resolution expressing the sense of Congress that Federal land management agencies should fully support the Western Governors Association ''Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment,'' as signed August 2001, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National prescribed Fire Strategy that minimizes risks of escape.

S. CON. RES. 110

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (by request):

S. 2526. A bill to amend title 38, United States Code, to modify provisions governing certain programs administered by the Department of Veterans Affairs and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs, VA. Except in unusual circumstances, it is my practice to introduce legislation requested by the administration so that such measures will be available for review and consideration.

This ''by-request'' bill contains four sections, which amend existing sections or provisions of title 38. The first section would expand the Secretary of Veterans Affairs' authority to pay plot and interment allowances to State veterans cemeteries for all eligible peacetime veterans. Currently, the Secretary can only provide a plot allowance if the veteran served during wartime, was discharged for a service-connected disability, was receiving VA disability compensation or pension, or died in a VA facility. This amendment would facilitate States' participation in VA's State Cemeteries Grant Program, SCGP. Under the SCGP, VA pays for the construction of the cemetery, but the States bear the future maintenance costs. This provision would allow States to receive allowances for approximately 1,200 additional interments annually.

The second section of this bill would authorize the Secretary of Veterans Affairs to lease the undeveloped land and unused or underused buildings of the National Cemetery System and retain the proceeds from these leases, as well as agricultural licenses. The National Cemetery Administration, NCA, is endowed with thousands of acres of land, some of which is unused because it is not suitable for NCA development or has not yet been developed for NCA use. Currently, the NCA is authorized to issue limited-term agricultural licenses for these lands, and all profits must be deposited with the U.S. Treasury. However, some NCA land would be suitable for other purposes. This provision is meant to provide the Secretary with greater flexibility in using NCA lands to generate revenues, while allowing the NCA to become more self-sufficient by keeping profits within the administration.

The third section of this bill would modify amendments made by the Veterans' Claims Assistance Act of 2000, VCAA, which imposed a 1-year time limit for veterans to submit evidence—such as medical records—necessary to substantiate their claims for benefits. Prior to the enactment of the VCAA, a 1-year time limitation was imposed on information—such as complete contact information—necessary to complete a veteran's application for benefits. This provision was not included in the VCAA. The Secretary asserts that this requires VA to keep claims open indefinitely if they lack information for the application, while not allowing VA to make a payment on a claim that required the veteran to submit evidence to substantiate it, even if the claim could be granted on other grounds. This provision would reinstate the original time limitation on information for applications and rescind the current limitation on evidence to substantiate.

Section four of this bill would eliminate the reporting requirement on certain advance planning projects. Currently, VA cannot obligate more than $500,000 from its advance planning fund without submitting a report on the proposed obligation to both committees of Congress. However, VA argues that such reports are redundant for projects that have already been authorized by Congress, creating unnecessary and untimely delays. Accordingly, VA proposes that Congress eliminate this reporting requirement for already authorized projects.

Again, Mr. President, I submit this for the review and consideration of my colleagues at the request of the administration.

I ask unanimous consent that the text of the bill and Secretary Principi's transmittal letter that accompanied the draft legislation be printed in the RECORD.

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

S. 2526

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

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Programs Amendments Act of 2002''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. BURIAL PLOT ALLOWANCE.

(a) IN GENERAL.—Section 2303(b) is amended—

(1) in the matter preceding paragraph (1), by striking ''a burial allowance under such section 2302, or under such subsection, who was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or who is a veteran of any war'' and inserting ''burial in a national cemetery under section 2402 of this title''; and

(2) in paragraph (2) by striking ''(other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war)'' and inserting ''is eligible for a burial allowance under section 2302 of this title or under subsection (a) of this section, or was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, and such veteran''.

(b) APPLICABILITY.—The amendments made by section 2(a) shall apply with respect to the burial of persons dying on or after the date of enactment of this Act.

SEC. 3. LEASE OF LAND AND BUILDINGS; RETENTION OF PROCEEDS.

(a) IN GENERAL.—Chapter 24 is amended by adding at the end thereof the following new section:

§ 2412. Lease of land and buildings; retention of proceeds.

''(a) The Secretary may lease for a term not exceeding 3 years undeveloped land and unused or underutilized buildings, or parts or parcels thereof, belonging to the United States and part of the National Cemetery System established by section 2400 of this title. Any lease made to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection or restoration by the lessee as a part or all of the consideration for the lease. Prior to execution of any such lease, the Secretary shall give appropriate public notice of the Secretary's intention to do so in the newspaper of the community in which the lands or buildings are located.

''(b) Notwithstanding any other provision of law, proceeds from the lease of National Cemetery land or buildings and from agricultural licenses shall be deposited to the National Cemetery Administration account to assist cemetery operations and maintenance of cemetery property.''.

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 24 is amended by adding at the end thereof the following new item:

''2412. Lease of land and buildings; retention of proceeds.''.

SEC. 4. TIME LIMITATION ON RECEIPT OF CLAIM INFORMATION PURSUANT TO REQUEST BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5102 is amended by adding at the end thereof the following new subsection:

''(c) TIME LIMITATION.—(1) If information that claimant and the claimant's representative, if any, are notified under subsection (b) is necessary to complete an application is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

''(2) This subsection shall not apply to any application or claim for Government life insurance benefits.''.

(b) REPEAL OF SUPERSEDED PROVISIONS.—Section 5103 is amended—

(1) by striking ''(a) REQUIRED INFORMATION AND EVIDENCE.—'' ; and

(2) by striking subsection (b).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000 (Public Law 106–475; 114 Stat. 2096).

SEC. 5. MODIFICATION OF LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING.

Section 8104 is amended by adding at the end thereof the following new subsection:

''(g) Subsection (f) shall not apply with respect to the obligation of funds for a project if the project is specifically authorized by law prior to the obligation of funds.''.

Hon. RICHARD B. CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am transmitting a draft bill, the ''Veterans' Programs Amendments Act of 2002''. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

BURIAL PLOT ALLOWANCE

Section 2(a) of the draft bill would amend 38 U.S.C. §2303(b) to authorize payment of the burial plot allowance to states for each veteran interred in a state veterans' cemetery at no cost to the veteran's estate or survivors.

Under current section 2303(b)(1), the Secretary of Veterans Affairs is authorized to pay to a state a $300 plot or interment allowance for each eligible veteran buried in a qualifying state veterans' cemetery. Such allowance is authorized only if the veteran: (1) was a veteran of any war; (2) was discharged from active service for a service-connected disability; (3) was receiving Department of Veterans Affairs (VA) compensation or pension at the time of death; or (4) died in a VA facility. The proposed amendment would expand this authority to permit payment of the plot allowance to states for burial in state veterans' cemeteries of all eligible peacetime veterans.

This amendment would encourage state participation in the State Cemetery Grants Program (SCGP). In 1978, Congress established the SCGP to complement VA's national cemetery system by assisting states in providing burial plots for veterans in areas where existing national cemeteries cannot satisfy veterans' burial needs. State officials have indicated to VA that they consider future maintenance costs when deciding whether to pursue a state cemetery grant. To the extent that the amendment would help defray those maintenance costs and encourage states to establish veterans' cemeteries, it would make the benefit of burial in such a cemetery an accessible option for more veterans.

This amendment would allow states to receive plot allowance payments for approximately 1,200 additional interments annually. The costs associated with the enactment of this provision would be $360,000 for fiscal year (FY) 2003 and $3.6 million for the ten-year period from FY 2003 through FY 2012.

LEASE OF LAND AND BUILDINGS; RETENTION OF PROCEEDS

Section 3(a) of the bill would authorize the Secretary of Veterans Affairs to lease undeveloped acreage and unused and underutilized buildings of the National Cemetery System and to retain the proceeds from leases or agricultural licenses.

Land is the primary asset entrusted to the National Cemetery Administration (NCA), which currently maintains approximately 14,650 acres. Land dedicated for burial purposes is developed in ten-year increments using a ''just-in-time'' approach that carefully monitors depletion of gravesites, projected burial requirements and estimated timing for new construction activities. Additionally, certain sections of many national cemeteries are unsuitable for development into burial sections due to the presence of wetlands, rock outcroppings or sloped terrain. Acreage that is unsuitable for burial purposes and land not yet needed for development represents a significant underutilized asset.

Amending existing law to authorize NCA to enter into lease agreements would provide NCA with more flexibility in finding current uses for land that otherwise would remain idle until it was needed for development. It also would permit buildings that are currently not in use to be leased and by so doing, to be maintained by the lessee. This authority is similar to the lease authority given to the Veterans Health Administration (VHA).

NCA already has authority to execute limited-term agricultural licenses and has done so at certain national cemeteries. The license permits grazing, sod farming or planting rotational crops on unused acreage. These activities directly benefit the cemetery by keeping the land cleared, attractive and well maintained. However, receipts for the use of this land must be deposited with the U.S. Treasury. Additionally, NCA has historic lodges and other buildings that could generate revenue for the cemetery if NCA were able to retain the proceeds from leases.

The receipts retained by NCA would assist in maintaining national cemeteries. The money would be deposited in the National Cemetery Administration account to be used for grounds maintenance, e.g., mowing, trimming, and fertilizing, as well as building maintenance. The additional funds will help to maintain national cemeteries as shrines dedicated to our Nation's history, nurturing patriotism and honoring the service and sacrifice veterans have made on behalf of the United States.

We estimate that section 3 of the bill would generate annual proceeds of approximately $100,000.

TIME LIMITATION ON RECEIPT OF CLAIM INFORMATION

Section 4(a) and (b) of the draft bill would make a technical correction to the statutory provisions created by the Veterans Claims Assistance Act of 2000 (VCAA), Pub. L. No. 106–475, 114 Stat. 2096. Section 4(c) would make that correction effective as if enacted immediately after the VCAA.

Prior Law

Before the enactment of the VCAA, 38 U.S.C. §5103(a) required VA, if a claimant's application for benefits was incomplete, to notify the claimant of the evidence necessary to complete the application. Section 5103(a) further provided: ''If such evidence is not received within one year from the date of such notification, no benefits may be paid or furnished by reason of such application.''

In accordance with former section 5103(a), VA regulations provide that, if evidence requested in connection with a claim is not furnished within one year after the date of request, the claim will be considered abandoned. After the expiration of one year, VA will take no further action unless it receives a new claim. Furthermore, should the right to benefits be finally established, benefits based on such evidence would commence no earlier than the date the new claim was filed. 38 C.F.R. §3.158(a).

Before the enactment of the VCAA, title 38, United States Code, contained no provision requiring VA to notify a claimant of the evidence necessary to substantiate a claim.

Current Law

Section 3(a) of the VCAA struck former 38 U.S.C. §§5102 and 5103 and added new sections 5102 and 5103. 114 Stat. at 2096–97. Now section 5102(b) requires VA, if a claimant's application for a benefit is incomplete, to notify the claimant (and his or her representative, if any) of the information necessary to complete the application. Section 5102 contains no provision concerning a time limitation for the submission of information necessary to complete an application.

Now section 5103(a) requires VA, upon receipt of a complete or substantially complete application for benefits, to notify the claimant (and his or her representative, if any) of any information and evidence not previously provided to VA that is necessary to substantiate the claim. Furthermore, that notice must indicate which portion of that information and evidence, if any, is to be provided by the claimant and which portion, if any, VA will attempt to obtain on the claimant's behalf. Section 5103(b)(1) provides, in the case of information or evidence that the claimant is notified is to be provided by him or her, if VA does not receive such information or evidence within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

Implications

As a result of the amendments made by the VCAA, the statutory provision imposing a one-year limitation now relates to the substantiation of claims rather than to the completion of applications. We do not believe Congress intended this change from prior law. This change raises several potential problems.

Without a statutory limitation of one year to complete an application, VA no longer has a statutory basis for closing an application as abandoned. Thus, if a claimant were to submit an incomplete application for benefits, but not respond to VA's notice of the information necessary to complete it until many years later, the award of any benefit granted on the basis of that application would have to be effective from the date of the application, even though the claimant took no action to complete it for many years. Further, it appears that VA would be unauthorized to close or deny the claim based on the claimant's failure to respond. We do not believe Congress intended this result. Rather, we believe that the former one-year statutory limitation on the time available to complete an application should be restored.

The statutory limitation of one year to substantiate a claim also raises potential problems. One such problem is the possibility that courts will interpret the provision to preclude VA from deciding a claim until one year has expired from the date VA gives notice of the information and evidence necessary to substantiate the claim. Exactly that interpretation has been offered by several veterans' service organizations challenging VA's regulations implementing the VCAA. Under those regulations, as part of VA's notice under section 5103(a), VA will request the claimant to provide any evidence in the claimant's possession that pertains to the claim. We ask for the evidence within 30 days, but tell the claimant that one year is available to respond. If the claimant has not responded to the request within 30 days, VA may decide the claim before expiration of the one year, based on all the information and evidence contained in the file, including information and evidence it has obtained on the claimant's behalf. However, VA will have to readjudicate the claim if the claimant subsequently provides the information and evidence within one year of the date of the request. 38 C.F.R. §3.159(b)(1).

VA issued those rules ''to allow for the timely processing of claims.'' 66 Fed. Reg. 17,834, 17,835 (2001). Once an application had been substantially completed, VA does not want to have to wait one year to decide the claim, given the large backlog of claims awaiting adjudication by VA and the Secretary's commitment to reducing the backlog and shortening the time VA takes to adjudicate claims. What VA considers to be Congress' inadvertent moving of the one–year limitation from the provision relating to completion of applications to the provision relating to the substantiation of claims could impede VA's efforts to improve service to veterans. VA doubts that Congress intended to require VA, after requesting evidence from a claimant, to keep the claim open and pending for a full year if the claimant has not yet responded.

Furthermore, section 5103(b)(1)'s clear and unambiguous language appears to prohibit the payment of benefits even though VA could allow a claim. For example, VA might be able to allow a claim on the basis of evidence VA obtained on the claimant's behalf, even though the claimant has not provided the evidence requested of him or her. Or VA might find clear and unmistakable error in a prior denial and need to grant benefits on the claim that was erroneously denied. Yet section 5103(b)(1) prohibits the payment or furnishing of any benefit if VA does not receive within one year the information or evidence the claimant is to provide according to VA's notice. Surely, Congress did not intend such a result.

Finally, some of VA's pro-veteran regulations will have to be changed unless the one–year time limitation is removed from section 5103. For example, 38 C.F.R. §20.1304(a) permits an appellant to submit additional evidence during the 90 days following notice that an appeal has been certified to the Board of Veterans' Appeals and the appellate record has been transferred to the Board. That 90–day period may extend beyond the one–year period following notice of the information and evidence necessary to substantiate the claim given under section 5103(a), in which case it would conflict with the statutory mandate that ''no benefit may be paid or furnished by reason of the claimant's application'' if VA does not receive the evidence within one year from the date of the section 5103(a) notice. Another potentially conflicting regulation is 38 C.F.R. §3.156(b), which deems new and material evidence received before expiration of the one-year appeal period (beginning when notice of the decision on a claim is sent) or before an appellate decision is made if a timely appeal is filed to have been filed in connection with the claim pending at the beginning of the appeal period. Because the one–year appeal period necessarily extends beyond the one-year substantiation period, the regulation authorizes the grant of benefits based on evidence not timely received under section 5103(b), contrary to the statutory mandate.

Accordingly, we propose a technical amendment to sections 5102 and 5103 that would prevent these problems. Our draft bill would restore the one-year limitation to section 5102 and remove it from section 5103. It would make these technical amendments effective as if enacted immediately after the VCAA.

LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING

Section 5 of the bill would eliminate the limitation on certain obligations for advance planning.

Section 8104(f) of title 38, United States Code, currently provides that the Secretary may not obligate funds on an amount in excess of $500,000 from the Advance Planning Fund of the Department until the Secretary submits to the committees of Congress a report on the proposed obligation, and a period of 30 days has passed after the date the committees have received the report.

The reporting requirement was established to ensure that the VA committees were knowledgeable of VA project development activities. At present, these committees participate in the authorization process and, as a result, are knowledgeable of the projects that have already been authorized by Congress. However, because the reporting requirement still applies to projects that have already been authorized by Congress, the Secretary is precluded from funding these projects until after a report is submitted to the committees and the 30–day period has passed. The current limitation places a two to three month delay on those projects that have already been authorized by Congress.

The proposed legislation would eliminate the limitation only for those projects that have already been authorized by Congress in accordance with 38 U.S.C. §8104(2). Consequently, the elimination of this limitation would remove the duplication of effort on the part of VA and Congress.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress.

Sincerely yours,

ANTHONY J. PRINCIPI.

Enclosure.

SECTION-BY-SECTION ANALYSIS

DRAFT BILL: ''VETERANS' PROGRAMS AMENDMENTS ACT OF 2002''

Section 1. Short Title; References to Title 38, United States Code

Section 1(a) would state the short title to the Act: the Veterans' Programs Amendments Act of 2002. Section 1(b) would provide that all amendments made by the Act, unless otherwise specified, are to a section or other provision of title 38, United States Code.

Section 2. Burial Plot Allowance

Section 2(a) would amend 38 U.S.C. 2303(b) to authorize payment of the burial plot allowance to states for each veteran interred in a state veterans' cemetery at no cost to the veteran's estate or survivors. Currently, section 2303(b)(1) authorizes VA to pay a state a $300 plot or interment allowance for each eligible veteran buried in a qualifying state veterans' cemetery. Such allowance is authorized only if the veteran: (1) was a veteran of any war; (2) was discharged from active service for a service-connected disability; (3) was receiving VA compensation or pension at the time of death; or (4) died in a VA facility. The proposed amendment would expand this authority to permit payment of the plot allowance to states for burial in state veterans' cemeteries of all eligible peacetime veterans.

Section 2(b) would make the amendments made by subsection (a) applicable to burial of persons dying on or after the date of the Act's enactment.

Section 3. Lease of Land and Buildings; Retention of Proceeds

Section 3(a) would add to Chapter 24 of title 38, United States Code, new section 2412. Section 2412(a) would authorize the Secretary of Veterans Affairs to lease, for a term not to exceed 3 years, undeveloped land and unused or underutilized buildings, or parts or parcels thereof, of the National Cemetery System. This authority would mirror the Secretary's authority in section 8122 of title 38, to lease land or buildings at a VA medical facility. A lease made to a public or nonprofit organization can be made without regard to the advertising requirements of section 5 of title 41, United States Code, and it can provide for the public or nonprofit to maintain, protect or restore the property in lieu of monetary consideration. Section 2421(b) would authorize the proceeds generated by the lease or the proceeds received from an agricultural license to be deposited to the National Cemetery Administration account to assist cemetery operations and maintenance of cemetery property.

Section 3(b) would add to the table of contents at the beginning of chapter 24 a new item to reflect the addition of section 2412.

Section 4. Time Limitation on Receipt of Claim Information Pursuant to Request by Department of Veterans Affairs

Section 4(a) and (b) would remove a time limitation from 38 U.S.C. §5103 and restore it to 38 U.S.C. §5102. The provision, currently in section 5103(b), prohibits VA from paying or furnishing any benefit by reason of an application if VA has not received certain information and evidence within one year of notifying the claimant that the information and evidence is necessary to substantiate the claim and that the claimant is to provide them. If moved to section 5102, the provision would prohibit VA from paying or furnishing any benefit by reason of an application if VA has not received certain information within one year of notifying the claimant that the information is necessary to complete the application.

Section 4(c) would make the amendments made by subsections (a) and (b) effective as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000, Pub. L. No. 106–475, 114 Stat. 2096.

Section 5. Modification of Limitation on Obligations for Advanced Planning

Section 5 would add to the end of section 8104 of title 38, United States Code, a new subsection (g) eliminating a limitation on the obligation of funds from the Advance Planning Fund for certain projects. At present, 38 U.S.C. §8104(f) provides that the Secretary may not obligate funds on an amount in excess of $500,000 from the Advanced Planning Fund of the Department until the Secretary submits to the committees of Congress a report on the proposed obligation and a period of 30 days has passed after the date the committees have received the report. The reporting requirement applies to projects that have already been authorized by Congress, and the Secretary is therefore precluded from funding these projects until after a report is submitted to the Committees and the 30-day period has passed. The current limitation places a two to three month delay on those projects that have already been authorized by Congress. Elimination of this limitation, as contemplated by section 5, would remove duplication of effort on the part of VA and Congress for those projects that have been authorized in accordance with title 38 U.S.C. §8104.

By Mr. AKAKA (for himself and Mr. COCHRAN):

S. 2527. A bill to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation, and for other purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation to provide health care coverage under the Federal Employees Health Benefits

Program, FEHBP, to individuals enrolled in a health care plan administered by the Overseas Private Investment Corporation, OPIC. I am pleased to be joined by my good friend Senator COCHRAN in this endeavor.

In the 1980s, a number of Federal banking-related agencies—including OPIC, the Office of Comptroller of the Currency, the Office of Thrift Supervision, and the Farm Credit Administration—established separate health insurance plans outside the FEHBP. The agencies were able to offer enhanced benefits at significantly lower costs because of the demographics of their workforce. However, increasing health care costs, an aging workforce, and an overall reduction in the Federal workforce has made it economically impractical for these agencies to maintain their separate programs. As a result, all of these agencies, except OPIC, discontinued their separate programs through legislation and transferred their employees to the FEHBP. Legislative action is needed because current law requires that Federal employees participate in a FEHBP plan for the 5 years prior to retirement in order to retain coverage after retirement.

OPIC established its separate program in 1982 and discontinued offering the plan to new employees on January 1, 1995. There are 21 retirees and 18 near-retirees who would be affected by the change. Due to the large costs involved in covering retirees in the FEHBP, OPIC would be required to pay the employees health benefits fund for the benefits provided by this legislation. OPIC has agreed to pay this amount from its existing appropriated resources. It is estimated that OPIC will save approximately $300,000 per year in premiums when the transfer occurs.

I ask my colleagues to support this legislation and for 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. 2527

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

SECTION 1. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Overseas Private Investment Corporation before the effective date of this Act shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—

(1) IN GENERAL.—Any individual who, on June 30, 2002, is covered by a health benefits plan administered by the Overseas Private Investment Corporation may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after June 30, 2002.

(2) INDIVIDUALS CURRENTLY UNDER CONTINUED COVERAGE.—An individual who, on June 30, 2002, is entitled to continued coverage under a health benefits plan administered by the Overseas Private Investment Corporation—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Overseas Private Investment Corporation; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a of such title for coverage effective on and after June 30, 2002.

(3) UNMARRIED DEPENDENT CHILDREN.—An individual who, on June 30, 2002, is covered as an unmarried dependent child under a health benefits plan administered by the Overseas Private Investment Corporation and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had, on June 30, 2002, ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after June 30, 2002.

(c) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—

(1) IN GENERAL.—The Overseas Private Investment Corporation shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Overseas Private Investment Corporation, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section.

(2) AVAILABILITY OF FUNDS.—The amounts transferred under paragraph (1) shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of title 5, United States Code.

(d) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

By Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. HAGEL, Ms. SNOWE, Mr. KYL, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. BURNS, Mr. BINGAMAN, Mr. CAMPBELL, Mr. WYDEN, and Mr. ALLARD):

S. 2528. A bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce the National Drought Preparedness Act of 2002. Severe droughts are not solely the curse of the Southwest. Lately, it has been apparent that every region in the United States can be hit by drought. We have certainly experienced our share of drought in the Southwest, but we have also seen the phenomenon occur in the Pacific Northwest, California, the Great Basin States, and this year in Maryland, Virginia, Pennsylvania, and Delaware. According to the recent Drought Monitor, a joint production of the National Drought Mitigation Center, USDA, NOAA, and the Climate Prediction Center, nearly a third of the United States is currently in a moderate to extreme drought.

Currently, the State of New Mexico and much of the Rocky Mountain States are near or below 50 percent of normal based on low snow pack. Along the east coast, precipitation in many places is 8–20 inches below normal over the last year.

Drought is a unique emergency situation; it creeps in unlike other abrupt weather disasters. Without a national drought policy we constantly live not knowing what the next year will bring. If we find ourselves facing a drought, towns could be scrambling to drill new water wells, fire could sweep across bone dry forests and farmers, and ranchers could be forced to watch their way of life blow away with the dust. We must be vigilant and prepare ourselves for quick action when the next drought cycle begins. Better planning on our part could limit some of the damage felt by drought. I propose that this bill is the exact tool needed for facilitating better planning.

The impacts of drought are also very costly. According to NOAA, there have been 12 different drought events since 1980 that resulted in damages and costs exceeding $1 billion each. In 2000, severe drought in the South-Central and Southeastern States caused losses to agriculture and related industries of over $4 billion. Western wildfires that year totaled over $2 billion in damages. The Eastern drought in 1999 led to $1 billion in losses. These are just a few of the statistics.

While drought affects the economic and environmental well-being of the entire Nation, the United States has lacked a cohesive strategy for dealing with serious drought emergencies. As many of you know, the impact of drought emerges gradually rather than suddenly as is the case with other natural disasters.

In 1996, every part of New Mexico suffered from severe drought. As a result, I convened a special Multi-State Drought Task Force of Federal, State, local, and tribal emergency management agencies to coordinate efforts to respond to drought. The task force was headed up by the Federal Emergency Management Agency, and included

every Federal agency that has programs designed to deal with drought. The task force found that although the Federal Government has many drought-related programs on the books, the real problem is that there is no integrated, coordinated system of implementing those programs.

With the recommendations from the Western Governors' Association, the National Governors' Association, and the Multi-State Drought Task Force, I introduced the National Drought Policy Act of 1997. This piece of legislation, which was signed into law, was the first step toward establishing a coherent, effective national drought policy. The legislation created a commission comprised of representatives of those Federal, State, local, and tribal agencies and organizations most involved in drought issues. The bill further charged the commission with providing recommendations on a permanent and systematic federal process to address this particular type of devastating natural disaster.

The commission included representatives from USDA, Interior, the Army, FEMA, SBA and Commerce—all agencies with current drought-related programs. The commission also included non-Federal members such as representatives from the National Governors' Association, the U.S. Conference of Mayors, and four persons representing those groups that are always hardest hit by drought emergencies.

The commission was charged with determining what needs existed on the Federal, State, local, and tribal levels with regard to drought; reviewing existing drought programs; and determining what gaps exist between the needs of drought victims and those programs currently designed to deal with drought. Finally, the commission was charged with making recommendations on how Federal drought laws and programs could be better integrated into a comprehensive national drought policy.

Ultimately, the commission concluded that ''we must adopt a forward-looking stance to reduce this nation's vulnerability to the impacts of drought. Preparedness—including drought planning, plan implementation, proactive mitigation, risk management, resource stewardship, consideration of environmental concerns, and public education—must become the cornerstone of national drought policy.'' The guiding principles of drought policy should be one, favoring preparedness over insurance, insurance over relief, and incentives over regulation; two, setting research priorities based on the potential of the research results to reduce drought impacts; and three, coordinating the delivery of Federal services through cooperation and collaboration with non-Federal entities.

I am pleased to be following through on what I started in 1997. The bill that I am introducing today is the next step in implementing a national, cohesive drought policy. The bill recognizes that drought is a recurring phenomenon that causes serious economic and environmental loss and that a national drought policy is needed to ensure an integrated, coordinated strategy.

The National Drought Preparedness Act of 2002 does the following: It creates national policy for drought. This will hopefully move the country away from the costly, ad-hoc, response-oriented approach to drought, and move us toward a pro-active, preparedness approach. The new national policy would provide the tools and focus, similar to the Stafford Act, for Federal, State, tribal and local governments to address the diverse impacts and costs caused by drought.

The bill would improve delivery of Federal drought programs. This would ensure improved program delivery, integration, and leadership. To achieve this intended purpose, the bill establishes the National Drought Council, designating USDA as the lead Federal agency. The council and USDA would provide the coordinating and integrating function for Federal drought programs, much like FEMA provides that function for other natural disasters under the Stafford Act.

The act will provide new tools for drought preparedness planning. Building on existing policy and planning processes, the bill would assist States, local governments, tribes, and other entities in the development and implementation of drought preparedness plans. The bill does not mandate State and local planning, but is intended to facilitate plan development and implementation through establishment of the drought assistance fund.

The bill would improve forecasting and monitoring by facilitating the development of the National Drought Monitoring Network in order to improve the characterization of current drought conditions and the forecasting of future droughts. Ultimately, this would provide a better basis to trigger Federal drought assistance.

Finally, the bill would authorize FEMA to provide reimbursement to States for reasonable staging and prepositioning costs when there is a threat of a wildfire.

Mr. President I ask unanimous consent that 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. 2528

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Drought Preparedness Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) regional drought disasters in the United States cause serious economic and environmental losses, yet there is no national policy to ensure an integrated and coordinated Federal strategy to prepare for, mitigate, or respond to such losses;

(2) State, tribal, and local governments have to coordinate efforts with each Federal agency involved in drought monitoring, planning, mitigation, and response;

(3) effective drought monitoring—

(A) is a critical component of drought preparedness and mitigation; and

(B) requires a comprehensive, integrated national program that is capable of providing reliable, accessible, and timely information to persons involved in drought planning, mitigation, and response activities;

(4) the National Drought Policy Commission was established in 1998 to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies;

(5) according to the report issued by the National Drought Policy Commission in May 2000, the guiding principles of national drought policy should be—

(A) to favor preparedness over insurance, insurance over relief, and incentives over regulation;

(B) to establish research priorities based on the potential of the research to reduce drought impacts;

(C) to coordinate the delivery of Federal services through collaboration with State and local governments and other non-Federal entities; and

(D) to improve collaboration among scientists and managers; and

(6) the National Drought Council, in coordination with Federal agencies and State, tribal, and local governments, should provide the necessary direction, coordination, guidance, and assistance in developing a comprehensive drought preparedness system.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term ''Council'' means the National Drought Council established by section 101(a).

(2) CRITICAL SERVICE PROVIDER.—The term ''critical service provider'' means an entity that provides power, water (including water provided by an irrigation organization or facility), sewer services, or wastewater treatment.

(3) DIRECTOR.—The term ''Director'' means the Director of the Federal Emergency Management Agency.

(4) DIRECTOR OF THE OFFICE.—The term ''Director of the Office'' means the Director of the Office appointed under section 112(a).

(5) DROUGHT.—The term ''drought'' means a major natural disaster that is caused by a deficiency in precipitation—

(A) that may lead to a deficiency in surface and subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(B) that causes or may cause—

(i) substantial economic or social impacts; or

(ii) physical damage or injury to individuals, property, or the environment.

(6) FUND.—The term ''Fund'' means the Drought Assistance Fund established by section 121(a).

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) MITIGATION.—The term ''mitigation'' means a short- or long-term action, program, or policy that is implemented in advance of or during a drought to minimize any risks and impacts of drought.

(9) NATIONAL DROUGHT MONITORING NETWORK.—The term ''National Drought Monitoring Network'' means a comprehensive network that collects and integrates information on the key indicators of drought, including stream flow, ground water levels, reservoir levels, soil moisture, snow pack, climate (including precipitation and temperature), and forecasts, in order to make usable, reliable, and timely assessments of drought, including the severity of drought.

(10) NEIGHBORING COUNTRY.—The term ''neighboring country'' means Canada and Mexico.

(11) OFFICE.—The term ''Office'' means the National Office of Drought Preparedness established under section 111.

(12) TRIGGER.—The term ''trigger'' means the thresholds or criteria that must be satisfied before mitigation or emergency assistance may be provided to an area—

(A) in which drought is emerging; or

(B) that is experiencing a drought.

SEC. 4. EFFECT OF ACT.

This Act does not affect—

(1) the authority of a State to allocate quantities of water under the jurisdiction of the State; or

(2) any State water rights established as of the date of enactment of this Act.

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

SEC. 101. MEMBERSHIP AND VOTING.

(a) IN GENERAL.—There is established a council to be known as the ''National Drought Council''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of—

(A) the Director;

(B) the Secretary of the Interior;

(C) the Secretary of the Army;

(D) the Secretary of Agriculture;

(E) 4 members appointed by the Federal co-chair appointed under subsection (f), in coordination with the National Governors Association, of whom—

(i) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region I, II, or III;

(ii) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region IV or VI;

(iii) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region V or VII; and

(iv) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region VIII, IX, or X;

(F) 1 member appointed by the Federal co-chair, in coordination with the National Association of Counties;

(G) 1 member appointed by the Federal co-chair, in coordination with the United States Conference of Mayors;

(H) 1 member appointed by the Secretary of the Interior, in coordination with Indian tribes, to represent the interests of tribal governments; and

(I) 1 member appointed by the Secretary of Agriculture, in coordination with the National Association of Conservation Districts, to represent local soil and water conservation districts.

(2) DATE OF APPOINTMENT.—The appointment of each member of the Council shall be made not later than 120 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member of the Council shall be appointed for a term of 2 years.

(2) VACANCIES.—A vacancy on the Council—

(A) shall not affect the powers of the Council; and

(B) shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) IN GENERAL.—The Council shall meet at the call of the co-chairs.

(2) FREQUENCY.—The Council shall meet at least semiannually.

(e) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings or conduct other business.

(f) CO-CHAIRS.—

(1) IN GENERAL.—There shall be a Federal co-chair and non-Federal co-chair of the Council.

(2) APPOINTMENT.—

(A) FEDERAL CO-CHAIR.—The Director shall be Federal co-chair.

(B) NON-FEDERAL CO-CHAIR.—The Council members appointed under subparagraphs (E) through (I) of subsection (b)(1) shall select a non-Federal co-chair from among the members appointed under those subparagraphs.

(g) DIRECTOR OF THE OFFICE.—

(1) IN GENERAL.—The Director of the Office shall serve as Director of the Council.

(2) DUTIES.—The Director of the Office shall serve the interests of all members of the Council.

SEC. 102. DUTIES OF THE COUNCIL.

(a) IN GENERAL.—The Council shall—

(1) not later than 1 year after the date of the first meeting of the Council, develop a comprehensive National Drought Policy Action Plan that—

(A)(i) delineates and integrates responsibilities for activities relating to drought (including drought preparedness, mitigation, research, risk management, training, and emergency relief) among Federal agencies; and

(ii) ensures that those activities are coordinated with the activities of the States, local governments, Indian tribes, and neighboring countries;

(B) is consistent with—

(i) this Act and other applicable Federal laws; and

(ii) the laws and policies of the States for water management;

(C) is integrated with drought management programs of the States, Indian tribes, local governments, and private entities; and

(D) avoids duplicating Federal, State, tribal, local, and private drought preparedness and monitoring programs in existence on the date of enactment of this Act;

(2) evaluate Federal drought-related programs in existence on the date of enactment of this Act and make recommendations to Congress and the President on means of eliminating—

(A) discrepancies between the goals of the programs and actual service delivery;

(B) duplication among programs; and

(C) any other circumstances that interfere with the effective operation of the programs;

(3) make recommendations to the President, Congress, and appropriate Federal Agencies on—

(A) the establishment of common interagency triggers for authorizing Federal drought mitigation programs; and

(B) improving the consistency and fairness of assistance among Federal drought relief programs;

(4) coordinate and prioritize specific activities that will improve the National Drought Monitoring Network by—

(A) taking into consideration the limited resources for—

(i) drought monitoring, prediction, and research activities; and

(ii) water supply forecasting; and

(B) providing for the development of an effective drought information delivery system that—

(i) communicates drought conditions and impacts to—

(I) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(II) the private sector; and

(III) the public; and

(ii) includes near-real-time data, information, and products developed at the Federal, regional, State, tribal, and local levels of government that reflect regional and State differences in drought conditions;

(5) encourage and facilitate the development of drought preparedness plans under subtitle C, including establishing the guidelines under sections 121(c) and 122(a);

(6) based on a review of drought preparedness plans, develop and make available to the public drought planning models to reduce water resource conflicts relating to water conservation and droughts;

(7) develop and coordinate public awareness activities to provide the public with access to understandable, and informative materials on drought, including—

(A) explanations of the causes of drought, the impacts of drought, and the damages from drought;

(B) descriptions of the value and benefits of land stewardship to reduce the impacts of drought and to protect the environment;

(C) clear instructions for appropriate responses to drought, including water conservation, water reuse, and detection and elimination of water leaks; and

(D) information on State and local laws applicable to drought; and

(8) establish operating procedures for the Council.

(b) CONSULTATION.—In carrying out this section, the Council shall consult with groups affected by drought emergencies, including groups that represent—

(1) agricultural production, wildlife, and fishery interests;

(2) forestry and fire management interests;

(3) the credit community;

(4) rural and urban water associations;

(5) environmental interests;

(6) engineering and construction interests; and

(7) the portion of the science community that is concerned with drought and climatology.

(c) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the first meeting of the Council, and annually thereafter, the Council shall submit to Congress a report on the activities carried out under this title.

(B) INCLUSIONS.—

(i) IN GENERAL.—The annual report shall include a summary of drought preparedness plans completed under sections 123 through 125.

(ii) INITIAL REPORT.—The initial report submitted under subparagraph (A) shall include any recommendations of the Council under paragraph (2) or (3) of subsection (a).

(2) FINAL REPORT.—Not later than 7 years after the date of enactment of this Act, the Council shall submit to Congress a report that recommends—

(A) amendments to this Act; and

(B) whether the Council should continue.

SEC. 103. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold hearings, meet and act at any time and place, take any testimony and receive any evidence that the Council considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Council may obtain directly from any Federal agency any information that the Council considers necessary to carry out this title.

(2) PROVISION OF INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on request of the Federal co-chair or non-Federal co-chair, the head of a Federal agency may provide information to the Council.

(B) LIMITATION.—The head of a Federal agency shall not provide any information to the Council that the Federal agency head determines the disclosure of which may cause harm to national security interests.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(e) FEDERAL FACILITIES.—If the Council proposes the use of a Federal facility for the purposes of carrying out this title, the Council shall solicit and consider the input of the Federal agency with jurisdiction over the facility.

SEC. 104. COUNCIL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall serve without compensation.

(2) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Council shall be allowed travel expenses at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Council.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2003 through 2010.

SEC. 106. TERMINATION OF COUNCIL.

The Council shall terminate 8 years after the date of enactment of this Act.

Subtitle B—National Office of Drought Preparedness

SEC. 111. ESTABLISHMENT.

The Director shall establish directly under the Director an office to be known as the ''National Office of Drought Preparedness'' to provide assistance to the Council in carrying out this title.

SEC. 112. DIRECTOR OF THE OFFICE.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Director shall appoint a Director of the Office under sections 3371 through 3375 of title 5, United States Code.

(2) QUALIFICATIONS.—The Director of the Office shall be a person who has experience in—

(A) public administration; and

(B) drought mitigation or drought management.

(b) POWERS.—The Director of the Office may hire such other additional personnel or contract for services with other entities as necessary to carry out the duties of the Office.

SEC. 113. DETAIL OF GOVERNMENT EMPLOYEES.

(a) IN GENERAL.—An employee of the Federal Government may be detailed to the Office without reimbursement, unless the Federal co-chair, on the recommendation of the Director of the Office, determines that reimbursement is appropriate.

(b) CIVIL SERVICE STATUS.—The detail of an employee shall be without interruption or loss of civil service status or privilege.

Subtitle C—Drought Preparedness Plans

SEC. 121. DROUGHT ASSISTANCE FUND.

(a) ESTABLISHMENT.—There is established within the Federal Emergency Management Agency a fund to be known as the ''Drought Assistance Fund''.

(b) PURPOSE.—The Fund shall be used to pay the costs of—

(1) providing technical and financial assistance (including grants and cooperative assistance) to States, Indian tribes, local governments, and critical service providers for the development and implementation of drought preparedness plans under sections 123 through 125;

(2) providing to States, Indian tribes, local governments, and critical service providers the Federal share, as determined by the Federal co-chair, in consultation with the other members of the Council, of the cost of mitigating the overall risk and impacts of droughts;

(3) assisting States, Indian tribes, local governments, and critical service providers in the development of mitigation measures to address environmental, economic, and human health and safety issues relating to drought;

(4) expanding the technology transfer of drought and water conservation strategies and innovative water supply techniques;

(5) developing post-drought evaluations and recommendations; and

(6) supplementing, if necessary, the costs of implementing actions under section 102(a)(4).

(c) GUIDELINES.—

(1) IN GENERAL.—The Federal co-chair of the Council shall, in consultation with other members of the Council, promulgate guidelines implementing this section.

(2) REQUIREMENTS.—The guidelines shall—

(A) ensure the distribution of amounts from the Fund within a reasonable period of time;

(B) take into consideration regional differences; and

(C) prohibit the use of amounts from the Fund for Federal salaries that are not directly related to the provision of drought assistance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out the purposes described in subsection (b).

SEC. 122. DROUGHT PREPAREDNESS PLANS.

(a) IN GENERAL.—The Director, in consultation with the Council, shall publish guidelines for administering a national program to provide technical and financial assistance to States, Indian tribes, local governments, and critical service providers for the development, maintenance, and implementation of drought preparedness plans.

(b) REQUIREMENTS.—To build on the experience and avoid duplication of efforts of Federal, State, local, tribal, and regional drought plans in existence on the date of enactment of this Act, the guidelines may recognize and incorporate those plans.

SEC. 123. FEDERAL PLANS.

(a) IN GENERAL.—The Director, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Army, and other appropriate Federal agency heads shall develop and implement Federal drought preparedness plans for agencies under the jurisdiction of the appropriate Federal agency head.

(b) REQUIREMENTS.—The Federal plans—

(1) shall be integrated with each other;

(2) may be included as components of other Federal planning requirements;

(3) shall be integrated with drought preparedness plans of State, tribal, and local governments that are affected by Federal projects and programs; and

(4) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 124. STATE AND TRIBAL PLANS.

States and Indian tribes may develop and implement State and tribal drought preparedness plans that—

(1) address monitoring of resource conditions that are related to drought;

(2) identify areas that are at a high risk for drought;

(3) describes mitigation strategies to address and reduce the vulnerability of an area to drought; and

(4) are integrated with State, tribal, and local water plans in existence on the date of enactment of this Act.

SEC. 125. REGIONAL AND LOCAL PLANS.

Local governments and regional water providers may develop and implement drought preparedness plans that—

(1) address monitoring of resource conditions that are related to drought;

(2) identify areas that are at a high risk for drought;

(3) describe mitigation strategies to address and reduce the vulnerability of an area to drought; and

(4) are integrated with corresponding State plans.

SEC. 126. PLAN ELEMENTS.

The drought preparedness plans developed under sections 123 through 125—

(1) shall be consistent with Federal and State laws, contracts, and policies;

(2) shall allow each State to continue to manage water and wildlife in the State;

(3) shall address the health, safety, and economic interests of those persons directly affected by drought;

(4) may include—

(A) provisions for water management strategies to be used during various drought or water shortage thresholds, consistent with State water law;

(B) provisions to address key issues relating to drought (including public health, safety, economic factors, and environmental issues such as water quality, water quantity, protection of threatened and endangered species, and fire management);

(C) provisions that allow for public participation in the development, adoption, and implementation of drought plans;

(D) provisions for periodic drought exercises, revisions, and updates;

(E) a hydrologic characterization study to determine how water is being used during times of normal water supply availability to anticipate the types of drought mitigation actions that would most effectively improve water management during a drought;

(F) drought triggers;

(G) specific implementation actions for droughts;

(H) a water shortage allocation plan, consistent with State water law; and

(I) comprehensive insurance and financial strategies to manage the risks and financial impacts of droughts; and

(5) shall take into consideration—

(A) the financial impact of the plan on the ability of the utilities to ensure rate stability and revenue stream; and

(B) economic impacts from water shortages.

TITLE II—WILDFIRE SUPPRESSION

SEC. 201. GRANTS FOR PREPOSITIONING WILDFIRE SUPPRESSION RESOURCES.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

''SEC. 205. GRANTS FOR PREPOSITIONING WILDFIRE SUPPRESSION RESOURCES.

''(a) FINDINGS AND PURPOSE.—

''(1) FINDINGS.—Congress finds that—

''(A) droughts increase the risk of catastrophic wildfires that—

''(i) drastically alter and otherwise adversely affect the landscape for communities and the environment;

''(ii) because of the potential of such wildfires to overwhelm State wildfire suppression resources, require a coordinated response among States, Federal agencies, and neighboring countries; and

''(iii) result in billions of dollars in losses each year;

''(B) the Federal Government must, to the maximum extent practicable, prevent and suppress such catastrophic wildfires to protect human life and property;

''(C) not taking into account State, local, and private wildfire suppression costs, during the period of 1996 through 2000, the Federal Government expended over $630,000,000 per year for wildfire suppression costs;

''(D) it is more cost-effective to prevent wildfires by prepositioning wildfire fighting resources to catch flare-ups than to commit millions of dollars to respond to large uncontrollable fires; and

''(E) it is in the best interest of the United States to invest in catastrophic wildfire prevention and mitigation by easing the financial burden of prepositioning wildfire suppression resources.

''(2) PURPOSE.—The purpose of this section is to encourage the mitigation and prevention of wildfires by providing financial assistance to States for prepositioning of wildfire suppression resources.

''(b) AUTHORIZATION.—The Director of the Federal Emergency Management Agency (referred to in this section as the 'Director') may reimburse a State for the cost of prepositioning wildfire suppression resources on potential multiple and large fire complexes when the Director determines, in accordance with national and regional severity indices of the Forest Service, that a wildfire event poses a threat to life and property in the area.

''(c) ELIGIBILITY.—Wildfire suppression resources of the Federal Government, neighboring countries, and any State other than the State requesting assistance are eligible for reimbursement under this section.

''(d) REIMBURSEMENT.—

''(1) IN GENERAL.—The Director may reimburse a State for the costs of prepositioning of wildfire suppression resources of the entities specified in subsection (c), including mobilization to, and demobilization from, the staging or prepositioning area.

''(2) REQUIREMENTS.—For a State to receive reimbursement under paragraph (1)—

''(A) any resource provided by an entity specified in subsection (c) shall have been specifically requested by the State seeking reimbursement; and

''(B) staging or prepositioning costs—

''(i) shall be expended during the approved prepositioning period; and

''(ii) shall be reasonable.''.

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. HARKIN, Mrs. CLINTON, and Mr. JOHNSON):

S. 2529. A bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senators THOMAS, MURKOWSKI, TORRICELLI, HARKIN, CLINTON, and JOHNSON entitled ''The Medicare Incentive Payment Program Improvement Act of 2002'' is designed to improve the flow of needed bonus payments to physicians serving Medicare patients in health professions shortage areas, HPSA.

In my own State the flight of physicians from underserved areas has affected both primary care and specialty services alike. In many areas the shortages of specialists exceeds that of primary care physicians. The New Mexico Health Policy Commission reported in its year 2000 report that 22 percent of residents in Los Alamos and Santa Fe were unable to receive needed specialist care.

With only 170 physicians per 100,000 people, New Mexico ranks well behind the national average with regard to primary care and specialist physicians. The physician shortage problem is further compounded by the disproportionate decline in physicians from rural and underserved areas.

New Mexico, like many States, has a growing proportion of its rural population becoming older and sicker. According to the latest census, over 20 million of our citizens live in physician shortage areas.

Lack of adequate reimbursement, in the face of increasing costs, is a critical factor leading to the shortage of physician services in HPSAs. Physicians flee rural and shortage areas for many reasons including inadequate reimbursement, family hardships and quality-of-life issues. Although it is beyond our scope to address all these issues, we can fix the reimbursement component.

The Medicare Incentive Payment Program, MIPP, created by the Omnibus Budget Reconciliation Act of 1987, was meant to assist physicians in defraying the higher costs and burdens of serving Medicare patients in shortage areas. These 10 percent ''bonuses'' are an essential component in our ongoing effort to ensure Medicare beneficiaries access to medical services.

Unfortunately the Medicare Incentive Payment Program has fared poorly, with few providers choosing to receive the payments. In fact, the total annual physician payments have never exceeded $100 million because of a series of disincentives in the legislation.

The program requires a provider to do a number of things to obtain the bonus payments. First, providers must be aware that NIPP payments are available to them. Many providers are unaware of the program's existence. Next, physicians must find out if the patient's medical care occurred in a shortage area. Following this a unique code must be attached to the Medicare claim, which is then forwarded to the carrier. Finally, after all these steps, providers are subjected to automatic Medicare audits, just for accepting these payments.

Providers committed to serving Medicare patients in underserved areas deserve the support assured by the original legislation's intent.

The Medicare Incentive Payment Improvement Act of 2002 addresses and improves shortcomings in the original legislation by: placing the burden for determining the bonus eligibility on the Medicare carrier; eliminating automatic provider audits; directing the Center for Medicare and Medicaid Services to establish a Medicare incentive payment program educational program for providers; establishing an ongoing analysis of the programs' ability to improve Medicare beneficiaries access to physician services; continue to provide the original 10 percent add-on bonus for Part B physician payments in health provider shortage areas.

Medicare carriers are the logical arbiters to determine whether physician services occurred in a shortage area. Physicians, already overworked, lack sufficient time, resources, and training to research and determine whether a service was provided in a HPSA. By placing the responsibility on carriers, with their sophisticated information systems, the physician's administrative burdens will be reduced.

The automatic audits triggered by this program, costly, time intensive, and unwarranted, will be lifted under our legislation. By placing the responsibility on carriers to determine payment eligibility the need for provider audits is eliminated.

While the MIPP program is intended to improve beneficiaries' access to physician services, there is no measure of the program's effect on physician availability. The legislation offered today directs CMS, to perform, as ongoing analysis, whether these payments actually do improve beneficiaries access to physician services.

I believe these improvements, in addition to others listed above, will greatly improve patient's access to care.

The following organizations have expressed their support for this legislation: American College of Physicians/American Society of Internal Medicine, the American Academy of Family Physicians and the American Geriatrics Society.

Mr. President, I ask unanimous consent that a fact sheet, letters of support, and the text of the bill be printed in the RECORD.

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

S. 2529

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 ''Medicare Incentive Payment Program Improvement Act of 2002''.

SEC. 2. PROCEDURES FOR SECRETARY, AND NOT PHYSICIANS, TO DETERMINE WHEN BONUS PAYMENTS UNDER MEDICARE INCENTIVE PAYMENT PROGRAM SHOULD BE MADE.

Section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)) is amended—

(1) by inserting ''(1)'' after ''(m)''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary shall establish procedures under which the Secretary, and not the physician furnishing the service, is responsible for determining when a payment is required to be made under paragraph (1).''.

SEC. 3. EDUCATIONAL PROGRAM REGARDING THE MEDICARE INCENTIVE PAYMENT PROGRAM.

The Secretary of Health and Human Services shall establish and implement an ongoing educational program to provide education to physicians under the medicare program on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)).

SEC. 4. ONGOING STUDY AND ANNUAL REPORT ON THE MEDICARE INCENTIVE PAYMENT PROGRAM.

(a) ONGOING STUDY.—The Secretary of Health and Human Services shall conduct an ongoing study on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)). Such study shall focus on whether such program increases the access of medicare beneficiaries who reside in an area that is designated (under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A))) as a health professional shortage area to physicians' services under the medicare program.

(b) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

THE MEDICARE INCENTIVE PAYMENT PROGRAM IMPROVEMENT ACT OF 2002—FACT SHEET

The proposed legislation by Sen. Jeff Bingaman (D–NM) will improve the flow of needed bonus payments to physicians serving Medicare beneficiaries in Health Professions Shortage Areas (HPSA's). These providers care for patients under difficult circumstances without the financial or infrastructure resources of their colleagues practicing in non-shortage areas.

The Act streamlines the flow of a 10% bonus payment for all part-B physicians services provided in geographic HPSA's. In addition, the legislation further improves the existing Medicare Incentive Payment Program by reducing the administrative burden to providers and providing an educational program.

The Medicare Incentive Payment Program was initially created and later modified under the Omnibus Budget Reconciliation Acts of 1987 and 1989. The program has fared poorly with little uptake by providers. Total payments fell following the 1997 Balanced Budget Amendment with total payments of $100 million in 1996 and $90 million in 1997.

The present program requires a provider to have knowledge of and perform a number of items in order to obtain the payment.

Have knowledge the program exists. Many providers are unaware of the bonuses.

Determine if the patient encounter took place in a geographic HPSA.

Attach the proper modifier to the claim.

Undergo a stringent audit process by the intermediary. This risk alone deters many providers from participation.

The MIP program although sound in concept has proven difficult to execute. In order for the programs initial goals to be fully realized it must be utilized, i.e., payment to providers serving Medicare beneficiary's in geographic HPSA's

The Medicare Incentive Program Improvment Act of 2002 will:

Continue to provide the 10% add on bonus to all Part-B payments in Geographic HPSA's.

Place the responsibility for determining bonus eligibility on the Medicare carrier.

Eliminate the audit burden.

Call for the Center for Medicare and Medicaid Services to establish a MIP Educational Program for providers.

Establish an ongoing analysis of the programs ability to improve Medicare's patient's access to physician services.

ACP-ASIM,
April 17, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the American College of Physicians-American Society of Internal Medicine (ACP-ASIM), we wish to extend our support for your draft Medicare Incentive Payment (MIP) Program legislation. ACP-ASIM—represents 115,000 physicians and medical students—is the largest medical specialty society and second largest physician organization in the United States. Internists provide care to more Medicare patients than any other physician specialty.

The MIP Program provides a 10 percent bonus payment to physicians serving Medicare patients in geographic Health Professions Shortage Areas (HPSA). We support provisions in your proposal that seeks to improve the existing MIP Program by placing the burden for determining the bonus eligibility on the Medicare carrier, and not the individual physician. In addition, we support provisions in the proposal that require the Center for Medicare and Medicaid Services (CMS) to establish a MIP educational program for providers, and also establish initiatives that provide an analysis of the programs ability to improve Medicare beneficiary's access to physician services. We hope these initiatives will provide needed incentives to recruit and retain physicians into shortage areas.

While we support the draft MIP legislation, we are concerned that unless Congress fixes the overall physician payment update formula within the Medicare program, a 10 percent bonus of a declining payment will not solve the problem of physicians providing services to patients in HPSA. Therefore, we hope you will continue to be supportive of a legislative solution to replace the seriously flawed formula in current law for updating the Medicare physician fee schedule, and base annual updates on changes in physicians' input prices as has been recommended by the Medicare Payment Advisory Commission in its March 1 Report to Congress. If left in place, the current update methodology, tied to the performance of the overall economy, will lower Medicare payments for physician services by 28.1 percent in real terms by 2005.

Thank you again, Senator Bingaman for your continued leadership to the present and future viability of the Medicare program.

Sincerely,

SARA E. WALKER,
President.

THE AMERICAN GERIATRICS SOCIETY,
May 16, 2002.

The Hon. JEFF BINGAMAN,
United States Senate, Washington, DC.

DEAR SENATOR BINGAMAN: The American Geriatrics Society (AGS), an organization of over 6,000 geriatricians and other health care professionals who are specially trained in the management of care for frail, chronically ill older patients, extends our support for your draft Medicare Incentive Payment (MIP) Program legislation.

The MIP Program provides a 10 percent bonus payment to physicians serving Medicare patients in Geographic Health Professions Shortage Areas (HPSA). We support provisions in your proposal that seek to improve the existing MIP by placing the burden for determining the bonus eligibility on the Medicare carrier, and not the individual physician. Finally, we support provision that would improve our ability to provide Medicare beneficiary access to physician services under the MIP Program.

We look forward to working with you on this and other important Medicare initiatives during this Congress. If you should have comments or questions on this letter, please contact Susan Emmer in our Washington office at 301–320–3873.

Sincerely,

KENNETH BRUMMEL-SMITH, MD,
President.

AMERICAN ACADEMY OF FAMILY PHYSICIANS,
May 16, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The American Academy of Family Physicians and its 93,500 members nationwide commend you for introducing the ''Medicare Incentive Payment Program Improvement Act of 2002.'' This bill would make any physician practicing in a Health Professional Shortage Area (HPSA) eligible for a ten-percent bonus. The bill would also charge the Secretary of Health and Human Services to conduct an ongoing program to provide education to physicians on the Medicare Incentive Payment (MIP) program. The Secretary would also be directed to conduct an ongoing study of the MIP program, which shall focus on whether such a program increases the access to physicians' services for those Medicare beneficiaries who reside in a HPSA.

Created in 1989, the MIP program provides bonus payments to physicians who practice in HPSAs in an effort to entice more physicians to those areas. According to a Medicare Payment Advisory Commission (MedPAC) report dated June 2001, a recent decline in the bonus payments to physicians has caused concern that several aspects of the program design are compromising its effectivess.

For example, currently the MIP ten-percent bonus is paid to physicians practicing in HPSAs only upon submission of the claim form with a special coding modifier attached to each service identified. Since the bonus payment is predicated upon the use of this special coding modifier, and since, due to the inherent instability of the HPSA designation, physicians cannot always be certain if they are practicing in a shortage area, the use of the MIP has been less than expected.

In 1996, 75 percent of participating rural physicians, or about 18,700 doctors, received less than $1,520 each in bonus payments for the year. In addition to the complexities described above, the low level of payments may be attributable to carriers being required to review claims of physicians who receive the largest bonus payments. A 1999 study by the Health Care Financing Administration (HCFA) suggested this policy may discourage physicians from applying for the MIP program. More importantly, a 1999 General Accounting Office (GAO) report suggested the ten-percent bonus payments may be insufficient to have a significant influence on recruitment or retention of primary care physicians.

The American Academy of Family Physicians urges Congress to pass the ''Medicare Incentive Payment Program Improvement Act of 2002,'' which would make any physician practicing in a HPSA automatically eligible for the ten-percent bonus without having to engage in any special billing or coding processes or submitting to a higher level of claims review. Such action will ensure that rural Medicare patients can continue to receive the care they depend on and deserve. Please let us know how we can assist in the effort to gain support for this important legislation.

Sincerely,

RICHARD G. ROBERTS,
Board Chair.

Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the Medicare Incentive Payment Program Improvement Act of 2002 with my distinguished colleague Senator BINGAMAN. This legislation makes important improvements to the current Medicare Incentive Payment, MIP Program. These refinements will go a long way in ensuring eligible rural physicians receive the Medicare bonus payment to which they are entitled.

The Medicare Incentive Payment Program was created in 1987 under the Omnibus Budget Reconciliation Act to serve as an incentive tool to recruit physicians to practice in Health Professional Shortage Areas, HPSAs, by providing a 10-percent Medicare bonus payment. There are approximately 2,800 federally designated HPSAs—75 percent of which are located in rural areas. In my State of Wyoming, over half of the counties are designated as a health professional shortage area and have a difficult time recruiting physicians.

Unfortunately, this well-intended program has not worked well due to the burden it places on providers. Under the current MIP programmatic structure, physicians are required to determine if the patient encounter occurred in a designated underserved areas, they must attach a code modifier to the billing claim and must undergo a stringent audit. Additionally, there is evidence that many physicians who would be eligible are not even aware of the program.

Therefore, the legislation we are introducing today alleviates the administrative burden on rural physicians by requiring Medicare carriers to determine eligibility. The Medicare Incentive Payment Program Improvement Act of 2002 also requires the Centers for Medicare and Medicaid Services to establish a MIP education program for providers and establishes ongoing analysis of the MIP Program's ability to improve access to physician services for Medicare beneficiaries.

All physicians are currently struggling with the recent Medicare payment reduction of 5.4 percent in addition to the ever-increasing regulatory burden of participating in the Medicare Program. As rural providers tend to be disproportionately impacted by Medicare payment cuts, it has never been more important to ensure that the few rural physician incentive programs that exist have a positive effect on the stability of our rural health care delivery system. I strongly urge all my Senate colleagues interested in rural health to cosponsor the Medicare Incentive Payment Program Improvement Act of 2002.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 271—EXPRESSING THE SENSE OF THE SENATE REGARDING THE EFFECTIVENESS OF THE AMBER PLAN IN RESPONDING TO CHILD ABDUCTIONS

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 271

Whereas communities should implement an emergency alert plan such as the AMBER (America's Missing: Broadcast Emergency Response) Plan to expedite the recovery of abducted children;

Whereas the AMBER Plan, a partnership between law enforcement agencies and media officials, assists law enforcement, parents, and local communities to respond immediately to the most serious child abduction cases;

Whereas just as in a storm emergency, when warnings are broadcast locally, under AMBER, radio and television stations, as a public service, interrupt programming with a critical message from law enforcement regarding the description of a missing child;

Whereas the AMBER Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas;

Whereas in response to community concern, the Association of Radio Managers with the assistance of area law enforcement in Arlington, Texas, created the AMBER Plan;

Whereas statistics from the Department of Justice show that 74 percent of kidnapped children who are later found murdered are killed within the first 3 hours of their abduction;

Whereas since the first few hours during which a child is missing are critical, the AMBER plan helps the community respond quickly;

Whereas since the first AMBER alert in 1997, AMBER plans have helped to recover 16 children throughout the country;

Whereas the National Center for Missing and Exploited Children endorses the AMBER Plan and is promoting the use of such emergency alert plans nationwide;

Whereas the AMBER Plan is responsible for reuniting children with their searching parents: Now, therefore, be it

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

(1) the AMBER Plan is a powerful tool in fighting child abductions; and

(2) the AMBER Plan should be used in communities across the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3428. Mr. DODD (for himself and Mr. LIEBERMAN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

SA 3429. Mr. KYL (for himself, Mr. GRAMM, and Mr. NICKLES) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3430. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3431. Mrs. BOXER (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3432. Mrs. BOXER (for herself, Ms. MIKULSKI, Mr. DURBIN, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3433. Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DURBIN, Mr. DEWINE, Ms. STABENOW, Mr. VOINOVICH, and Mr. SPECTER) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3434. Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, Ms. MIKULSKI, Mr. DURBIN, Mr. DEWINE, Mr. VOINOVICH, and Ms. STABENOW) proposed an amendment to amendment SA 3433 proposed by Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DURBIN, Mr. DEWINE, Ms. STABENOW, Mr. VOINOVICH, and Mr. SPECTER) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3435. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3436. Mr. GRAHAM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3437. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3438. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3428. Mr. DODD (for himself and Mr. LIEBERMAN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act,