S. 1248

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1248, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes.

S. 1258

At the request of Mr. DORGAN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1617

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1617, a bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

S. 1785

At the request of Mr. CLELAND, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. CRAIG), the Senator from Minnesota (Mr. DAYTON), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 1800

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1800, a bill to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

S. 1929

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1929, a bill to amend title II of the Social Security to permit Kentucky to operate a separate retirement system for certain public employees.

S. 2025

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2025, a bill to amend title 38, United States Code, to increase the rate of special pension for recipients of the Medal of Honor and to make that special pension effective from the date of the act for which the recipient is awarded the medal of Honor and to amend title 18, United States Code, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor.

S. 2051

At the request of Mr. REID, the names of the Senator from Utah (Mr. HATCH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2078

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2078, a bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local political committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes.

S. 2184

At the request of Mr. BREAUX, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 2184, a bill to provide for the reissuance of a rule relating to ergonomics.

S. 2194

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2199

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2199, a bill to amend title XIX of the Social Security Act to permit additional States to enter into long-term care partnerships under the Medicaid Program in order to promote the use of long-term care insurance.

S. 2213

At the request of Mr. SESSIONS, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2213, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain overseas pay of members of the Armed Forces of the United States.

At the request of Mr. DAYTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2213, supra.

S. 2232

At the request of Mr. DAYTON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2232, a bill to amend title XVIII of the Social Security Act to establish a program to provide for medicate reimbursement for health care services provided to certain medicare-eligible veterans in facilities of the Department of Veterans Affairs.

S. 2233

At the request of Mr. THOMAS, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 2233, a bill to amend title XVIII of the Social Security Act to establish a medicare subvention demonstration project for veterans.

S. 2430

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 2430, a bill to provide for parity in regulatory treatment of broadband services providers and of broadband access services providers, and for other purposes.

S. 2465

At the request of Mr. GREGG, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2465, a bill to extend and strengthen procedures to maintain fiscal accountability and responsibility.

S. RES. 252

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 252, a resolution expressing the sense of the Senate regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership and the Dalai Lama or his representatives.

S. RES. 253

At the request of Mr. SMITH of Oregon, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Maine (Ms. COLLINS), the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. NELSON), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. Res. 253, a resolution reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. CANTWELL:

S. 2471. A bill to provide for the independent investigation of Federal wildland firefighter fatalities; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation that would direct the Inspectors General of the Departments of Interior and Agriculture to conduct independent investigations any time there is a fatality within the ranks of our Federal wildland firefighters. I believe this is a modest, but critical important, proposal that begins to address the fundamental issue of accountability within our federal wildland firefighting agencies.

This morning the Energy and Natural Resources Committee, on which I serve, held a hearing on the Department of Interior's and Forest Service's preparations for the 2002 fire season. I am glad we held this hearing, because the importance of fire preparedness was driven home for many of my constituents last year, when Washington State suffered a particularly devastating fire season.

On July 10 near a town called Winthrop, in the midst of the worst drought on record in our State, the Thirtymile fire burned out of control. Four courageous young firefighters were killed. Their names were: Tom Craven, 30 years old; Karen FitzPatrick, 18; Jessica Johnson, 19; and Devin Weaver, 21.

I believe we all must recognize the courage and commitment of the men and women who fight wildland fires, and the important work the Forest Service and Department of Interior do on our behalf. We know that firefighting is a dangerous profession, or in the case of these young people, summer jobs that they had taken to help pay for college. But despite the inherent danger, I believe we owe it to the firefighters who lost their lives, and to their families—to ensure that, when planning for this year's fire season, our federal agencies have taken meaningful actions to avoid a reoccurance of the Thirtymile tragedy.

Because in the words of the Forest Service's own report on the Thirtymile incident, this tragedy ''could have been prevented.''

I want to again thank Chairman BINGAMAN, as well as Senator WYDEN who chairs the Subcommittee on Public Lands and Forests, for holding an oversight hearing last November on the Thirtymile tragedy, which cemented in my mind the three areas in which the Forest Service needs to improve its commitment to the safety of its employees: accountability, from the firefighter on the line all the way up to the Chief; training our firefighters to put safety first; and independent and consistent review of incidents in which safety rules have been broken, whether or not they result in fatalities.

I believe these observations were further reinforced by an OSHA investigation released in February that found the Forest Service had committed two serious and three willful violations of employee safety policy during the Thirtymile Fire, even stronger citations than those handed down after 1994's Storm King fire, in which 14 Federal firefighters died.

One of the issues that came to our attention in our oversight of the Thirtymile fire is that no one, not the Energy and Natural Resources Committee, not the families of the victims, not the public, is at all satisfied with how firefighter fatalities are investigated. After the Thirtymile Fire, the Forest Service basically investigated the incident itself. When concerns were raised that the investigation's conclusions were simply not fair to the victims, who, afterall, are no longer here to tell their side of the story, the Forest Service saw fit to reopen the investigation and modify some of its conclusions.

While the Occupational Safety and Health Administration, OSHA, did conduct a subsequent investigation, OSHA simply doesn't have binding authority over the Forest Service.

I believe this entire investigatory process is flawed. To inject accountability into federal agencies' approach to firefighter safety, I firmly believe these agencies and their chiefs must know that, if employees under their command are injured or killed in the line of duty, there is no question that there will be a thorough, independent and balanced investigation of the incident. This investigation will happen regardless of politics and regardless of whether a member of Congress takes a particular interest in the incident.

I understand that after-the-fact investigations do not soothe the pain of the families and communities involved in such incidents. However, my hope is that a proactive system of accountability, which includes a rational investigatory process, will help prevent these tragedies from occurring time and time again.

As some of my colleagues may be aware, I added a provision to the Forestry Title of the Senate's farm bill, with the help of Senator HARKIN and support of Senators on the Energy Committee, that was very similar to this bill. It would have directed the Inspector General of the Department of Agriculture to conduct an independent investigation any time a Forest Service firefighter death occurs as a result of entrapment or burnover.

Unfortunately, despite the fact a modified version of the forestry title did survive the Farm Bill conference, this small yet crucial provision was deleted. While my office worked very closely with Senate conferees, this provision encountered a great deal of resistance from House conferees, who tied it to the unrelated issue of stewardship contracting authority.

On February 17, 2002, the Yakima Herald-Republic editorialized that this measure would be ''a good start to change one of the biggest flaws in last summer's investigations into the needless deaths of the four local firefighters.'' On May 1, 2002, after it was killed in conference, the paper wrote: ''In another disgusting display of politics over principle, a move to stop federal agencies from investigating themselves when people are killed fighting fires has been scuttled. Incredibly, there was little disagreement about the value of more oversight of the U.S. Forest service after its bungled handling of both a fire and follow-up investigation of the deaths of four local firefighters.''

On May 2, 2002 a Seattle Times editorial called the fight for independent investigations ''. . . a cause worth fighting for.'' It went on to say, ''The changes championed by Cantwell and Representative Hastings are all about accountability and the difficulty of getting the Forest Service to correct known training deficiencies and leadership problems.''

During negotiations on the farm bill, the Department of Agriculture did not oppose this language and it is my sincere hope that the relevant agencies will support the legislation that I am introducing today. I believe it is good policy, and it is ultimately in the best interest of both the management of these agencies and their employees who are out on the lines fighting fires.

Moreover, congressionally mandated IG investigations are not unprecedented. Already, the Department of Agriculture's IG must conduct automatic investigations for the proper disclosure of costs associated with pesticide registration. The Department of Defense's IG must conduct investigations for the effectiveness of voting assistance programs. HUD, and the Department of Commerce's IGs have also been directed to conduct investigations of this sort. And the list goes on. I hope we will soon add to this list the investigations proposed in this legislation.

There must be an automatic, independent investigation of any fire-related fatality. The families who have lost loved ones are asking for these independent investigations. The impacted communities are asking for this. And editorials from major dailies across my home State of Washington have cited the lack of investigatory independence as a critical problem during the Thirtymile tragedy's aftermath.

I believe we can go a long way to begin addressing these concerns if we were to enact the legislation I have introduced today.

By Mr. THOMAS:

S. 2473. A bill to enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I rise today to introduce the Recreation Fee Authority Act of 2002. This legislation modifies the congressionally created Recreation Fee Demonstration Program.

The issue of user fees on public lands is a difficult one. As you know, our Nation's parks and recreation areas are in serious trouble and have significant

maintenance and infrastructure needs. The National Park Service alone has roughly an $8 billion blacklog in maintenance and infrastructure repair. There are a number of reasons for this funding shortage, including poor park management, congressional inaction and apathy from the American public.

Currently, the Recreation Fee Demonstration Program allows the National Park Service, Bureau of Land Management, Fish and Wildlife Service and the U.S. Forest Service to collect and expend funds for areas in need of additional financial support. Agencies collect fees for admission to a unit or site for special uses such as boating and back country camping fees and are able to use 80 percent of the receipts for protection and enhancement of that area. Fees are typically used for visitor services, maintenance and repair of facilities as well as cultural and natural resource management. The remaining 20 percent is used on an agency-wide basis for parts of the system, which are precluded from participating in the Recreation Fee Demonstration program.

The legislation I am introducing today allows permanent authorization of the Recreation Fee Demonstration Program for national parks, and provides some new flexibility. For example, many visitors frequent national and State parks, but are not allowed to use State and national passes interchangeably. In cooperation with Stateagencies, the Secretary of the Interior will be authorized to enter into revenue sharing agreements to accept State and national park passes at sites within that State, providing cost savings and convenience for the visitor.

In the past, concerns have been expressed about ''nickel and dime'' efforts where there appears to be a lack of planning and coordination by agency officials. Fee programs under this legislation would be established at fair and equitable rates. Each unit would perform a market analysis to consider benefits and services provided to the visitor, cumulative effect of fees, public policy and management objectives and feasibility of fee collection. This review would serve as a business plan for each site so that managers could utilize scarce resources in the most efficient manner.

The Recreation Fee Demonstration program was an effort by Congress to allow public land agencies to obtain funding in addition to their annual appropriations. This legislation will help provide resources for badly needed improvement projects and ensure an enhanced experience for all visitors.

We need to guarantee our national treasures are available for generations to come. I believe that Congress, the Park Service and those interested in helping our parks should cooperate on initiatives to protect resources, increase visitor services and improve management throughout the system. Working together, we can ensure that these areas will remain affordable and accessible for everyone.

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. 2473

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Recreational Fee Authority Act of 2002''.

SEC. 2. RECREATION FEE AUTHORITY.

(a) DEFINITION OF SECRETARY.—In this Act, the term ''Secretary'' means the Secretary of the Interior.

(b) DEFINITION OF AGENCY.—In this Act, the term ''Agency'' means the National Park Service.

(c) IN GENERAL.—Beginningin Fiscal Year 2003 and thereafter, the Secretary is authorized to—

(1) establish, charge, and collect fees for the following:

(A) admission to a unit, area, or site administered by the Agency, and

(B) the use of Agency administrated areas, lands, sites, facilities, and services (including reservations) by individuals and/or groups.

(2) establish fair and equitable fees that are a result of a market analysis taking the following criteria into consideration—

(A) the benefits and services provided to the visitor;

(B) the cumulative effect of fees charged to the public;

(C) the comparable fees charged on other units, areas, sites, and other public agencies

(D) the comparable fees charged by nearby private sector operators;

(E) the direct and indirect cost to the government;

(F) the revenue benefits to the government;

(G) the public policy or management objectives served;

(H) the economic and administrative feasibility of fee collection, and

(I) any other pertinent factors or criteria deemed necessary by the Secretary.

(3) The Secretary shall ensure that individual park units assess only the minimum number of fees consistently on an agency-wide basis in order to avoid the collection of multiple or layered fees for a wide variety of uses, activities and/or programs.

(4) The results of the market analysis, new fees, increases or decreases in established fees, shall be published in the Federal Register and any change in the amount of fees shall not take place until at least 12 months after the date the notice is published in the Federal Register.

(d) ADDITIONAL AUTHORITIES.—Beginning in Fiscal Year 2003 and thereafter, the Secretary is authorized to—

(1) enter into agreements, including contracts, which provide for reasonable commissions or reimbursements, with any public or private entity to provide visitor reservation services, fee collection and/or processing services;

(2) use National Park Service volunteers, as appropriate to collect fees charged pursuant to Section 2(C);

(3) in establishing fees under this Act, the Secretary may provide discounted or fee admission days or use as deemed appropriate by the Secretary;

(4) the Secretary may modify the National Park Passport, established pursuant to Public Law 105–391; and

(5) the Secretary shall take such steps as may be necessary to provide information to the visitor concerning the various fees programs available to them and the costs and benefits of those programs.

(e) STATE AGENCY ADMISSION AND SPECIAL USE PASSES.—Beginning in Fiscal Year 2003 and thereafter—

(1) notwithstanding the Federal Grants Cooperative Agreements Act, the Secretary is authorized to enter into revenue sharing agreements with State agencies to accept their annual passes and convey the same privileges, terms and conditions as offered under the auspices of the National Park Passport, established pursuant to Public Law 105–391, (hereinafter referred to as the ''National Park Passport'') or as Public Law 105–391 may be amended.

(2) State agency annual passes shall only be accepted for all of the units of the National Park System within the boundaries of the State in which the specific revenue sharing agreement is entered into;

(3) The Secretary may enter into revenue sharing agreements with other Federal agencies and/or Tribal governments to establish, charge and collect fees at areas, sites or projects located on other areas under the jurisdiction of the Secretary, the Secretary of Agriculture and/or the specific Tribal government in which the agreement is made.

SEC. 3. DISTRIBUTION OF RECEIPTS.

(a) IN GENERAL.—

(1) The Secretary of the Treasury shall establish a special account in the Treasury for the Agency.

(2) Amounts collected by the Agency under Section 2 shall be deposited in its special account in the Treasury and shall remain available for expenditure without further appropriation until expended.

(3) Amounts collected from sales of the National Park Passport, or from revenue sharing agreements entered into under Section 2 of this Act shall be deposited in its special account in the Treasury in accordance with guidelines established by the Secretary of the Interior.

(b) DISTRIBUTION OF FEES.—The amounts deposited in the special account established by subsection (a) shall be distributed as follows:

(1) Not less than 80 percent of amounts collected pursuant to the Act at a specific area, site, or project as determined by the Secretary, shall remain available for use at the specific area, site or project at which the fees were collected, except that the Secretary may change the allocation amount to not less than 60 percent of fees collected to be returned to the area, site, or project when the Secretary determines that site specific revenues in any given Fiscal Year exceed that site's reasonable needs for that year; except that for those units of the National Park System which participate in an active revenue sharing agreement with a State under Section 2(e) of this Act, not less than 90 percent of amounts collected pursuant to this Act at a specific area, site, or project as determined by the Secretary shall remain for use at the specific area, site or project at which the fees were collected.

(2) The balance of the amounts collected at a specific area, site, or project not distributed in accordance with paragraph (1), shall remain available for use by the Agency on an agency-wide basis as determined by the Secretary.

(3) Monies generated as a result of revenue sharing agreements established pursuant to Section 2(e) may provide for a fee-sharing arraignment among the parties to the revenue sharing agreement. Agency shares of fees collected shall be deposited and distributed as described in subsection (b) equally to all units of the National Park System in the specific State that are parties to the revenue sharing agreement.

(4) Monies generated as a result of the sale of the National Park Passport shall be distributed as follows: not less than 50 percent of the amounts collected pursuant this Act, as determined by the Secretary shall remain available for use at the specific area, site, or project at which the fees were collected, the balance of the monies generated shall be distributed in accordance with paragraph 2 of this Section.

SEC. 4. EXPENDITURES.

(a) USE OF FEES AT SPECIFIC AREA, SITE, OR PROJECT.—Amounts available under Section 3 of this Act for expenditure at a specific area, site or project shall be accounted for separately and may be used for—

(1) repair, maintenance, facility enhancement, media services and infrastructure including projects and expenses relating to visitor enjoyment, visitor access, environmental compliance, and health and safety;

(2) interpretation, visitor information, visitor service, visitors needs assessments, monitoring, and signs;

(3) habitat enhancement, resource assessment, preservation, protection, and restoration related to recreation use, and

(4) law enforcement relating to public use and recreation.

(b) The Secretary may use not more than fifteen percent of the revenues derived under the authorities of this Act to administer the recreation fee program including direct operating or capital costs, cost of fee collection, notification of fee requirements, direct infrastructure, fee program management costs, bonding of volunteers, start-up costs, and analysis and reporting on program accomplishments and impacts.

SEC. 5. REPORTS.

(a) Once every three years after the enactment of this Act the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a report detailing the status of the Recreation Fee Program conducted in units of the National Park System.

(1) The report under this section shall contain an evaluation of the Recreation Fee Program conducted at each unit of the National Park System;

(2) with respect to each unit of the National Park System where a fee is charged under the authorities granted by this Act, a description of projects that were funded, work accomplished, and a description of future projects and programs identified for funding with monies expected to be generated under the authorities granted by this Act, and

(3) any recommendations for changes in the overall fee system along with any justification as appropriate.

SEC. 6. REGULATIONS.

The Secretary may promulgate such rules and regulations as may be necessary to implement this Act.

By Mr. CRAIG:

S. 2474. A bill to provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, the bill I am introducing today represents a significant modification to S. 1320, which I introduced in the last Congress. This modification represents a large body of work that reflects my belief that forest planning and public land management continues to evolve and that underlaying law needs to be updated. It is also represents thousands of hours of hearings and working with a variety of interests to modernize the laws governing our stewardship over federally-managed, multiple-use lands.

I first undertook an effort to improve our National Forest lands' forest planning process in the 104th Congress with the introduction of S. 1253. I then refined that effort when I reintroduced the legislation in S. 1320. Today, I am introducing legislation that represents a refinement of earlier efforts in S. 1253 and S. 1320.

For those of you who have just tuned in, this bill is the result of 15 oversight hearings that my Subcommittee on Forests and Public Land Management held during the 104th Congress. These hearings involved more than 200 witnesses, representing all points of view, and reviewing all aspects of the management of the Forest Service and Bureau of Land Management lands. The overwhelming conclusion from all of these witnesses, developers and environmentalists alike, public and private sector employees alike, was that the statutes governing federal land management, the 1976 Federal Land Policy and Management Act and the 1976 National Forest Management Act, are antiquated, and in need of updating. These statutes were passed by Congress in the mid-1970s to help solve land management problems. Today, they are a large part of the problem.

It also represents my continued frustration with the process paralysis that grips the planning and implementation of much needed land management activities on our National Forests. Our new Chief of the Forest Service, Dale Bosworth, tells me that it now takes up to ten years to produce a forest plan that has a life expectancy of 15 years. We have seen example after example of projects that require three to five years to plan. In the case of many fire rehabilitation projects, the financial viability of the project demands that NEPA be completed in a matter of months, not years.

More importantly, we are spending months and sometimes years planning and documenting the need for the rehabilitation of these burned areas, and then failing to get the land management underway before natural events over take the health of our forests. This is occurring to the detriment of the environment.

While our current forest planning and project planning processes stumble along, delaying important rehabilitation work, these burned areas are assailed by the elements of wind and rain. Almost every single person heard from agrees that the planning and environmental documentation process are broken. If we leave the agency in utter gridlock, we have done nothing to protect the environment. If during all of our careful planning and environmental documentation, an area suffers a series of thunder storms that washes thousands of tons of soil into critical fish habitats, as occurred after the 1990 fires on the Bitteroot National Forest, we and our system have failed the forests, the environment, and the American Public.

By imposing a cumbersome, if not impossible, planning process on our federal land managers we guarantee more fires, more destruction of critical wildlife habitats, more water and air pollution, and the increased likelihood of dangerous and destructive catastrophic fires.

We do nothing good for the environment by spending two or three years to design, document, and plan salvage operations to halt the spread of insects or disease as they rampage through our forests. We can see this today in the Red River drainage of the Nez Perce National Forest.

I look at laws as ''tools'' for use by professional land managers and resource scientists that help them to establish priorities and make management decisions. These tools are as antiquated as the slide-rule and computer punch cards that were the tools used by land managers at the time that these statutes were passed.

As a consequence of oversight review during the 104th Congress, and subsequent oversight hearings, I drafted and circulated S. 1253 at the outset of the 105th Congress. That draft, and the subsequently-introduced bill were, in turn, the subject of six informal workshops and another eight legislative hearings to review the concepts embodied in both the first draft and the introduced version of S. 1253. The ideas that emanated from the oversight hearings were modified to reflect the suggestions of witnesses, and in recognition of how resource management problems have subsequently evolved. A similar review was conducted upon the introduction of S. 1320 which has helped me improve upon my previous efforts.

As you know I continued to hold hearings during both the 106th and the beginning of the 107th Congress and enjoyed additional dialogue about how to best modify the 1976 statutes. For instance, at one hearing all four of the former Chiefs of the Forest Service and one former Bureau of Land Management Director shared their views about the current state of Federal land management, and where legislative action could assist their successors in discharging the public trust more effectively.

During that time period there was at least one seminal decision from the Supreme Court. In Ohio Forestry Association versus Glickman, the Supreme Court, in my view, clarified the interrelationship between forest plans and project level decisions. In that decision, the Court denied standing to challenge resource management plans, essentially on the basis that no real decisions were made. We now have several years of court rulings that reflect that ruling. And we believe that the Forest Service will soon be proposing forest planning regulations that will reflect

the process certified by the Supreme Court.

The bill I am introducing today would refine current planning law, rather than rewrite the law to alter our course. I believe this bill is more of a refinement than a revision and that it will be complementary to what we hope to see in the Forest Service's new forest planning rules, rather than in conflict with those rules. In various other ways of a less significant nature, the bill I am introducing today also reflects the product of court decisions that have been rendered during the period that we were reviewing these issues.

In many ways my frustration with the forest planning and project planning process that our Federal land managers are saddled with, is a lot like the Hubble Telescope when it was first launched into space in 1990. You'll recall that initially the Hubble telescope didn't work. The pictures it sent back were fuzzy and useless. It had a design flaw, a mirror was not ground correctly and as a result its images were unclear. NASA has spent millions of dollars to design and launch this marvel of technology and it didn't work.

Our National Forest planning process, the result of the 1979 Federal Land Policy and Management Act, the 1976 National Forest Management Act and subsequent Federal regulations, is broken. It has cost the public several hundred million dollars, and we continue to get fuzzy images of what the solution should be. The problem is that the public and land managers do not believe or trust the results. Now we learn we are spending up to ten years to complete plans that will remain in place for only 15 years.

In the case of the Hubble Telescope, NASA identified the problem, designed a fix, and went into space and corrected the problem, all within a very short 3 year time period. In the case of the forest planning process, most undertook the regulations would need periodic updating. During the late 1980's and early 1990's the Forest Service worked to develop and propose new forest planning regulations. Election year politics prevented the agency from finalizing those regulations.

In the last two years of the Clinton years, the Forest Service again made an effort to make changes to its planning regulations. Again election year politics intervened and now the current Administration is working toward some changes.

The bottom line here is that we can repolish the regulations over and over again but it still produces fuzzy pictures. It is my estimation that it is time to make some changes to the underlying law, so to speak the design of our telescope. It is time to make the changes our Federal managers need to assure reasonable, environmentally sound, and timely land management.

It is my hope that we will now move forward with additional hearings on this proposal, confident that we are on the correct path to improve the quality of Federal land management, and through a variety of means, increase public support for the future management of our Federal forest lands.

I look forward to working with Senator WYDEN, the chairman for the Subcommittee on Public Lands and Forests, and to hold hearings to further refine this regulation. It is my hope that Senator WYDEN and I can build on our efforts to end the Federal forest gridlock that we started with the passage of Secure Rural Schools and Community Self-Determination Act of 1999.

I invite both the administration and Members on both sides of the aisle to join us in this effort. We will move forward knowing that this proposal, like any other, is a working draft that will by necessity change, probably significantly.

We also move forward knowing that legislative change in this arena is both inevitable and vital. It is clear to me that this area of public discourse vitally needs a vibrant legislative debate and a new legislative charter so that our Federal land managers can be provided with tools a little more modern that the slide-rule and maniframe computer punch cards.

By Ms. LANDRIEU (for herself and Mr. SMITH of Oregon):

S. 2478. A bill to promote enhanced non-proliferation cooperation between the United States and the Russian Federation; to the Committee on Foreign Relations.

Ms. LANDRIEU. Mr. President, the United States Government and all of us personally have conducted a serious reassessment of our priorities in the months since the horrific events of September 11, 2001. The work of this body has been radically reshaped as we work together to effectively combat the menace of international terrorism. We have appropriated billions of dollars so our military can wage war in Afghanistan and prepare for the possibility of future military operations. We have devoted billions of dollars to strengthening our homeland defense capabilities, everything from beefing up border and port security to manufacturing additional vaccines to prepare for the possibility of a biological weapons attack. The time has also come to reassess what needs to be done to ensure that nuclear weapons and other weapons of mass destruction and the expertise to employ them do not leak out of the former Soviet Union and find their way into the hands of terrorist or terrorist states.

Last year, I sponsored the Nuclear Threat Reduction Act of 2001, S. 1117, which called for expanding and accelerating programs to prevent diversion and proliferation of Russian nuclear weapons, and fissile materials; reducing the number of nuclear warheads in the United States and Russian arsenals; and for reducing the number of nuclear weapons of those two nations that are on high alert. The NTRA enjoyed success on a number of fronts: U.S.-Russia threat reduction and nonproliferation programs were expanded and accelerated; the Senate, working with the Administration, paved the way for the deep cuts that Presidents Bush and Putin generally agreed to in November 2001; and the possibility of taking some weapons off high alert was studied as part of the Nuclear Posture Review. Solid steps were taken, but we all know that more needs to be done.

I rise today to introduce legislation that will help to address what is probably the most serious threat to U.S. national security: the possibility that terrorists or terrorist states will acquire nuclear weapons and materials, and other weapons of mass destruction from the massive and poorly secured former Soviet nuclear weapons complex.

The scope of the problem that we face is difficult to fathom, but I will attempt to illuminate it by citing a few facts. Today, Russia possesses approximately 20,000 nuclear weapons and enough weapons-grade material to fabricate over 60,000 more. Not including the United States, Russia possesses approximately 95 percent of the world's nuclear weapons and weapons-grade material, a testimony to the great resources and effort that both sides devoted in waging the cold war. These weapons and material are stored in literally hundreds of sites across Russia's 11 time zones. Making this problem even more disconcerting is the fact that Russia is unable to reliably account for its huge stock of warheads and materials, having inherited a substandard accounting system from the totalitarian Soviet state. Additionally, there are over 20,000 scientists and technicians in the former Soviet Union that are considered proliferation risks.

As the Members of this Chamber will recall proudly, Senators Sam Nunn and RICHARD LUGAR, along with others, took the lead in the early 1990s to put together a suite of programs that still work to address the threat posed by the possible proliferation of former Soviet nuclear weapons and other materials. As the Soviet Union and Warsaw Pact fell apart, there was a palpable fear that nuclear weapons and materials would proliferate widely. In conjunction with the work in the Senate, the first Bush administration also took up the challenge by backing the Nunn-Lugar programs as well as supporting initiatives to help Soviet Premier Gorbachev as he attempted to keep the Soviet Union from radical collapse. The events of September 11 serve as another wake-up call. There is a growing realization that Russia desperately needs our help. But more remains to be done—much, much more.

Fortunately, the Bush Administration has devoted considerable time and effort to working to increase cooperation between the United States and Russia on these matters, as exemplified by U.S.-Russian cooperation in the war

against terrorism, the Bush-Putin summit in November 2001, and the May 2002 U.S.-Russia summit in Russia. The administration wisely realizes that only through greater cooperation with Russia can we deal effectively with this problem.

As I mentioned, Russian nuclear weapons and materials are stored in hundreds of sites. While helping to improve the security of these sites is a daunting task, we should ponder how much more difficult preventing an attack would become if even a miniscule portion of these warheads or materials were to proliferate. As members of this body know, the warning signs are growing. It is well known that groups such as al Qaeda and states such as Iraq, Iran, and North Korea wish to develop or acquire WMD. Even more disconcerting are reports that members of al Qaeda have attempted to break into Russian nuclear weapon facilities. We would do well to meditate on these reports and ask ourselves if the United States is doing enough to prevent the myriad groups and states that wish to acquire WMD from Russia from being able to do so.

Mindful of this serious challenge to U.S. and global security I am introducing the Nuclear and Terrorism Threat Reduction Act of 2002, NTTRA. The NTTRA would promote policies that will greatly reduce the likelihood of nuclear terrorism.

First, the NTTRA states that it is the policy of the United States to work cooperatively with the Russian Federation in order to prevent the diversion of weapons of mass destruction and material, including nuclear, biological and chemical weapons, as well scientific and technical expertise necessary to design and build weapons of mass destruction. As a review by the Bush administration found last year, ''most U.S. programs to assist Russia in threat reduction and nonproliferation work well, are focused on priority tasks, and are well managed,'' The NTTRA proposals complement the increases that the Bush administration has proposed for these programs.

The NTTRA also calls for the President to deliver to Congress, no later than six months after the enactment of the NTTRA, a series of recommendations on how to enhance the implementation of U.S.-Russia non-proliferation and threat reduction programs, including suggestions on how to improve and streamline the contracting and procurement practices of these programs and a listing of impediments to the efficient and effective implementation of these programs.

Second, recognizing the shortcomings in the Russian system for accounting for nuclear warheads and weapons-grade material, the NTTRA states that it is the policy of the United States to establish cooperatively with Russia comprehensive inventories and data exchanges of Russian and U.S. weapons-grade material and assembled warheads with particular attention to tactical, or ''nonstrategic,'' warheads—one of the most likely weapons a terrorist organization or state would attempt to acquire—and with particular attention focused on weapons which have been removed from deployment.

Only through such an accounting system will we be able to reliably say that Russian warheads and materials are sufficiently secure.

Third, the NTTRA calls upon the President to deliver to Congress a plan laying out progress toward irreversibility involving the elimination of launchers and transparency measures involving warheads. As the Bush administration works to lock in the gains that the United States and Russia have generally agreed to, this plan will help keep the Senate fully apprised.

Fourth, the NTTRA calls for the establishment of a joint U.S.-Russia Commission on the Transition from Mutually Assured Destruction to Mutually Assured Security. The U.S. side of the Commission would be composed of private citizens who are experts in the field of U.S.-Russia strategic stability. The NTTRA also calls upon the President to make every effort to encourage the Russian Government to establish a complementary Commission that would jointly meet and discuss how to preserve strategic stability during this time of rapid and positive change in the U.S.-Russia relationship.

Working with Russia to address the many serious issues which still exist over 10 years after the end of the cold war should be one of the top U.S. priorities in the overall battle against global terrorism. Allow me to be frank and to say that this work will not be easy and there will certainly be testing times as the United States and Russia work to fully put the cold war to rest and to reach a level of foreign and defense policy cooperation which was unfathomable only a few years ago. But we are faced with few other options. We must shore up our first line of defense against the possibility of terrorism turning nuclear.

I call upon the members of this body to collectively redouble our efforts to prevent the unthinkable from happening by supporting the Nuclear and Terrorism Threat Reduction Act of 2002.

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. 2478

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 ''Nuclear and Terrorism Threat Reduction Act of 2002''.

SEC. 2. ENHANCING THREAT REDUCTION.

(a) STATEMENT OF POLICY.—

(1) It is the policy of the United States to work cooperatively with the Russian Federation in order to prevent the diversion of weapons of mass destruction and materials relating thereto, including nuclear, biological, and chemical weapons, as well as the scientific and technical expertise necessary to design and build weapons of mass destruction.

(2) With respect to enhancing threat reduction, there should be three primary objectives, as stated in the President's review of 30 different United States-Russia cooperative programs, as follows:

(A) To ensure that existing United States cooperative non-proliferation programs with the Russian Federation are focused on priority threat reduction and non-proliferation goals, and are conducted as efficiently and effectively as possible.

(B) To examine what new initiatives might be undertaken to further United States threat reduction and non-proliferation goals.

(C) To consider organizational and procedural changes designed to ensure a consistent and coordinated United States Government approach to cooperative programs with the Russian Federation on the reduction of weapons of mass destruction and prevention of their proliferation.

(3) The goal of United States programs to assist the Russian Federation should be to have them work well, be focused on priority tasks, and be well managed.

(4) In order to further cooperative efforts, the following key programs should be expanded:

(A) The Department of Energy Material Protection, Control and Accounting (MPC&A) program to assist the Russian Federation secure and consolidate weapons-grade nuclear material.

(B) The Department of Energy Warhead and Fissile Material Transparency Program.

(C) The International Science and Technology Center (ISTC).

(D) The Redirection of Biotechnical Scientists program.

(E) The Department of Defense Cooperative Threat Reduction project to construct a chemical weapons destruction facility at Shchuch'ye, Russia, to enable its earliest completion at no increased expense.

(5) Other programs should be adjusted, refocused, or reexamined, including—

(A) approaches to the current plutonium disposition program in the Russian Federation, in order to make the program less costly and more effective;

(B) the project to end production by the Russian Federation of weapons-grade plutonium, in order to transfer the project from the Department of Defense to the Department of Energy;

(C) consolidation of the Department of Energy's Nuclear Cities Initiative (NCI) with the Initiative for Proliferation Prevention (IPP), with a focus on projects to assist the Russian Federation in reduction of its nuclear warheads complex; and

(D) acceleration of the Department of Energy's Second Line of Defense program to assist the Russian Federation install nuclear detection equipment at border posts.

(b) INCREASED FUNDING OF CERTAIN KEY PROGRAMS.—In order to guarantee that the United States-Russia non-proliferation and threat reduction efforts operate as efficiently as possible, certain key programs should receive additional funding above current levels, including—

(1) the United States-Russia Highly Enriched Uranium Purchase Agreement;

(2) the Second Line of Defense program;

(3) the Initiatives for Proliferation Prevention;

(4) the Fissile Materials Disposition program;

(5) the Redirection of Biotechnical Scientists program;

(6) the Department of Energy Material Protection, Control, and Accounting (MPC&A) program;

(7) the International Science and Technology Center; and

(8) the Warhead and Fissile Material Transparency program.

(c) REPORT.—Not later than six months after the date of enactment of this Act, the President shall submit to Congress a report containing recommendations on how to enhance the implementation of United States-Russia non-proliferation and threat reduction programs, which shall include—

(1) recommendations on how to improve and streamline the contracting and procurement practices of those programs; and

(2) a listing of impediments to the efficient and effective implementation of those programs.

SEC. 3. COMPREHENSIVE INVENTORIES AND DATA EXCHANGES BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON WEAPONS-GRADE MATERIAL AND NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that inventories of weapons-grade material and warheads should be tracked in order, among other things—

(1) to make it more likely that the Russian Federation can fully account for its entire inventory of weapons-grade material and assembled weapons; and

(2) to make it more likely that the sources of any material or weapons possessed or used by any foreign state or terrorist organization can be identified.

(b) STATEMENT OF POLICY.—It is the policy of the United States to establish jointly with the Russian Federation comprehensive inventories and data exchanges of Russian and United States weapons-grade material and assembled warheads, with particular attention to tactical, or ''nonstrategic'' warheads, one of the most likely weapons a terrorist organization or terrorist state would attempt to acquire, and with particular attention focused on weapons that have been removed from deployment.

(c) ASSISTANCE IN DEVELOPING COMPREHENSIVE INVENTORIES.—Notwithstanding any other provision of law, the United States Government shall work with the Russian Federation to develop comprehensive inventories of Russian weapons-grade plutonium and highly enriched uranium programs and assembled warheads, with special attention to be focused on tactical warheads and warheads that have been removed from deployment.

(d) DATA EXCHANGES.—As part of this process, to the maximum extent practicable, without jeopardizing United States national security interests, the United States is authorized to enter into ongoing data exchanges with the Russian Federation on categories of material and weapons described in subsection (c).

(e) REPORT.—Not later than six months after the date of enactment of this Act, and annually thereafter until a comprehensive inventory is created and the information collected from the inventory exchanged between the governments of the United States and the Russian Federation, the President shall submit to Congress a report, in both an unclassified and classified form as necessary, describing the progress that has been made toward that objective.

SEC. 4. COMMISSION TO ASSESS THE TRANSITION FROM MUTUALLY ASSURED DESTRUCTION (MAD) TO MUTUALLY ASSURED SECURITY (MAS).

(a) STATEMENT OF POLICY.—With the end of the Cold War more than a decade ago, with the United States and the Russian Federation fighting together against global terrorism, and with the Presidents of the United States and the Russian Federation agreeing to establish ''a new strategic framework to ensure the mutual security of the United States and Russia, and the world community'', the United States and the Russian Federation should increase significantly their efforts to put dangerous and unnecessary elements of the Cold War to rest.

(b) ESTABLISHMENT.—In order to assist with the policy expressed in subsection (a), the President is authorized to conclude an agreement with the Russian Federation for the establishment of a Joint United States-Russia Commission to Assess the Transition from Mutual Assured Destruction (MAD) to Mutual Assured Security (MAS) (in this section referred to as the ''Commission'').

(c) COMPOSITION.—The United States delegation of the Commission shall consist of 13 members appointed by the President, as follows:

(1) Three members, after consultation with the Speaker of the House of Representatives.

(2) Three members, after consultation with the Majority Leader of the Senate.

(3) Two members, after consultation with the Minority Leader of the House of Representatives.

(4) Two members, after consultation with the Minority Leader of the Senate.

(5) Two members as the President may determine.

(d) QUALIFICATIONS.—The United States members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in United States-Russia strategic stability issues.

(e) CHAIR.—The chair of the Commission should be chosen by consensus from among the members of the Commission.

(f) RUSSIAN COMMISSION.—The President should make every effort to encourage the Government of the Russian Federation to appoint a Russian Federation delegation of the Commission that would jointly meet and discuss the issues described in subsection (g).

(g) DUTIES OF THE COMMISSION.—The duties of the Commission should include consideration of how—

(1) to ensure that the reduction of strategic nuclear weapons announced by the United States and the Russian Federation in November 2001 take effect in a rapid, safe, verifiable and irreversible manner;

(2) to preserve and enhance START I monitoring and verification mechanisms;

(3) to develop additional monitoring and verification mechanisms;

(4) to preserve the benefits of the unratified START II agreement, especially those measures that affect strategic stability;

(5) to ensure the safety of warheads removed from deployment;

(6) to safely and verifiably dismantle warheads in excess of the ceiling established by the President Bush at the November 2001 United States-Russia summit;

(7) to begin a new high-level dialogue to discuss United States and Russian Federation proposals for a global and theater level missile defense systems;

(8) to extend presidential decision-making time as it relates to nuclear weapons operations;

(9) to improve Russian-American cooperative efforts to enhance strategic early warning, including but not limited to the Joint Data Exchange Center and the Russian-American Observation Satellite; and

(10) to increase cooperation between the United States and the Russian Federation on the programs and activities described in sections 2 and 3.

(e) COOPERATION.—In carrying out its duties, the Commission should receive the full and timely cooperation of United States Government officials, including providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(f) REPORT.—The Commission shall, not later than six months after the date of its first meeting, submit to Congress an interim report on its findings and, not later than six months after submission of the interim report, submit to Congress a final report containing its conclusions.

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

S. 2479. A bill to amend the Internal Revenue Code of 1986 to include in the criteria for selecting any project for the low-income housing credit whether such project has high-speed internet infrastructure; to the Committee on Finance.

Mr. KERRY. Mr. President, I am very proud to introduce legislation today with Senator HATCH that would amend the Low-Income Housing Tax Credit to make access to Internet and broadband technology one of the criteria that State housing agencies must consider when awarding the credits. This bill will help more low-income families gain access to the new technologies and services that are driving today's modern economy, and it will do so at very minimal cost to developers. The bill will take effect for all new housing built with the credit beginning on January 1 of next year.

My colleagues should understand that the Kerry-Hatch bill would not require that new housing units have Internet or broadband capability; it is not an unfunded mandate. Rather, our bill simply adds broadband access to the list of things that State agencies would have to consider when they award the credits each year. Our bill also does not specify any particular technology, meaning that developers and providers can decide for themselves which technology will work best for a given community.

This bill has the support of many well-known companies and associations from the technology and telecommunications industries, including Corning, Nortel Networks, BellSouth, SmartForce, the Telecommunications Industry Association, Siemens, and Cisco Systems. This is just a partial list. A number of well-known national nonprofit organizations and representatives of the housing industry, such as Habitat for Humanity, the National Leased Housing Association, and the National Housing Conference also support the bill. Senator HATCH and I hope that the Finance Committee, of which we are both members, will consider adding this provision when it marks up charity-related legislation later this month. There is no revenue cost associated with the bill, making it more likely that the committee will be able to include it.

Several States are running ahead of the Federal Government and are enacting their own local policies to do what the Kerry-Hatch legislation will do nationally. To date, the States of Oregon and Nebraska have re-written their

policies with technical assistance from One Economy Corporation, a national nonprofit organization that works to bring technology to low-income populations and make that technology a tool to help them build assets and raise their standards of living. Oregon and Nebraska now have an incentive for broadband in awarding the low-income credits. Dialogues are currently underway with housing finance agencies from the States of North Carolina, Michigan, Kentucky, and Minnesota, several of which may change their policies very soon.

Understandably, there may be some Senators that believe that building access to broadband technology into these new low-income housing units will be prohibitively expensive. Well, I am happy to report that this is not so. Engineers from Cisco Systems have evaluated the costs of wiring buildings at the time of construction. When wiring a new building, the baseline cost to run telecommunications infrastructure into a unit, a fixed cost in new construction, is approximately $150. When adding conduit for high-speed connectivity, the cost increases anywhere between $1 and $25. So for a 50-unit building, that's an added cost of about $1,250 if you assume the highest cost. This is likely to be less than one-quarter of 1 percent of total construction costs, a small increase that is more than offset by the increased value of the property. The added cost is insignificant, and the added value is great.

This legislation is critical because having access to and understanding of technology is increasingly a prerequisite for succeeding in today's knowledge-based economy. Technology can be a significant tool to help low-income families move up and out of poverty. I believe that this small change to section 42 of the tax code will help to close the digital divide in the United States by getting modern technology into the homes of more low-income Americans.

Recently, some influential opinion leaders in Washington and the press have begun to ''debunk'' the digital divide. They claim that since so many more people have access to technology in the workplace, the percentage of families with incomes between $15,000 and $25,000 that now use computers at home or in the workplace is now close to 50 percent, concerns about the digital divide are overstated.

These statistics only tell part of the story, because there are key Internet services that people will only feel comfortable using at home due to privacy concerns, such as those related to one's health or personal finance. Access to computers in the workplace is not sufficient. Sure some people might check out Yahoo when they have a free moment at work. They might perform an Internet search, check driving directions on MapQuest, or bid on something on eBay. But they are not going to seek financial advice, research their kids' health, or do anything of a truly personal nature from the workplace. And in terms of computer use in the home, there is still a huge digital divide: Even with all of the technological advances and price reductions of the past few years, less than 30 percent of households earning under $35,000 are online at home. In fact, more than one-quarter of zip codes with median incomes under $35,000 do not have a single high-speed Internet subscriber, despite the fact that the services are available. In my opinion, this is a real problem if we want these millions of Americans to participate in the Information Economy and access the online services that the rest of us take for granted.

Here are some real stories from the Columbia Heights neighborhood here in Washington, brought to my attention by One Economy Corporation, that speak to the power of access to technology in the home: A mother of three young children uses her computer to take an online course to get A+ Certification from the Department of Employment Services. Having a computer at home means that she can take the classes online at night when her kids are asleep. Once she has the certification she will qualify for a better, higher-paying job; a young woman in her mid-20s uses her home computer to look for jobs and pursue educational opportunities. After September 11, she went online to find people to talk to for support; and a 50-something grandmother has a three-year old grandson who suffers from recurring ear infections. The doctor said that the little boy needed to get an operation to put tubes in his ears. His grandmother used the computer to research this treatment on the Internet and ultimately decide that it was the best thing for her grandson. When asked what she would have done without the Internet, she said that she would have ''left it up to God.''

These are just a few examples. The central point is that access to computers and Internet technology in the workplace is no substitute for having similar access in the home.

Another important issue to consider is the amount of time that many families of modest means spend interacting with public agencies. I've been told that can often be as high as 10 hours a month, sometimes more. Many of these services could undoubtedly be provided online, which would allow parents to spend more time at work and less waiting on line. Parents would also be able to spend more time with their children. In other words, Internet access at home could alleviate some of the stresses in these families' daily lives. I guess the best way to put it is: Being online is far better than waiting on a line.

I look forward to promoting this important bill in the Finance Committee.

I would like to take a moment to speak about the housing crisis in the country more generally.

My colleagues know that I have spoken frequently on the Senate floor about the lack of affordable housing throughout the country. Recent changes in the housing market have further limited the availability of housing, while the growth in our economy over the last decade has dramatically increased the cost of the housing that remains. Many working families have been unable to keep up with these increased costs.

While the bill I am introducing today does not specifically address the supply of housing, I want to reiterate my concern about and dedication to this issue. The low-income housing tax credit is only one tool, but is an effective one, generating about 85,000 new housing units per year. It is an important program, but it only helps a small fraction of the more than 5 million American households that the Department of Housing and Urban Development estimates to have ''worst case'' housing needs, an increase of 12 percent since 1990. Many of these families are spending more than half their income on housing, or are living in severely substandard housing. On average, a person needs to earn more than $11 per hour just to afford the median rent on a two-bedroom apartment in the United States. This hourly figure is dramatically higher in many metropolitan areas, an hourly wage of $22 is needed in San Francisco; $21 on Long Island; $17 in Boston; $16 in the D.C. area; $14 in Seattle and Chicago; and, $13 in Atlanta. I have mentioned these statistics before. In fact, there is not one metropolitan area in the country where a minimum wage earner can afford to pay the rent for a two-bedroom apartment. A person trying to live in Boston would have to make more than $35,000 annually just to afford such a home. This means teachers, janitors, social workers, police officers, and other full-time workers may have trouble affording even a modest place to live, segregating our communities by class and occupation.

We can no longer ignore the lack of affordable housing, and the impact it is having on families and children around the country. It is not clear to me why this crisis has not caused more concern here in Congress. How many families need to be pushed out of their homes and into the streets before action is taken? Do we not act because these people vote less often, or because they don't give to political campaigns? Do we not believe that most of these Americans would prefer more affordable housing to the measly tax cut they received in last year's tax bill?

I believe it is time for our Nation to take a new path, one that ensures that every American has the opportunity to live in decent and safe housing. Everyone knows that decent housing plays an enormous role in shaping young lives, and we need to do more to address this quiet, but simmering, crisis. While the bill I am introducing today with Senator HATCH will certainly help

bring more Americans of modest means into the Information Age, it won't help those Americans with substandard housing, or no homes at all. Addressing that problem requires a greater commitment from all of us, and our mayors and Governors back home will all thank us.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. BAUCUS, Mr. DOMENICI, Mr. CLELAND, Mr. MCCONNELL, and Mr. SESSIONS):

S. 2480. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased today to introduce legislation to permit current and retired Federal, State and local law enforcement officers to carry a concealed firearm, the Law Enforcement Officers Safety Act of 2002. I am pleased that Senators HATCH, BAUCUS, DOMENICI, CLELAND, MCCONNELL, and SESSIONS are joining me as original cosponsors in this effort to make our communities safer and to protect law enforcement officers and their families.

I am introducing this companion measure to H.R. 218 at the request of the Fraternal Order of Police, which strongly supports this legislation to protect officers and their families from vindictive criminals and to permit officers to respond immediately to a crime when off duty. Many of my friends in the law enforcement community believe that national legislation is necessary due to the patchwork of conceal-carry laws in State and local jurisdictions, and that off-duty and retired officers should be permitted to carry their firearms across state and other jurisdictional lines.

Our bipartisan bill will allow thousands of equipped, trained and certified law enforcement officers continually to serve and protect our communities, regardless of jurisdiction, at no cost to taxpayers. This bill is designed to promote better law enforcement and improved public safety.

Our legislation would permit qualified law enforcement officers and qualified retired law enforcement officers across the nation to carry concealed firearms in most situations. The bill, however, preserves any State law that permits citizens from restricting a concealed firearm on private property and preserves any State law that restricts the possession of a firearm on State or local government property. While I support this approach to strike a proper balance between providing law enforcement officers with the uniformity in the law needed to protect public safety, I still have some federalism concerns about the legislation. I look forward to working with my colleagues as the bill moves through the legislative process to further preserve essential rights of the states.

To qualify for the bill's uniform standards a law enforcement officer must be authorized to use a firearm by the law enforcement agency where he or she works, be in good standing with that agency, and meet any standards established by that agency to regularly qualify to use a firearm. A qualified retired law enforcement officer under the bill must have retired in good standing, been employed at least five years as a law enforcement officer unless forced to retire due to a service-related injury, have a non-forfeitable right to benefits under the law enforcement agency's retirement plan, and annually complete a State-approved firearms training course. As a result, our bipartisan legislation maintains the State or local jurisdiction's power to determine whether a law enforcement officer or retired law enforcement officer is qualified in the use of a firearm.

Representative RANDY CUNNINGHAM introduced a similar bill in the House, H.R. 218, which has garnered more than 250 bipartisan cosponsors. In 1999, the House of Representatives adopted similar legislation, by a vote of 372–53, as a floor amendment during its gun safety debate before the overall legislation was defeated. I applaud my colleagues in the other legislative body for such strong bipartisan showing of support for this legislation.

As a former state prosecutor, I know that law enforcement officers are never ''off-duty.'' They are dedicated public servants trained to uphold the law and keep the peace. When there is a threat to the peace or to our public safety, law enforcement officers are sworn to answer that call. Our legislation enables law enforcement officers across the country to be armed and prepared when they answer that call, no matter where or when it comes.

I urge my colleagues to support the Law Enforcement Officers Safety Act to make our communities safer and to protect law enforcement officers and their families.

Mr. HATCH. Mr. President, today I rise along with Senator LEAHY and others to introduce the Law Enforcement Officers Safety Act of 2002. This bill, which exempts qualified active and retired law enforcement officers from certain local and State prohibitions on the carrying of concealed firearms, will help protect the American public, our Nation's officers and their families.

Over the past several Congresses, Senator CAMPBELL has been a leader in this area. As a former deputy sheriff in Sacramento County, California, he has a first-hand understanding of the challenges law enforcement officers face as they cross state lines. Last March, he introduced a similar bill, S. 442, the Law Enforcement Protection Act of 2001, which I co-sponsored. I will continue to support S. 442 as we seek to enact such legislation during this Congress.

Like S. 442, the Law Enforcement Officers Safety Act of 2002 permits qualified law enforcement officers and retired officers to carry, with the appropriate identification, a concealed firearm that has been shipped or transported in interstate or foreign commerce regardless of State or local laws. However, like S. 442, this bill does not supersede any State law that permits private persons to prohibit or restrict the possession of concealed weapons on their properties, or prohibits or restricts the possession of firearms on any State or local government properties, installations, buildings, bases or parks. Additionally, both bills clearly define what is meant by ''qualified law enforcement officer'' and ''qualified retired [or former] law enforcement officer'' to ensure that those individuals permitted to carry concealed firearms are highly trained professionals.

Such legislation not only will provide law enforcement officers with a legal means to protect themselves and their families when they travel interstate, it will also provide added security to the American public. By enabling qualified active duty and retired law enforcement officers to carry firearms while off-duty, retired or outside their own jurisdictions, more trained law enforcement officers will be on our streets to enforce the law and to respond to crises.

I look forward to working on a bipartisan basis with my colleagues in both Houses to ensure that this legislation is enacted into law.

Thank you. I yield the floor.

By Mr. STEVENS:

S. 2481. A bill to amend the Communications Act and the Miscellaneous Appropriations Act, 200, to require auction of 700 megahertz spectrum in compliance with existing statutory deadlines and to give the Federal Communications Commission discretion to set the auction date for all other spectrum auctions in the future; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, several years ago, after a period had gone by wherein spectrum available to the FCC to relicense had been involved in a lottery process, I suggested that we auction spectrum. And after some time passed, Congress did see fit to follow that suggestion, and we have been having spectrum auctions by the FCC.

There is currently pending the auction of spectrum in the 747 to 762 megahertz and 777 to 792 megahertz bands. That has been postponed several times now, and I think that is wrong.

I do believe spectrum should be made available, in a competitive process, to those people who want to use it, and to improve our economy, to put into effect new technologies. But it should not be used just for speculation. And it should not be auctioned just because of market demands for spectrum, per se, in order to get the Government the highest level of return for the spectrum.

The highest level of return to the taxpayers, in the long run, comes from

developing the spectrum, from enhancing the economy, and providing a long period of development for new technologies and new income streams, which will provide a new tax base for the Treasury. I believe we should reiterate to the FCC that it has the authority to proceed.

I will send to the desk a bill which would create the Auction Completion Timing Act, and it really is saying: Act now. The Commission has its authority, and it should act within its own discretion.

In order that this situation may not develop again, my bill also suggests future spectrum auction deadlines will be determined by the Commission alone, unless Congress specifically passes a law that the President signs that would interfere with that authority.

I believe the Federal Communications Act of 1934 should be amended to make clear that notwithstanding any other provisions we put in any bills to the contrary in the past, the Commission may determine the date of any auction conducted pursuant to section 309(j) of the Communications Act of 1934, as amended.

By Mr. WYDEN:

S. 2482. A bill to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I introduce legislation transferring from Federal to county jurisdiction the West Butte Road, located in the counties of Crook and Deschutes, Oregon. In exchange for the new right-of-way for the West Butte Road, Crook and Deschutes counties will transfer their right-of-way on the George Millican Road to the U.S. Department of Interior Bureau of Land Management, BLM.

The right-of-way exchange authorized by this legislation would clear the way for a paved road, pursued for more than 30 years by Prineville, in Crook County, OR, to connect their community with U.S. Highway 20. Such a road would substantially enhance the economic development potential for Prineville, a community suffering from 15 percent unemployment, by providing an alternative route for passenger and commercial traffic traveling between Portland and Boise, ID. It would also encourage commerce in Prineville by efficiently directing traffic to the Prineville/Crook County Industrial Parks, areas set aside for the sole purpose of promoting industrial diversification within Crook County. By increasing the traffic to these areas, the opportunity to promote and increase their occupancy would be greatly improved.

In addition to economic advantages, the paved road would provide important environmental benefits. It would reduce traffic congestion on the overloaded highway 97 passing through Bend and Redmond, OR. It would eliminate the prospect of major improvements to the Crooked River Highway. The Crooked River Highway follows the meander of the Crooked River, a tributary of the salmon-bearing Deschutes River. Improvement of that road would entail substantial impacts to riparian areas, expensive bridge maintenance, and likely adverse effects to the river. In contrast, the proposed new road would reclaim a straight section of the old Prineville-Lakeview highway, surveyed in 1915, which crosses flat desert lands and no riparian zones. In addition, the legislation directs the BLM to propose affirmative measures to protect wildlife and game habitat in the area traversed by the new road.

Some suggest that this legislation is not necessary because the BLM already has the authority to issue a right-of-way. That may be true, but it is also true that the BLM decided it can make a decision on the county right-of-way application only thought an extended process, which close observers tell me could take anywhere from four to six years, with no guarantee of success. I am not willing to stake Prineville's economic or environmental future on such an uncertainty.

Improvement of the Millican/West Butte road is supported by the City of Prineville, Crook County, Deschutes County, the City of Bend, the City of Redmond, the Oregon Department of Transportation and the Central Oregon Transportation Commission. They have identified the new right-of-way as a means of reducing environmental impacts associated with the existing road, reducing traffic congestion, improving the northwest-southeast connections between the state's wealthiest and poorest regions, and offering the community the chance to retain its largest employers so as to address some of the economic woes of the region.

By Mr. CLELAND (for himself, Mr. KERRY, Ms. LANDRIEU, Mr. JEFFORDS, Mr. HARKIN, Mr. BINGAMAN, Mrs. CARNAHAN, Mr. LEAHY, Mr. LIEBERMAN, and Mr. JOHNSON):

S. 2483. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. CLELAND. Mr. President, in order to provide regulatory compliance assistance to small businesses, Senator KERRY and I are introducing the Senate companion bill to H.R. 203, the ''National Small Business Regulatory Assistance Act,'' which passed the House last year by voice vote. I also want to thank Senators LANDRIEU, JEFFORDS, HARKIN, BINGAMAN, CARNAHAN, LEAHY, LIEBERMAN, and JOHNSON for their co-sponsorship.

In today's business environment, one of the greatest obstacles blocking the path to prosperity for America's small businesses is regulatory compliance. Small businesses regularly find themselves lost in a maze of Federal regulations that are designed to create safer and healthier workplaces. Chairman KERRY and I want all of our businesses to comply with the regulations that preserve the health, environment, and well-being of our workers and our communities. But, too often, small businesses do not have access to the information they need in order to comply with regulations in good faith.

The National Small Business Regulatory Assistance Act calls for the establishment of a pilot project in which 20 selected Small Business Development Centers, SBDCs, would provide regulatory compliance assistance to small businesses. This pilot project would be administered by the Small Business Administration, SBA, which would be authorized to award grants between $150,000 and $300,000 to selected SBDCs. The bill also requires that the Congress receive a progress report annually on the pilot program's accomplishments at each SBDC.

Under our legislation, SBDCs would need to form partnerships with Federal compliance programs, conduct educational and training activities and offer free-of-charge compliance counseling to small business owners. Further, the measure would guarantee privacy to those who receive compliance assistance. This privacy provision has also been extended to all small businesses that seek any assistance from their local SBDC.

The adoption of the National Small Business Regulatory Assistance Act will provide small businesses with the support they need to navigate the often complicated world of Federal regulations.

I urge all Members of the Senate to join me in support of the National Small Business Regulatory Assistance Act of 2002.

Mr. KERRY. Mr. President, I am pleased to join with my distinguished colleague, Senator MAX CLELAND, and the cosponsors of our legislation in introducing the National Small Business Regulatory Assistance Act.

The bill we are introducing today is the Senate version of H.R. 203, which bears the same name as our legislation. H.R. 203 passed the House by voice vote in October of last year with the strong support of the House Committee on Small Business. However, our version deals with several issues that have been raised since House passage and will help ensure that small businesses receive the regulatory compliance assistance the legislation envisions.

I am pleased to say that we have the full support of the Association of Small Business Development Centers, which has been working closely with us since January of this year to draft the Senate version of this legislation, correcting several issues with the House passed bill. I am also pleased to say that we have kept Congressman

SWEENEY, the House sponsor, and Congressman MANZULLO, chairman of the House Committee on Small Business, informed of our actions throughout the process to ensure our changes would have the support of the House committee, as should be the case.

Small businesses, especially small businesses with few employees, often face a daunting task when seeking advice on how to comply with Federal regulations, particularly when implementation varies for different regions of the country, or from State to State. Many small businesses fail to comply with important and needed labor and environmental regulations not because they want to break the law, but because they are unaware of the actions they need to take to comply. Often, small businesses are afraid to seek guidance from Federal agencies for fear of exposing problems at their business.

One important way to help small business comply with Federal regulations is to provide them with free, confidential advice outside of the normal relationship between a small business and a regulatory agency. The Small Business Administration's, SBA, Small Business Development Centers, SBDC, are in a unique position to provide this type of assistance.

Our bill establishes a pilot program to award competitive grants to 20 selected SBDCs, two from each SBA region, which would allow these SBDCs to provide regulatory compliance assistance to small businesses. The SBA would be authorized to award grants between $150,000 and $300,000, depending on the population of the SBDC's State.

Under our legislation, the SBDCs would need to form partnerships with Federal compliance programs, conduct educational and training activities and offer free-of-charge compliance counseling to small business owners. Further, the measure would guarantee privacy to those who receive compliance assistance. This privacy provision has also been extended to all small businesses that seek any assistance from their local SBDC.

The legislation we are introducing today uses only SBA funds and will serve to complement current small business development assistance as well as existing compliance assistance programs. Versions of this legislation introduced in previous Congresses used Environmental Protection Agency, EPA, enforcement funds to pay for these grants.

Small businesses can succeed when it comes to complying with Federal regulations, if provided with the necessary tools and information. The National Small Business Regulatory Assistance Act will go a long way toward assisting our Nation's small businesses who want to comply with Federal Regulations.

I urge all of my colleagues to support this legislation.

By Mr. BAUCUS (for himself, Mr. JOHNSON, and Mr. DASCHLE):

S. 2484. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am introducing the American Indian Welfare Reform Act of 2002, an important step in improving the lives of this country's Native Americans. I am glad to be joined by Senators JOHNSON and DASCHLE in this effort.

In 1996 we enacted a sweeping welfare reform law. It was a long-past-due fundamental change and ended a failed system for helping low-income families in America. I was a strong supporter of that law. This year, we are reauthorizing it. As we in the Finance Committee have reviewed the evidence I have been struck by how successful it has been. The ranks of those dependent on welfare in this country has been reduced by half in just five years. There is more to be done, of course. Child poverty has declined but not by as much as the fall in the welfare caseload, for example. I am at work with my Finance Committee colleague Senator GRASSLEY on comprehensive legislation to renew and improve the 1996 law.

One important aspect of the 1996 law which is often overlooked is that it didn't just devolve authority to States, it also permitted Indian tribes to operate their own welfare programs for the first time. The new welfare program, Temporary Assistance for Needy Families, TANF, is very flexible. Tribes can take advantage of that flexibility to design culturally-appropriate programs to move people from welfare to work. This is smart policy and is consistent with the important value of tribal sovereignty. I support it.

My own State of Montana is home to several tribes and I have given much thought to how we can build upon the provisions of the 1996 welfare law to help them and their members. Too often in Montana, and elsewhere, poverty has an Indian face. The numbers are cold and hard. According to the Census Bureau, 25 percent of American Indians live in poverty, more than twice the national poverty rate. The average household income for Indians in 2000 was only 75 percent of that of the rest of Americans. This is simply not right. We must do better. Welfare reform needs to work for everyone.

Luckily, the provisions of the 1996 law provide a good start. Now we must build upon them. The legislation I introduce today, the product of extensive dialogue and consultation, does that in several important ways.

First, more than 30 tribes, including the Confederated Salish-Kootenai and Fort Belknap tribes of Montana, have taken advantage of the opportunity to operate their own TANF programs. This bill contains provisions to help those tribes improve their programs. For example, tribes operating TANF are not eligible for the TANF high performance bonus or the TANF contingency fund while state TANF programs are. This oversight is rectified by this bill.

Second, there are many tribes interested in operating TANF programs which do not believe the current set-up allows them to do so. They want to exercise their sovereignty and adapt their program to better fit the needs of their people. We should help them do so. To that end, I proposed creating a new grant fund to improve tribal governmental capacity. We have funded State administrative capacity for decades, helping states buy computer systems and train workers. We should do the same for tribal human services administration. Under this bill, a tribe which wants to operate TANF but needs to upgrade its computers to do it could receive the funding it needs, which will enable it to take over TANF.

Third, there are some tribes not interested in running a TANF program or a long time from being able to do it. Their low-income families will continue to receive assistance from State programs. I have included provisions to facilitate State-tribe dialogue in these cases so that the state can better understand the unique circumstances of each Indian reservation. We must ensure all Indian families are able to get help when they need it.

Finally, there is the all-important issue of economic development. A General Accounting Office review of Census Bureau data found that 25 of the 26 counties in the U.S. with a majority of American Indians had poverty rates ''significantly'' higher than average. Welfare reform is about moving people to work. On most of our Indian reservations there is simply far too little work to be had. Like everyone else, Indians want to work. We need to do better in giving them the opportunity.

This legislation provides tribes with an expanded authority to issue bonds, which will encourage additional economic activity on reservations, such as housing construction. This means more jobs, as well as a better quality of life. It also includes grants to help tribes improve their own economic development strategies. Tribes with uniform commercial codes and effective microenterprise programs can see more business activity on their lands. This bill helps tribes helps themselves. We need to let Indians find their own way to prosperity, not impose top-down strategies. But we must make sure they have the tools to get there.

This is an important bill. It includes other key provisions. One is a fine bill originally introduced by Senators DASCHLE and MCCAIN to allow tribes to receive direct Federal reimbursement for operating foster care programs. Another provision funds research on tribal welfare reform programs so we can learn what works as well as providing funds for ''peer-learning'' so that tribes can learn from one another. I am a

strong supporter of welfare reform. We need to make sure it works for everyone. This bill does not.

I ask unanimous consent that a summary of the legislation be printed in the RECORD.

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

THE AMERICAN INDIAN WELFARE REFORM ACT OF 2002—SUMMARY

I. FINDINGS

The Federal Government bears a unique trust responsibility for American Indians. Despite this responsibility, Indians remain remarkably impoverished. According to the Census Bureau, 25.9 percent of American Indians live in poverty, more than twice the national poverty rate. The average household income for Indians in 2000 was only 75 percent of that of the rest of Americans. In some States with substantial Indian populations the welfare caseload has become increasingly Indian because it has been harder for Indians to leave welfare for work. A General Accounting Office review of Census Bureau data found that 25 of the 26 counties in the U.S. with a majority of American Indians had poverty rates ''significantly'' higher than average. Further, many Indian tribes are located in isolated rural areas, far from economic opportunity. Welfare reform has not brought enough change to Indian Country.

II. THE TRIBAL TANF IMPROVEMENT FUND

The 1996 welfare reform law permits tribes to opt to operate their own Temporary Assistance for Needy Families, TANF, programs. A new Tribal TANF Improvement Fund of $500 million, to be available for five years, would be created to build upon these programs and allow more tribes to start them. It would have four parts:

Tribal Capacity Grants.—State governments have benefitted from decades of federal investment in their administrative capacity, particularly in their information management systems. $225 million of the Fund would be reserved for grants to improve tribal human services program infrastructure, with a priority for management information systems and training. Tribes applying to operate TANF would be given priority. Tribes already operating TANF or applying to operate IV–E foster care programs with direct federal funding would also be eligible for grants. HHS would be required to assure that tribes of all sizes received funding and to maximize the number of tribes which receive funding. Tribes would be eligible for one grant per year.

Adjusted Tribal TANF Grants.—Tribes which take over operation of TANF often experience significant increases in caseload as poor families apply for help for the first time because they are more comfortable asking assistance from the tribe or simply because they are more able to access services. Yet tribal TANF allocations are based on estimates of Indians served by state programs in 1994, which can leave the tribe facing funding levels which are too low. To better support families in tribal TANF programs, $140 million of the fund would be reserved for grants to tribal TANF programs where the tribe can demonstrate it has a significantly higher true caseload than originally estimated. Tribes with cash assistance caseloads two years after beginning operation of a TANF no program which are 20 percent higher than originally estimated would be eligible for additional funding. The funds would be allocated proportionate to a tribe's size and service population as well as the caseload increase, on the basis of a formula to be determined by HHS in consultation with tribes. The funding level would be $35 million per year, from FY 2004–2007.

Tribal TANF MOE Incentive.—A key factor in tribes being able to operate TANF programs has been the willingness and ability of states to contribute funding as part of the broader state maintenance of effort, MOE, requirement. To encourage states to do this, up to an additional $120 million would be available for ''rebates'' of TANF funds to states which provide MOE support to tribal TANF programs. For each $1 in MOE funds provided, the federal government would provide an additional 30 cents in TANF funding to the state. If funding is insufficient, HHS would provide pro-rata funding to ensure each state contributing MOE receives a share of the incentive funds.

Technical Assistance.—HHS would receive $15 million to provide technical assistance to tribes. At least $5 million on these funds would be reserved to support peer-learning programs among tribal administrators and at least $7.5 million would be reserved for grants to tribes to conduct feasibility studies of their capacity to operate TANF.

III. TRIBAL TANF HIGH PERFORMANCE FUND AND CONTINGENCY FUND ACCESS

There are separate sources of funding within TANF that tribes do not have the ability to access. To better support tribal TANF programs, three percent of the current TANF ''high performance'' bonus, or $6 million/year, would be reserved for distribution to tribal TANF programs. The criteria would be determined by HHS through consultation with tribes, but should involve effectiveness in moving TANF recipients into employment and self-sufficiency. In addition, $25 million of the $2 billion TANF Contingency fund would be reserved for tribal TANF programs operating in situations of increased economic hardship. The criteria for tribal access to the Contingency Fund would also be determined by HHS through consultation with the tribes, but would include a worsening economic condition and loss of reservation employers. In addition, current restrictions on the use of ''carryover'' TANF funds would be eliminated, permitting tribes to spend prior year TANF funds with just as much flexibility as current year TANF funds.

IV. ECONOMIC DEVELOPMENT

There are three elements in the bill to stimulate more economic activity on economically-depressed reservations.

Expanded Tribal Authority To Issue Tax-Exempt Private Activity Bonds.—Currently, tribes have a limited authority to issue private activity bonds for ''essential'' governmental functions and for certain manufacturing-related purposes. This provision would allow bonds to be used for residential rental properties and qualified mortgage bonds, spurring construction. In addition, tribes could allocate authority for financing businesses that would qualify as enterprise zone businesses if the reservation were a zone. All property financed would have to be on the reservation of the issuing tribal government and qualified tribal governments would have to have an unemployment rate of at least 20 percent. Casinos and certain other forms of businesses could not be financed by the bonds. The authority would be for calendar years 2003–2007, and up to $10 million total would be available for each qualifying tribe.

Tribal Development Grants.—A key part of tribal economic development is the investment climate on the reservation. Tribes with clear legal codes and which encourage micro-enterprise activities are more likely to generate economic growth. To facilitate this, the Administration for Native Americans within HHS would receive $50 million to distribute in grants to tribes, tribal organizations and non-profit organizations to provide technical assistance to tribes in the areas of: development and improvement of uniform commercial codes; creating or expanding small business or micro-enterprise programs; development and improvement of tort liability codes; creating or expanding tribal marketing efforts; for-profit collaborative business networks; and telecommunications.

Job Access and Reverse Commute Grants.—A lack of transportation often hinders tribal economic development. To help address this need, tribes would be made directly eligible to receive Job Access and Reverse Commute grants from the federal Department of Transportation, which would permit tribes to pursue innovative TANF strategies around transportation. A tribal set-aside of 3 percent would be established in the program. Matching funds could be provided by tribes on an in-kind basis or with other federal funds, such as TANF.

V. TRIBAL JOB TRAINING PROGRAMS

There are currently two tribal job training programs, the NEW program and Welfare-to-Work grantees. To simplify and better co-ordinate programs, a new Tribal Employment Services Program, TESP, would be created in the Department of Labor by combining the two programs. It would be funded at $37 million annually and distributed to current Tribal NEW and Welfare-to-Work grantees as well as new applicants. TESP funds could be used for employment training efforts for those on, or at-risk of being on, public assistance. Tribes could also use the funds to assist non-custodial parents of children on, or at risk of being on, public assistance. To encourage state-tribal partnerships, TANF funds transferred to tribal TESP programs would be governed by TESP rules, not TANF rules. The bill also clarifies that the single plan, single budget, and single reporting requirements of PL 102–477 should be respected.

VI. TRIBAL CHILD CARE

The availability and quality of child care is basic to the success of welfare reform. Tribal welfare reform efforts are no exception. The tribal set-aside within the Child Care Development Block Grant, CCDBG, would be increased to 5 percent to better support tribal welfare reform programs. HHS would be required to go through a negotiated rulemaking process, in consultation with tribal representatives, to determine an equitable allocation of funds among tribes. In addition, each tribe receiving CCDBG funding would develop their own health and safety standards, subject to approval of HHS. Tribal child care programs would have additional authority to use funds for construction and renovation.

VII. EQUITABLE ACCESS

Many American Indians are—and will continue to be—served by state TANF programs. States will be required to consult with tribes within their borders on TANF state plans. Under current law, States are required to provide ''equitable access'' to services for Indians. State and tribal TANF plans would be required to describe how ''equitable access'' is provided to encourage better state-tribal co-operation. HHS would also be required to include in the annual TANF report to Congress state-specific information on the demographics and case load characteristics of Indians served by state TANF programs.

In addition, HHS would be required to convene a new advisory committee on the status of non-reservation Indians. Too little is known about how these Indians are faring. The committee is to make recommendations for ensuring these Indians receive appropriate assistance. The committee would include Federal, State, and tribal representatives as well as representatives of Indians

not residing on reservations. A majority of those on the committee should be representatives of Indians not residing on reservations. GAO would also be required to conduct a study of the demographics of Indians not residing on reservations, including economic and health information, as well as reviewing their access to public benefits.

VIII. JOBLESSNESS

As acknowledged by the 1996 welfare law, the federal time limit on assistance is not an appropriate policy on Indian reservations with severe unemployment. This provision would be adjusted so that the time limit will not apply during months where the joblessness is above 20 percent, provided that TANF recipients are not in sanction status. In addition, in these areas of high joblessness, states would have flexibility to define work activities required for TANF participants, provided the recipient is participating in activities in accordance with an Individual Responsibility Plan and the state has included information in its state plan describing its policies in Indian Country areas of high joblessness. Tribal TANF programs already have flexibility in work activity definition.

IX. ALASKA PROVISIONS

The 1996 provision limits the ability of tribes in Alaska to design and operate programs. These provisions involving differential treatment for Alaskan Natives, such as those requiring tribal TANF programs to be ''comparable'' to the state program, would be removed.

X. TRIBAL FOSTER CARE PROGRAMS

Due to a long-standing oversight, tribes are not allowed to receive direct federal reimbursement when they operate foster care programs to take care of abused and neglected children. The provisions of S. 550, the Daschle-McCain legislation to rectify this oversight and allow tribes to receive direct federal funding to operate foster care programs, are included.

XI. FOOD STAMPS, MEDICAID, AND SCHIP

Tribes operating TANF programs would be given clear authority to perform eligibility determination for Food Stamps, Medicaid, and SCHIP. Quality control measures in each program would apply to tribes making such decisions, although states and tribes may negotiate separate agreements on these measures.

XII. CHILD SUPPORT ENFORCEMENT

HHS would be required to promulgate final regulations concerning tribal child support programs within one year of enactment.

XIII. SOCIAL SERVICES BLOCK GRANT, SSBG

When funding for SSBG exceeds $2.4 billion in a year, $10 million plus 2 percent of all funds beyond $2.4 billion is reserved for tribes. All tribes operating social service programs would be eligible for a share. HHS is required to develop a distribution formula through a consultation process with the tribes.

XIV. RESEARCH

$2 million would be provided to HHS for research on tribal welfare programs and efforts to reduce poverty among American Indians in general. To expend the funds, HHS would first have to issue a planned course of research and consultation with the tribes. Research funding applicants which propose to include tribal governments and tribal colleges in their work would have priority.

XV. FAITH-BASED INITIATIVE

The HHS Office of Faith-Based and Community Initiatives would be required to convene an advisory committee of Indians expert in social services and the spiritual aspects of traditional Indian cultures. This committee shall issue a report within 18 months of enactment with ''best practices'' advice for tribal and state TANF administrators.

By Ms. STABENOW (for herself, Mr. DASCHLE, Mr. MILLER, Mr. DURBIN, Mrs. CARNAHAN, and Mr. WELLSTONE):

S. 2486. A bill to amend the Internal Revenue Code of 1986 to limit the deduction for advertising of FDA approved prescription drugs by the manufacturer of such drugs to the level of such manufacturer's research and development expenditures, and for other purposes; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise to introduce the Fair Advertising and Increased Research Act, the FAIR Act. The FAIR Act is designed to lower prescription drug prices by limiting taxpayer subsidies to pharmaceutical companies for advertising to those for research and development. I am pleased to be joined by my colleagues, Senators DASCHLE, MILLER, DURBIN, CARNAHAN, and WELLSTONE.

American taxpayers contribute about $16 billion a year to drug research through the National Institutes of Health. But what do they get for their investment? They get the highest drug prices in the world.

At the same time, drug companies spend nearly $16 billion a year on advertising, marketing and promotion of prescription drugs. What does this mean for Americans? It means life-saving drugs become unaffordable. And unaffordable means unavailable or it means making cruel choices. For seniors it can mean choosing between food and medicine.

We need to do something to address excessive advertising that leads to higher and higher prescription drug prices. The FAIR Act will help do so. Simply, it will limit pharmaceutical companies' deduction of annual expenditures for advertising, promoting or marketing—in any medium—of any Food and Drug Administration approved prescription drug to the amount of research and development expenditures in any taxable year. For example, if a company spends $110 million on advertising, promoting or marketing FDA approved prescription drugs and but spends only $100 million on research and development in one year, the company would not be able to deduct $10 million of advertising expenses in that year. Any savings resulting from this legislation will be credited to the Medicare Trust Fund.

This is necessary because recent evidence shows that advertising, marketing and promotion of prescription drugs is out of control. According to an analysis of company earnings reports, the top 11 pharmaceutical spend 30 percent of their revenues on advertising, marketing, promotion, and administration and only 12 percent on research and development. Furthermore, pharmaceutical companies have dramatically increased their direct-to-consumer advertising by 300 percent from 1996 to 2000. Direct to consumer advertising includes all of those television, radio and print ads you see and hear daily.

I would like to provide one example of excessive advertising to demonstrate the need of this legislation. In the year 2000, Merck spent $160 million advertising Vioxx, a drug to treat arthritis. This is more than PepsiCo spent on promoting Pepsi—$125 million—and more than Anheuser-Busch allocated to get the American people to buy Budweiser—$136 million.

This bill does not prevent the pharmaceutical companies from advertising as much as they want. Under our Constitution, they are free to do so. All we are seeking to do is limit how much the taxpayers should subsidize this advertising. We think the logical limit should be the amount that companies spend on research in a given year.

While there is much compelling evidence that pharmaceutical companies spend more on advertising, marketing, and promotion than research and development, the trade association representing these businesses, PhRMA, claims that they spend more on research than on advertising. If this is true, then the pharmaceutical lobbyists should support this measure because it will not affect them and would only set a reasonable parameter for advertising in the future.

We have to do something about spiraling prescription drug prices. This bill is a step in that direction. It will seek to stop taxpayer subsidies for excessive advertising and lower the price we pay for prescription drugs at our local pharmacy.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

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

S. 2486

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 ''Fair Advertising and Increased Research (FAIR) Act''.

SEC. 2. LIMITATION ON TAX DEDUCTIONS FOR ADVERTISING BY FDA PRESCRIPTION DRUG MANUFACTURERS.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end the following:

''SEC. 280I. LIMITATION ON TAX DEDUCTIONS FOR ADVERTISING BY FDA PRESCRIPTION DRUG MANUFACTURERS.

''(a) IN GENERAL.—No deduction shall be allowed under this chapter for any taxable year for any expenditure relating to the advertising, promoting, or marketing (in any medium) of any FDA prescription drug manufactured by the taxpayer to the extent the aggregate amount of such expenditures exceeds the taxpayer's aggregate research and development expenditures for such taxable year.

''(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) FDA PRESCRIPTION DRUGS.—The term 'FDA prescription drug' means any drug or biological approved by the Federal Drug Administration which requires a prescription of a physician for its use by an individual.

''(2) RESEARCH AND DEVELOPMENT EXPENDITURES.—The term 'research and development expenditures' means any expenditures which may be treated as expenses under section 174.

''(3) AGGREGATION RULES.—All members of the same controlled group of corporations (within the meaning of section 52(a)) and all persons under common control (within the meaning of section 52(b)) shall be treated as 1 person.''.

(b) CONFORMING AMENDMENT.—The table of sections for such part IX is amended by adding after the item relating to section 280H the following:

''Sec. 280I. Limitation on tax deductions for advertising by fda prescription drug manufacturers.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) TRANSFER TO THE FEDERAL HOSPITAL INSURANCE TRUST FUND OF RESULTING BUDGETARY SAVINGS.—There is appropriated to the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act amounts equal to the increase in Federal revenues resulting from the amendment made by subsection (a). Such appropriated amounts shall be transferred from the general fund of the Treasury on the basis of estimates of such revenues made by the Secretary of the Treasury.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 263—CONGRATULATING THE REPUBLIC OF CROATIA ON THE 10TH ANNIVERSARY OF ITS RECOGNITION BY THE UNITED STATES

Mr. MCCAIN (for himself, Mr. DURBIN, Mr. LIEBERMAN, Mr. VOINOVICH, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 263

Whereas the United States recognized the Republic of Croatia on April 7, 1992, acknowledging the decision of the Croatian people to live in an independent, democratic, and sovereign country;

Whereas, during the 10 years since the recognition, the people of Croatia have overcome the legacy of the autocratic Tudjman government and persevered in building a democratic society, based on the rule of law, respect for human rights, and a free market economy, as shown by the democratic parliamentary and presidential elections held in January and February 2000;

Whereas the people and Government of the Republic of Croatia share the democratic values of the international community and the responsibility to uphold them, actively promoting democratic values in international organizations;

Whereas Croatia, cooperating on the basis of partnership and solidarity, participates in the Vilnius Group, which is committed to the common values of security and democratic stability through future North Atlantic Treaty Organization membership;

Whereas Croatia is a reliable friend and ally of the United States, actively contributing to the stabilization of South Central Europe; and

Whereas Croatia immediately positioned itself within the antiterrorism coalition of nations, sharing the common interests and values of the free and democratic world: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Republic of Croatia for the significant progress it has made during the past decade, and encourages its democratic orientation and further strengthening of respect for human rights, the rule of law, and the free market;

(2) supports the Republic of Croatia's aspirations to become a member of the North Atlantic Treaty Organization (NATO), welcomes its commitment to the reforms required for NATO membership, acknowledges the importance of its continued commitment to those reforms, and recommends its acceptance into the Membership Action Plan at the NATO Ministerial in Reykjavik, Iceland in May 2002;

(3) encourages Croatia's continued contributions in bringing peace, stability, and prosperity to the region of South Central Europe, including continuing its cooperation with the International Criminal Tribunal for the former Yugoslavia; and

(4) recognizes the important role of the Croatian-American community in supporting the strengthening of bilateral relations between the United States and the Republic of Croatia.

SENATE RESOLUTION 264—EXPRESSING THE SENSE OF THE SENATE THAT SMALL BUSINESS PARTICIPATION IS VITAL TO THE DEFENSE OF OUR NATION, AND THAT FEDERAL, STATE, AND LOCAL GOVERNMENTS SHOULD AGGRESSIVELY SEEK OUT AND PURCHASE INNOVATIVE TECHNOLOGIES AND SERVICES FROM AMERICAN SMALL BUSINESSES TO HELP IN HOMELAND DEFENSE AND THE FIGHT AGAINST TERRORISM

Mr. KERRY (for himself and Mr. BOND) submitted the following resolution; which was referred to the Committee on Small Business and Entrepreneurship:

S. RES. 264

Whereas on September 11, 2001, the people of the United States were subject to the worst terrorist attack in American history;

Whereas in October 2001, the Pentagon's Technical Support Working Group, which is responsible for seeking new technologies to assist the military, sent an urgent plea, seeking ideas on how to fight terrorism;

Whereas in just 2 months, over 12,500 ideas were submitted to the Technical Support Working Group, most of them from small businesses;

Whereas small businesses remain the most innovative sector of the United States economy, accounting for the vast majority of new product ideas and technological innovations; and

Whereas despite their achievements, small businesses often have difficulty marketing and supplying goods and services to Federal, State, and local governments: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) small business participation is vital to the defense of the United States and should play an active role in assisting the United States military, Federal intelligence and law enforcement agencies, and State and local police forces to combat terrorism through the design and development of innovative products; and

(2) Federal, State, and local governments should aggressively seek out and purchase innovative technologies and services from, and promote research opportunities for, American small businesses to help in homeland defense and the fight against terrorism.

Mr. KERRY. Mr. President, I am pleased today to submit a Resolution expressing the sense of the Senate that small business participation is vital to the defense of our Nation, and that Federal, State, and local governments should aggressively seek out and purchase innovative technologies and services from American small businesses to help in homeland defense and the fight against terrorism.

Since the events of September 11, the people of our Nation have come together in many ways to help protect our land and its citizens. Whether it is the high number of individuals signing up to become Sky Marshals, fighter pilots pulling letters of resignation and staying in the military, expressions of pride through the display of the American flag or other patriot memorabilia, or the desire of innovative small businesses to sell products to the Federal Government for the fight against terrorism or for homeland defense, the ground swell of patriotism has been truly uplifting.

But today, I want to focus the attention of my colleagues on the contributions being made specifically by our small businesses. Throughout the years, small businesses have also heard the call to arms and to defend the nation, and have responded through the development of innovative products to protect our Nation.

Whether it's a need for a new type of night vision scope for a lonely sniper in the field, lighter materials for a Marine's backpack, more reliable field communications gear, or nonlethal weaponry, America's small businesses have heard the call and met the challenge.

Fortunately, our government has recognized the need to promote a diverse defense industrial base, and since World War II, the Federal Government has actively sought to grow and maintain a thriving small business sector. And like many policies designed to promote defense, government policy to foster small business creation and growth has turned out to be a great boon for the U.S. economy. Today, small businesses represent more than 99 percent of all employers, employ 51 percent of private sector workers, account for 96 percent of all exporters of goods, and provide 75 percent of net new jobs. Additionally, small businesses are more adaptable, more innovative and more likely to retain and hire employees during an economic downturn than their larger brethren.

Our government's commitment to purchasing goods and services from small businesses is a key element in creating a positive environment for small business creation and growth. It results in more competition and increased productivity, which leads to lower prices and new innovations.

Yet with all of these positive elements, today, we are faced with a