for subsection (a), and

(iii) by striking subsection (b).

(4) Part II of subchapter A of chapter 51 of such Code is amended by adding after subpart B, as redesignated by paragraph (3), the following new subpart:

“Subpart C—Recordkeeping by Dealers

“Sec. 5121. Recordkeeping by wholesale dealers.

“Sec. 5122. Recordkeeping by retail dealers.

“Sec. 5123. Preservation and inspection of records, and entry of premises for inspection.”

(5)(A) Section 5114 of such Code (relating to records) is moved to subpart C of such part II and inserted after the table of sections for such subpart.

(B) Section 5114 of such Code is amended—

(i) by striking the section heading and inserting the following new heading:

“SEC. 5121. RECORDKEEPING BY WHOLESALE DEALERS.”

and

(ii) by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) WHOLESALE DEALERS.—For purposes of this part—

“(1) WHOLESALE DEALER IN LIQUORS.—The term “wholesale dealer in liquors” means any dealer (other than a wholesale dealer in beer) who sells, or offers for sale, distilled spirits, wines, or beer, to another dealer.

“(2) WHOLESALE DEALER IN BEER.—The term “wholesale dealer in beer” means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to another dealer.

“(3) DEALER.—The term “dealer” means any person who sells, or offers for sale, any distilled spirits, wines, or beer.

“(4) PRESUMPTION IN CASE OF SALE OF 20 WINE GALLONS OR MORE.—The sale, or offer for sale, of distilled spirits, wines, or beer, in quantities of 20 wine gallons or more to the same person at the same time, shall be presumptive evidence that the person making such sale, or offer for sale, is engaged in or carrying on the business of a wholesale dealer in liquors or wholesale dealer in beer, as the case may be. Such presumption may be overcome by evidence satisfactorily showing that such sale, or offer for sale, was made to a person other than a dealer.”

(C) Paragraph (3) of section 5121(d) of such Code, as so redesignated, is amended by striking “section 5146” and inserting “section 5123”.

(6)(A) Section 5124 of such Code (relating to records) is moved to subpart C of part II of subchapter A of chapter 51 of such Code and inserted after section 5121.

(B) Section 5124 of such Code is amended—

(i) by striking the section heading and inserting the following new heading:

“SEC. 5122. RECORDKEEPING BY RETAIL DEALERS.”

(ii) by striking “section 5146” in subsection (c) and inserting “section 5123”, and

(iii) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

“(c) RETAIL DEALERS.—For purposes of this section—

“(1) RETAIL DEALER IN LIQUORS.—The term “retail dealer in liquors” means any dealer (other than a retail dealer in beer) who sells, or offers for sale, distilled spirits, wines, or beer, to any person other than a dealer.

“(2) RETAIL DEALER IN BEER.—The term “retail dealer in beer” means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to any person other than a dealer.

“(3) DEALER.—The term “dealer” has the meaning given such term by section 5121(c)(3).”

(7) Section 5146 of such Code is moved to subpart C of part II of subchapter A of chapter 51 of such Code, inserted after section 5122, and redesignated as section 5123.

(8) Part II of subchapter A of chapter 51 of such Code is amended by inserting after subpart C the following new subpart:

“Subpart D—Other Provisions

“Sec. 5131. Packaging distilled spirits for industrial uses.

“Sec. 5132. Prohibited purchases by dealers.”

(9) Section 5116 of such Code is moved to subpart D of part II of subchapter A of chapter 51 of such Code, inserted after the table of sections, redesignated as section 5131, and amended by inserting “(as defined in section 5121(c))” after “dealer” in subsection (a).

(10) Subpart D of part II of subchapter A of chapter 51 of such Code is amended by adding at the end thereof the following new section:

“SEC. 5132. PROHIBITED PURCHASES BY DEALERS.

“(a) IN GENERAL.—Except as provided in regulations prescribed by the Secretary, it shall be unlawful for a dealer to purchase distilled spirits from any person other than a wholesale dealer in liquors who is required to keep the records prescribed by section 5121.

“(b) PENALTY AND FORFEITURE.—