BENNETT) were added as cosponsors of amendment No. 2533.

AMENDMENT NO. 2821

At the request of Mr. DURBIN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. CORZINE), the Senator from Maine (Ms. COLLINS), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 2821.

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 2821 supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1914. A bill to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today I am pleased to introduce the Motor Carrier Fuel Cost Equity Act, which is much-needed legislation. My bill is designed to improve the ability of independent truck drivers to recoup losses from high fuel costs by requiring that motor carriers charge a fuel surcharge when the price of diesel fuel rises above $1.15 and pass-through this surcharge to the payer of the fuel costs. My bill will level the playing field for small operators, which comprise nearly 80 percent of the motor carrier industry, without any cost or regulatory requirement for the Federal Government.

There are approximately 350,000 independent truck drivers, known as owner-operators, who haul freight either on a per-load contractual basis or by leasing their truck and driving services to a motor carrier, freight forwarder or other shipping broker. Owner-operators essentially are independent contractors. Sometimes they provide their services directly to a shipper, but more often owner-operators contract out their services to a motor carrier company which negotiates its own contract with a shipper and then pays the owner-operator to provide the transport service.

Fuel surcharges are a long-established method of permitting motor carriers, airlines and even taxis to recover high fuel costs. But because of intense competition in the industry, owner-operators have little ability to negotiate terms of transport with a motor carrier, and in virtually no circumstance are they able to pass along the increased costs of fuel to the shipper. The inability of independent truck drivers to pass along the higher fuel costs of the last two years has resulted in the bankruptcy of 7,000 trucking companies, nearly all small businesses, and the repossession of nearly 200,000 trucks.

I'd like to make clear a couple of additional points about the legislation: First, the bill would not affect less-than-truckload carriers, such as package delivery services. Many of these services are already imposing surcharges and they don't face the same unique situation that confronts the independent trucker. Second, my bill allows the parties to set their own surcharge formulas, but the surcharge must be sufficient to fully compensate the person who pays for the fuel. That's only fair, but it allows the motor carriers and truckers the greatest degree of flexibility in negotiating the terms of transport.

While national diesel fuel costs have recently fallen below the $1.15 threshold, we know well that fuel costs can increase suddenly. America's independent truckers, which form the backbone of truck transportation in this country, deserve the ability to protect themselves during these periods of high diesel fuel prices.

I am proud to be joined by Senator BOND in introducing this bill today. I am also pleased that Congressman RAHALL has introduced similar legislation on the House side. He has worked hard on this bill for several years now, and I look forward to working closely with him as we move forward on this legislation.

By Mrs. LINCOLN:

S. 1915. A bill to amend the Internal Revenue Code of 1986 to treat natural gas distribution lines as 10-year property for depreciation purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1915

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

SECTION 1. NATURAL GAS DISTRIBUTION LINES TREATED AS 10-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (D) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and by inserting '', and'', and by adding at the end the following new clause:

''(iii) any natural gas distribution line.''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subparagraph (D)(ii) the following:

''(D)(iii) ..... 20''.

(c) ALTERNATIVE MINIMUM TAX EXCEPTION.—Subparagraph (B) of section 56(a)(1) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: ''or in clause (iii) of section 168(e)(3)(D)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, Mr. REID, Mr. INHOFE, Mr. BAUCUS, Mr. WARNER, Mr. GRAHAM, Mr. BOND, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. CRAPO, Mrs. BOXER, Mr. CHAFEE, Mr. SPECTER, Mr. WYDEN, Mr. CARPER, Mr. CAMPBELL, Mrs. CLINTON, and Mr. CORZINE):

S. 1917. A bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Highway Funding Restoration Act as cosponsored by Senators SMITH of New Hampshire, REID, INHOFE, BAUCUS, WARNER, BOXER, CAMPBELL, CARPER, CRAPO, CLINTON, SPECTER, LIEBERMAN, VOINOVICH, GRAHAM of Florida, WYDEN, CORZINE, BOND, and CHAFEE, be printed in the RECORD. The bill provides for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

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

S. 1917

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 ''Highway Funding Restoration Act''.

SEC. 2. FEDERAL-AID HIGHWAY PROGRAM OBLIGATION CEILING.

Section 1102 of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 115, 113 Stat. 1753) is amended by adding at the end the following:

''(k) RESTORATION OF OBLIGATION LIMITATION FOR FISCAL YEAR 2003.—Notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs for fiscal year 2003—

''(1) shall be not less than $27,746,000,000; and

''(2) shall be distributed in accordance with this section.''.

By Ms. COLLINS (for herself, Mr. FRIST, Mr. LIEBERMAN, Mr. DEWINE, Mr. ROBERTS, Mr. SESSIONS, Mr. CARPER, and Mr. BREAUX):

S. 1918. A bill to expand the teacher loan forgiveness programs under the guaranteed and direct student loan programs for higher qualified teachers of mathematics, science, and special education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today with my colleagues, Senators FRIST, LIEBERMAN, DEWINE, ROBERTS, and SESSIONS to introduce the Math, Science, and Special Education Teacher Recruitment Act of 2002. I particularly want to thank the Senator from Tennessee for his tireless efforts and his leadership on this issue. The legislation we have before us today is, in large part, a product of his commitment to affordable education. I would also like to thank the Senator from Connecticut for his assistance and his dedication to solving America's teacher shortage.

The legislation we are introducing is designed to recruit teachers with an expertise in math, science, or special education to work in schools with high concentrations of low-income students by offering substantial assistance with their student loan payments.

All across our Nation, public schools are struggling to fill teaching positions with qualified teachers. In the 2001–2002 school year, administrators had to hire an estimated 200,000 new teachers just to maintain the current teacher/student radio. Although universities continue to produce a greater number of teachers each year, the profession is losing too many of its most qualified and experienced personnel to retirement. In Maine, for example, 30.2 percent of teachers are over the age of 50. With such a large portion of the profession nearing retirement, additional replacements will be needed in the next few years. The national teaching shortage is expected to continue throughout the next decade, making it more and more difficult for schools to find qualified instructors.

Attracting new faculty is difficult enough, but finding applicants with backgrounds in math, science, or special education can be particularly demanding. Among first year teachers, approximately 55 percent graduated from college with a bachelors in general education. Many more graduated with liberal arts degrees or majors unrelated to the curriculum they teach. The result is a system where only 38 percent of public school teachers hold subject-matter specific degrees.

In Maine, the shortage of qualified applicants is most severe with regard to math, science, special education, and foreign languages. Eighty nine percent of our high schools reported a shortage in math teachers, and 87 percent reported a shortage of science teachers. With the recent developments in technology and computing, it is becoming more important than ever that our schoolchildren enter the workforce with a firm grasp of math and science. Yet, it is more and more difficult to attract math and science specialists to the teaching profession. As for special education, the Council for Exceptional Children reports that 50,000 special education positions were unfilled or filled by teachers without a full certification.

If this teacher shortage is a burden on suburban school districts with ample resources, you can imagine the strain it puts on high poverty school systems. Problems are amplified in high-need areas: Teachers are likely to be the least experienced, often just out of school, they are less likely to hold a masters degree, and they are less likely to have majored in their field of instruction.

To help deal with this epidemic, Senator FRIST and I put together a proposal that would expand the current loan forgiveness program for math and science teachers who are willing to teach in high-poverty areas. Under the Act, teachers who commit to teach for five consecutive years in a low-income/high-need area would be eligible for $17,500 in loan forgiveness instead of the current benefit of $5,000. To meet the pressing need for special educators, the proposal would also make special educators eligible for the loan assistance for the first time. We expect this legislation will expand upon the successes of the current program and encourage a greater number of college graduates to enter the teaching profession. We are also hopeful that it will encourage more of the best qualified teachers to consider teaching in high need areas.

We are delighted that the President has included $45 million in his budget for a similar proposal. Once again, President Bush has chosen to make education a priority, and I look forward to working with my colleagues and the Administration on this important piece of legislation.

Mr. FRIST. Mr. President, I rise to speak about a bill being introduced today by Senator COLLINS, a bill that would expand loan forgiveness for math, science and special education teachers. I am proud to be a cosponsor of this legislation.

At this time, I would like to share with you some startling statistics regarding the status of teaching skills in our country. More than 1 in 4 high school math teachers and nearly 1 in 5 high school science teachers lack even a minor in their main teaching field. About 56 percent of high school students taking physical science are taught by out-of-field teachers, as are 27 percent of those taking math. And these percentages are much greater among high-poverty areas. Among schools with the highest minority enrollments, for example, students have less than a 50 percent chance of getting a science or math teacher who hold both a license and a degree in the field being taught. One survey taken among 40 large urban schools, for instance, showed that more than 90 percent of them had an immediate need for a certified math or science teacher.

This shortage of strong math and science teachers is having a direct effect on the performance of our students. The most recent NAEP science section results showed that the performance of fourth- and eighth-grade students remained about the same since 1996, but scores for high school seniors changed significantly: up six points for private school students and down four for public school students, for a net national decline of three points. Moreover, a whopping 82 percent of twelfth-grade students are not proficient in science and the achievement gaps among eighth-graders are appalling: Only 41 percent of white, 7 percent of African-American and 12 percent of Hispanic students are proficient.

The disappointing overall results for seniors on the science section of the NAEP prompted Education Secretary Rod Paige to call the decline ''morally significant.'' He warned, ''If our graduates know less about science than their predecessors four years ago, then our hopes for a strong 21st century workforce are dimming just when we need them most.'' I couldn't agree with the Secretary more.

An enormous improvement in mathematics and science education at the K–12 level is necessary if today's students want good jobs and the United States wants to stay competitive in the world economy. With globalization, that means that the good jobs will go to the people who can do them best. If those people are not in the United States, then those jobs will also not be in the United States. At present, the law allows 195,000 immigrants to enter the United States on H–1B visas each year in order to take jobs that cannot be filled by workers in the United States.

We have to do more to make sure that our students are learning math and science skills. And to do so, we must improve the quality of our Nation's math and science teachers. These sentiments are echoed by the National Research Council in its 2001 ''Educating Teachers of Science, Mathematics, and Technology'' report. The Council notes: If the Nation is to make the continuous improvements needed in teaching, we need to make a science out of teacher education—using evidence and analysis to build an effective system of teacher preparation and professional development.

President Bush has taken note of the startling statistics I shared with you today, and that is why he has provided $45 million in his budget to expand loan forgiveness for math and science teachers from $5,000 to $17,500 for those teachers who commit to teach for 5 consecutive years in high-need schools. The President also provided this expansion of loan forgiveness for special education teachers in his proposal.

I wrote like to praise Senator COLLINS for following his lead and introducing a bill to provide the authorizing language to make his proposal become a reality. I am very proud to be an original cosponsor of the bill. The bill would provide that $17,500 of loans would be forgiven for those that have math, science, engineering and special education majors or graduate degrees, have been certified to teach in their states, and agree to teach in a school with a 50 percent or higher rate of poverty. The bill is very simple, but it could make a tremendous difference for many of our young students' lives.

I have had the benefit of an amazing education in my lifetime and also have had the wonderful opportunity of being inspired by tremendously talented and dedicated teachers. I want to make sure that all children have that same opportunity: to be inspired by smart, gifted and devoted teachers who actually know and understand math and science. These teachers make a difference. They can lead a child to like math, to like science, or they can

cause a child to forever stray from the life sciences and run toward the liberal arts.

Our society needs more engineers, more technicians, more doctors and more scientists. We as a society should do all we can to encourage kids to enter these professions. That means we have to start early and make sure that those individuals who have the ability to shape their knowledge actually encourage them to become future scientists, not dissuade them from ever considering it. And, having spoken with so many teachers, school board members and educators who must grapple with the demands of the special education students, no one can underestimate the need to encourage more of our best and brightest to teach special need children.

I hope others join Senator COLLINS and me in this effort to make a difference in a young child's future. Please cosponsor this initiative and help us to pass this important legislation.

By Mr. WELLSTONE:

S. 1919. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for improved disclosure, diversification, account access, and accountability under individual account plans; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, I rise today to introduce an extremely important bill, the Retirement Security Protection Act of 2002. I urge my colleagues to join me in pressing for its swift consideration.

As the Enron debacle continues to unfold, it exposes serious gaps in the framework of protections to shield Americans from corporate excess and irresponsibility. Perhaps nowhere is our vulnerability more apparent than in the area of retirement security.

As thousands of Enron employees saw much of their life savings vanish, the company's top executives walked off with fortunes for retirement locked in. Enron spent over $1 million to insure that Ken Lay would receive $440,000 in annual retirement income while simultaneously encouraging employees to risk their own retirement security by loading up on excessive amounts of soon-to-be worthless stock.

Unfortunately, some of the Enron circumstances are by no means unique. Similar disparities between rank-and-file employee and executive retirement security have become increasingly common in corporate America. Similarly disastrous outcomes for employees' retirement security have occurred at other companies, such as Lucent and Polaroid.

We must take steps now to address these fundamental inequities.

Nearly eight decades ago, the Federal Government established a compact with all Americans to provide a basic level of security in their retirement years. Social security became and still is the essential cornerstone of the American promise of retirement security. We must do everything in our power to protect the dignity of social security for older Americans.

In the 1970s, we recognized the need to protect what was then becoming a second lynchpin of retirement security: employer-provided pension plans, or so-called ''defined benefit'' plans. In ERISA, the Employee Retirement Income Security Act, we took steps to protect the security of such plans. We created a system for insuring them against loss, and we put into place portfolio diversification rules to help assure their solvency. No more than 10 percent of assets in a defined benefit plan, that is, in a traditional pension plan, may be held in the employer's company stock.

The Federal Government has not thus far taken steps to provide similar protections with respect to other retirement savings accounts, for example, 401(k) plans. This is because, until relatively recently, such plans were much fewer in number, and they had largely been viewed as a supplement to workers' social security and defined benefit plans.

The world of retirement security has changed, however, and it is still changing. Now, traditional defined benefit, or pension, plans have essentially given way to defined contribution plans, such as 401(k)s, as the primary retirement security vehicle after social security. These new plans have been popular with mobile younger workers, and a boon to employers who have enjoyed substantial cash and administrative savings by switching out of their traditional pension plans and into these new ones.

In 1984, there were 30 million defined benefit participants and 7.5 million participants in 401(k) plans. By 2001, this relationship was reversed, with just 20 million defined benefit participants and an estimated 42 million 401(k) participants. In a 1998 survey, 57 percent of U.S. households said that the only pension plan available to them was a 401(k) plan. That percentage undoubtedly has increased since then.

Meanwhile, measures to ensure the integrity of these 401(k) plans have not kept pace with their proliferation and importance. Such plans clearly carry considerable risks for the retirement security of millions of Americans, as the Enron and other situations have demonstrated. Unfortunately, the potential for additional disasters remains high. Recent reports indicate some 20 major corporations at which the 401(k) plan is more than 60 percent invested in company stock.

When the 401(k) portfolios of employees are overinvested in their company's stock and that company's stock crashes, the individual losses suffered by workers and retirees who see their entire retirement savings obliterated are only a piece of the story. The human and capital costs to society of such failures are multiplied many times over. Family members who themselves may be struggling will find that they are forced to pitch in to help their loved ones. Retirees will be forced to spend many additional years in the workplace to recover even a portion of what they lost. Individuals without family or savings to see them through will turn to government for support.

It's important to remember that these retirement plans come with a heavy price tag for taxpayers. Under current law, pension plans that meet certain standards net considerable tax advantages for both the companies that sponsor them and the individuals who participate in them. These provisions cost the government an estimated $100 billion per year in foregone revenue. In my view, that is money well invested. But we do our best to ensure that we are reaching our actual policy goal.

The primary policy rationale for tax favored treatment of these plans today is that they promote retirement security for millions of Americans. There is hardly a more important policy goal. But while traditional pension plans are carefully regulated to manage the level of risk involved while promoting that goal, 401(k) and similar plans currently offer no such protections. Our support for 401(k)s is not matched by adequate disclosure, portfolio diversification and accountability measures. The huge risks of individual overexposure to company stock have been demonstrated in no uncertain terms, yet the danger continues with no appropriate government response, despite the major public investment.

That is the reason that I am introducing the Retirement Security Protection Act of 2002. The legislation is designed to maximize the flexibility and benefits that retirement savings plans provide for both employers and employees, while minimizing the risk of future Enrons.

First, my proposal seeks to improve the flow of information between plan sponsors and participants, particularly for those plans with significant employer stock holdings.

Second, I am proposing that employers take steps to safeguard their employees' retirement by providing them and the government with an estimate of the extent to which their retirement is dependent on employer stock and property. Employers will be required to reduce that level of dependency across all retirement plans to 20 percent by the year 2008. Companies that sufficiently limit the amount of employer stock in their plans as a whole are deemed to meet the 20 percent standard.

While my plan uses the same, 20-percent diversification target as other proposals, it also encourages and rewards employers who sponsor traditional pension plans by allowing them to maintain higher levels of company stock in their defined contribution 401(k) plans. It also seeks to spur innovation by permitting employers to obtain a waiver from the Department of

Labor for alternative approaches that manage the risk associated with defined contribution plans.

Finally, I propose broadening the liability for plan losses resulting from illegal behavior and improving the remedies available to those who have been hurt by such behavior.

Our compact with American working families is meant to assure them the kind of security in their retirement years they have worked so hard to achieve. I urge my colleagues to join me in this urgent quest.

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

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

RETIREMENT SECURITY PROTECTION ACT OF 2002

The Retirement Security Protection Act of 2002 protects employees' retirement security with respect to their 401(k) retirement plans through (1) improved disclosure requirements, (2) new rules to promote plan diversification, and (3) tougher accountability rules.

FULL AND ACCURATE DISCLOSURE

1. Annual plan statements: Defined contribution plans would be required to provide annual statements highlighting the percentage of assets in company stock and any restrictions on the sale of that stock and that stress the importance of account diversification for long-term retirement security.

2. Duty to provide full and accurate information: Plan sponsors and administrators have explicit duty to provide all material investment information to plan participants and beneficiaries.

3. Fines for false disclosures: Secretary of Labor can fine employers and/or plan administrators up to $1,000 per day for making misleading statements or omitting material information about the value of employer stock or other investment options.

IMPROVED DIVERSIFICATION AND ACCOUNT ACCESS RIGHTS

1. Employer responsibility for portfolio diversification or alternative arrangements for risk management: By December 31, 2007, employers are responsible for achieving diversification across employees' entire tax qualified retirement portfolios (i.e. defined benefit and defined contribution plans) so that no more than 20% of the employee's total benefits are dependent on company stock. This allows employers sponsoring defined benefit plans to maintain higher levels of company stock in defined contribution plans. Employers will have maximum flexibility in how such diversification is achieved AND the opportunity to obtain a waiver from the Department of Labor for alternative approaches that manage the risk associated with defined contribution plans. Companies that sufficiently limit the amount of employer stock in their plans as a whole are deemed to meet the 20% standard. ESOPs of privately held companies and ESOPs that own more than 50% of the employer are exempt and the Department of Labor is directed to recommend special rules for pure, employer-funded ESOPs.

2. Ban on employer restraints: Overturns existing rules permitting employers to require employees to invest up to 10% of employee contributions in employer stock.

3. Faster diversification rights: For publicly-traded companies, permits any participant who has been with company for more than 1 year—regardless of vesting status—to transfer employer stock contributions to other funds. (Maintains the current 10-years participation requirement for employer contributions to ESOPs). The Department of Labor is directed to make recommendations on the application of diversification rights to non-publicly traded company stock within retirement plans.

4. Lockdown protections for plans with company stock: Requires 30 days advance written notice of plan ''lockdowns'', limits such events to 10 business days, and directs the Secretary of Labor to prescribe regulations to provide for exemptions in case of genuine emergency. Company executives cannot sell company stock during a lockdown period. Plan fiduciaries are liable for violations of their fiduciary duty that result in plan or participant losses during a lockdown.

STRONGER ACCOUNTABILITY

1. Expanded remedies: Expands the liability for breach of fiduciary duty to knowing participants in the breach (e.g Arthur Andersen in the Enron case) and stipulates that both the plan and the individual participants have the right to be made whole in court, including receipt of compensatory damages.

2. Fiduciary insurance: Requires all defined contribution fiduciaries to maintain sufficient insurance or bonding to cover financial losses resulting from breach of fiduciary duty.

3. Employee oversight: Requires employers that offer defined contribution pension plans to appoint an equal number of employer and employee trustees to oversee such plans.

4. No employer coercion. Makes it illegal for employers to require employees to waive their statutory pensions rights as part of any employment-related agreement (such as a termination or severance package).

5. Auditor independence: Bars company auditors from also auditing the pension plans.

6. Whistleblower protections. Expands legal protections for pension plan whistleblowers by extending existing protections to persons other than participants or beneficiaries, increasing the burden of proof on employers to explain their actions, and expanding relief available for violations of whistleblower protections.

7. Insurance feasibility study: Directs the PBGC to study and report to Congress on insurance options for defined contribution plans.

8. Labor Department assistance: The Department of Labor shall establish an office of the Participant Advocate to monitor potential abuses of employee pension plan rights and assist plan participants in preventing and resolving abuses.

By Mr. NELSON of Florida:

S. 1920. A bill to require that the Attorney General conduct a study regarding the ability of the Federal Bureau of Investigation to prevent and combat international crimes involving children, and for other purposes; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, today I introduced the International Child Safety Improvement Act of 2002. This legislation is intended to improve the Federal Bureau of Investigation's ability to prevent and combat international crimes involving children.

The number of people who use the Internet to meet children and commit criminal acts, including illegal sexual acts, is on the rise. Some of these cases occur in other countries, but involve American kids.

Just over a year ago, a 15-year-old girl from Mulberry, FL disappeared only to be found in Greece living with an alleged German sex offender. The 35-year-old German man had met this young girl through the Internet and enticed her to run away from home. Law enforcement authorities were able to eventually track her down and return her to her distraught parents. The process of finding the girl exposed flaws in the FBI's ability to prevent and combat these crimes when they occur in foreign jurisdictions.

My legislation would require the Attorney General, in cooperation with the Secretary of State, to evaluate the way in which the FBI investigates international crimes involving children. The Attorney General would be required to report back to the Congress with recommendations for improving the FBI's practices and procedures for investigating international crimes involving children. The bill also directs the FBI to coordinate and share information with the International Criminal Police Organization, the world's preeminent organization whose mission is preventing or detecting international crime, whenever such an investigation starts.

I would urge my colleagues to review and pass this legislation as soon as possible. Action must be taken to improve the way in which these crimes are investigated. Our kids need better protection from predators and we need to act quickly to ensure that the FBI has the procedures in place and the resources it needs to fight these crimes effectively.

By Mrs. HUTCHISON (for herself, Mr. LOTT, and Mr. CRAIG):

S. 1921. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide greater protection of workers' retirement plans, to prohibit certain activities by persons providing auditing services to issuers of public securities, and for other purposes; to the Committee on Finance.

Mr. CRAIG. Mr. President, I rise in support of the Pension Plan Protection Act, being introduced today by the Senator from Texas, Mrs. HUTCHISON, and others. I am pleased to be an original cosponsor of this important bill and commend the Senator for her leadership on this issue.

This bill will help employees and protect their families and their retirement nest eggs. It will require employers to take reasonable responsibility toward employees in administering plans, increase transparency, improve information and disclosure, increase employee choice and control, treat management the same as the rank-and-file during blackout periods, and help prevent auditor conflicts of interest.

This is a bill that can and should become law quickly. It includes most of the reforms recommended by the President and representing the export judgment of a Cabinet-level, interagency

task force. It also includes additional improvements. These protections will be strong, but measured. Unlike some other ideas being floated today, these reforms are not arbitrary. They are fair and uniform, but not one-size-fits-all. They keep the focus where it belongs, on protecting, empowering, and informing workers.

I realize that other legislation may still be forthcoming, regarding accounting practices, securities management, or other issues. But that should not delay us from acting now on reforms that we all know are needed. Workers should not be left vulnerable for one unnecessary day while the Congress holds endless hearings in search of a ''perfect'' package.

I urge my colleagues to act promptly and pass this pro-worker bill.

By Mr. HUTCHINSON (for himself, Ms. MIKULSKI, and Mr. ENZI):

S. 1922. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls; to the Committee on Health, Education, Labor, and Pensions.

Mr. HUTCHINSON. Mr. President, today, I am pleased to introduce the Elder Fall Prevention Act of 2002, along with my colleagues Senator MIKULSKI and Senator ENZI.

Many people do not realize that over 60 percent of fall-related deaths in our country occur among persons 75 or older. Fall victims, especially the elderly, are prone to sustain hip fractures which can be devastating to their health—in fact, 25 percent of individuals who sustain hip fractures die within one year from the time the injury occurred.

In Arkansas, falls are the second leading cause of deaths from unintentional injuries. Based on data collected by the Centers for Disease Control, 91 Arkansans died because of a fall-related injury in 1998 alone.

Not only is this a serious public health issue, it is also a fiscal issue, because billions of Medicare and Medicaid dollars are spent each year to treat fall victims. It is estimated that over $32 billion will be spent by the Medicare and Medicaid programs for fall related injuries in the year 2020.

The Elder Fall Prevention Act will provide needed resources for education, research and demonstration projects aimed at reducing the risk of falls, identifying vulnerable populations, and preventing repeat falls. The congressionally chartered National Safety Council, which is a leader in fall prevention efforts, will be spearheading several of these initiatives, along with the Centers for Disease Control, the Administration on Aging, the Agency for Health Research and Quality, and other qualified organizations.

Falls are preventable. I urge my colleagues to support the Elder Fall Prevention Act of 2002 in order to make seniors, family members, caregivers, and employers more safety conscious, to prevent unnecessary deaths, and to provide seniors with peace of mind and a safe environment.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1922

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 ''Elder Fall Prevention Act of 2002''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Falls are the leading cause of injury deaths among people over 65.

(2) Sixty percent of fall-related deaths occur among persons 75 and older.

(3) Twenty-five percent of elderly persons who sustain a hip fracture die within 1 year.

(4) Hospital admissions for hip fractures among the elderly have increased from 231,000 admissions in 1988 to 332,000 in 1999. The number of hip fractures is expected to exceed 500,000 by 2040.

(5) The costs to the Medicare and Medicaid programs and society as a whole from falls by elderly persons continue to climb much faster than inflation and population growth. Direct costs alone will exceed $32,000,000,000 in 2020.

(6) The Federal Government should devote additional resources to research regarding the prevention and treatment of falls in residential as well as institutional settings.

(7) A national approach to reducing elder falls, which focuses on the daily life of senior citizens in residential, institutional, and community settings is needed. The approach should include a wide range of organizations and individuals including family members, health care providers, social workers, architects, employers and others.

(8) Reducing preventable adverse events, such as elder falls, is an important aspect to the agenda to improve patient safety.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to develop effective public education strategies in a national initiative to reduce elder falls in order to educate the elders themselves, family members, employers, caregivers, and others who touch the lives of senior citizens;

(2) to expand needed services and gain information about the most effective approaches to preventing and treating elder falls; and

(3) to require the Secretary of Health and Human Services to evaluate the effect of falls on the costs of medicare and medicaid and the potential for reducing costs by expanding services covered under these two programs.

SEC. 4. PUBLIC EDUCATION.

Subject to the availability of appropriations, the Administration on Aging within the Department of Health and Human Services shall—

(1) oversee and support a three-year national education campaign to be carried out by the National Safety Council to be directed principally to elders, their families, and health care providers and focusing on ways of reducing the risk of elder falls and preventing repeat falls; and

(2) provide grants to qualified organizations and institutions for the purpose of organizing State-level coalitions of appropriate State and local agencies, safety, health, senior citizen and other organizations to design and carry out local education campaigns, focusing on ways of reducing the risk of elder falls and preventing repeat falls.

SEC. 5. RESEARCH.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Health and Human Services shall—

(1) conduct and support research to—

(A) improve the identification of elders with a high risk of falls;

(B) improve data collection and analysis to identify fall risk and protective factors;

(C) improve strategies that are proven to be effective in reducing subsequent falls by elderly fall victims;

(D) expand proven interventions to prevent elder falls;

(E) improve the diagnosis, treatment, and rehabilitation of elderly fall victims; and

(F) assess the risk of falls occurring in various settings;

(2) conduct research concerning barriers to the adoption of proven interventions with respect to the prevention of elder falls (such as medication review and vision enhancement); and

(3) evaluate the effectiveness of community programs to prevent assisted living and nursing home falls by elders.

(b) ADMINISTRATION.—In carrying out subsection (a), the Secretary of Health and Human Services shall—

(1) conduct research and surveillance activities related to the community-based and populations-based aspects of elder fall prevention through the Director of the Centers for Disease Control and Prevention;

(2) conduct research related to elder fall prevention in health care delivery settings and clinical treatment and rehabilitation of elderly fall victims through the Director of the Agency for Healthcare Research and Quality; and

(3) ensure the coordination of the activities described in paragraphs (1) and (2).

(c) GRANTS.—The Secretary of Health and Human Services shall award grants to qualified organizations and institutions to enable such organizations and institutions to provide professional education for physicians and allied health professionals in elder fall prevention.

SEC. 6. DEMONSTRATION PROJECTS.

Subject to the availability of appropriations, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Director of the Agency for Healthcare Research and Quality, shall carry out the following:

(1) Oversee and support demonstration and research projects to be carried out by the National Safety Council in the following areas:

(A) A multi-State demonstration project assessing the utility of targeted fall risk screening and referral programs.

(B) Programs targeting newly-discharged fall victims who are at a high risk for second falls, which shall include, but not be limited to modification projects for elders with multiple sensory impairments, video and web-enhanced fall prevention programs for caregivers in multifamily housing settings, and development of technology to prevent and detect falls.

(C) Private sector and public-private partnerships, involving home remodeling, home design and remodeling (in accordance with accepted building codes and standards) and nursing home and hospital patient supervision.

(2)(A) Provide grants to qualified organizations and institutions to design and carry out fall prevention programs in residential and institutional settings.

(B) Provide one or more grants to one or more qualified applicants in order to carry out a multi-State demonstration project to implement fall prevention programs targeted toward multi-family residential settings with high concentrations of elders, including identifying high risk populations, evaluating residential facilities, conducting screening to identify high risk individuals, providing pre-fall counseling, coordinating services with health care and social service providers and coordinating post-fall treatment and rehabilitation.

(C) Provide one or more grants to qualified applicants to conduct evaluations of the effectiveness of the demonstration projects in this section.

SEC. 7. REVIEW OF REIMBURSEMENT POLICIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall undertake a review of the effects of falls on the costs of the Medicare and Medicaid programs and the potential for reducing costs by expanding services covered by these two programs. This review shall include a review of the reimbursement policies of medicare and medicaid in order to determine if additional fall-related services should be covered or reimbursement guidelines should be modified.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report describing the findings of the Secretary in conducting the review under subsection (a).

SEC. 8. AUTHORIZATION OF APPROPRIATION.

In order to carry out the provisions of this Act, there are authorized to be appropriated—

(1) to carry out the national public education provisions described in section 4(1), $5,000,000 for each of fiscal years 2003 through 2005;

(2) to carry out the State public education campaign provisions of section 4(2), $8,000,000 for each of fiscal years 2003 through 2005;

(3) to carry out research projects described in section 5, $10,000,000 for each of fiscal years 2003 through 2005; and

(4) to carry out the demonstration projects described in section 6(1), $7,000,000 for each of fiscal years 2003 through 2005; and

(5) to carry out the demonstration and research projects described in section 6(2), $8,000,000 for each of fiscal years 2003 through 2005.

By Mr. LOTT (for Mr. MCCAIN):

S. 1923. A bill to provide for increased corporate average fuel economy standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today, I am introducing the ''Fuel Economy and Security Act of 2002.'' This legislation would reduce our Nation's oil consumption—and in doing so, our dependence on foreign oil, by increasing Corporate Average Fuel Economy, CAFE, standards for passenger cars and light trucks. This legislation would also expand the current CAFE credits system by allowing credit trading between automobile manufacturers, as well as other industries that emit greenhouse gases. Increasing CAFE standards, coupled with this new trading system, would strengthen our national security, while significantly reducing greenhouse gas emissions over the next decade and beyond.

The terrorist attacks waged on this country on September 11, 2001, have brought into focus the need to reduce our dependence on all foreign oil, but most importantly, oil from the Persian Gulf. Compared with the United States' daily oil production of 6 million barrels, this country imports 9 million barrels of oil per day, 2.6 million barrels of which come directly from the Persian Gulf. This bill would result in daily oil savings by 2020 that are more than what the United States currently imports from that region. The cumulative oil savings between 2007 and 2020 will be approximately 6.2 billion barrels. This savings from increased fuel economy is essential if we are to increase our energy independence and national security.

Last year, the National Academy of Sciences, NAS, issued a report that concluded that the benefits resulting from CAFE since its implementation in 1978 clearly warrant government intervention to ensure fuel economy levels beyond what may result from market forces alone. The NAS panel found that CAFE has led to marked improvements in reducing greenhouse gas emissions, fuel consumption, and dependence on foreign oil.

The debate over CAFE is complex because it requires striking a careful balance among many factors, including the environment, consumer preferences, and domestic employment. It is also important to consider the need for powerful and durable vehicles in rural America. I believe this bill would achieve a balance of many of these competing interests by providing adequate lead time to implement aggressive CAFE increases; furthering efforts to reduce greenhouse gases; and factoring in the ability of automobile manufacturers to meet annual standards based on existing technology.

This bill would increase fuel economy standards by combining the dual-fleet CAFE structure, which currently requires that manufacturers meet separate fuel economy standards for their light trucks and passenger cars. The bill requires that manufacturers' fleets average 36 miles per gallon by 2016. Combining the fleets eliminates the often-criticized ''SUV loophole'' and provides flexibility to automobile manufacturers in designing their fleets.

Reducing fuel consumption will accomplish the critical goal of reducing greenhouse gas emissions. At the recent World Economic Forum annual meeting in New York, it was reported that out of 142 nations, the U.S. ranked 51st on an environmental sustainability index that measures overall progress toward environmental sustainability for the evaluated countries. Alarmingly, the U.S. ranked 133rd out of 142 on reducing greenhouse gas emissions, one of the key indicators used to determine the sustainability index.

The Committee on Commerce, Science, and Transportation has held several hearings to address the complex issue of greenhouse gas emissions. The bill I am introducing today, focuses on one of the major industrial greenhouse gas emitters, the automotive industry. While this bill proposes significant increases in the fuel economy of vehicles, it also expands the options that a manufacturer has to meet these requirements. Title II of this legislation proposes to establish a national registry for entities to register greenhouse gas emissions reductions. The registry would support the trading of credits established in both the CAFE system, and other voluntary trading practices.

To ensure that automakers improve fuel economy and do not rely solely on purchasing credits from the registry to satisfy CAFE requirements, the bill has limited the amount of credits that can be purchased.

I believe this bill provides a realistic approach to reducing our nation's dependence on foreign oil and preserving our climate for future generations. I seek my colleagues' careful consideration of this proposal.

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

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

S. 1923

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 ''Fuel Economy and Security Act of 2002''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—IMPROVED FUEL ECONOMY FOR VEHICLES

SEC. 101. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''NON-PASSENGER AUTOMOBILES.—'' in subsection (a) and inserting ''PRESCRIPTION OF STANDARDS BY REGULATION.—''; and

(2) by striking ''(except passenger automobiles)''in subsection (a) and inserting ''(except passenger automobiles and light trucks)'';

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection

Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2007 in order to achieve a combined average fuel economy standard for model year 2016 of 36 miles per gallon. In prescribing average fuel economy standards under this paragraph, the Secretary shall prescribe appropriate annual fuel economy standard increases that increase the applicable average fuel economy standard annually during the 9 model-year period beginning with model year 2007.

''(2) DEADLINE FOR REGULATIONS.—The Secretary shall promulgate the regulations required by paragraph (1) in final form no later than 24 months after the date of enactment of the Fuel Economy and Security Act of 2002.

''(3) DEFAULT STANDARDS.—If the regulations required by paragraph (1) are not promulgated in final form within the period required by paragraph (2), then the average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer is—

''(A) for model year 2012, a standard (expressed in miles per gallon) that represents 50 percent of the difference between—

''(i) 36 miles per gallon; and

''(ii) the average fuel economy for passenger automobiles and light trucks manufactured by a manufacturer in model year 2006; and

''(B) 36 miles per gallon for model year 2016 and thereafter.'';

(4) by striking ''the standard'' in subsection (c)(1) and inserting ''a standard'';

(5) by striking the first and last sentences of subsection (c)(2); and

(6) by striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in subsection (g).

(b) DEFINITION OF LIGHT TRUCKS.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by adding at the end the following:

''(17) 'light truck' means an automobile that the Secretary decides by regulation—

''(A) is manufactured primarily for transporting not more than 10 individuals;

''(B) is rated at not more than 10,000 pounds gross vehicle weight;

''(C) is not a passenger automobile; and

''(D) does not fall within the exceptions from the definition of 'medium duty passenger vehicle' under section 8601-01 of title 40, Code of Federal Regulations.''.

(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by paragraph (1) not later than 1 year after the date of the enactment of this Act; and

(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Regulations prescribed under paragraph (1) shall apply beginning with model year 2007.

(c) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2007.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out the provisions of chapter 329 of title 49, United States Code, $25,000,000 for each of fiscal years 2003 through 2016.

SEC. 102. FUEL ECONOMY STANDARD CREDITS.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended by striking the second sentence of subsection (a) and inserting ''The credits—

''(1) may be applied to any of the 3 model years immediately following the model year for which the credits are earned; or

''(2) transferred to the registry established under section 201 of the Fuel Economy and Security Act of 2002.''.

(b) GREENHOUSE GAS CREDITS APPLIED TO CAFE STANDARDS.—Section 32903 of title 49, United States Code, is amended by adding at the end the following:

''(g) GREENHOUSE GAS CREDITS.—

''(1) IN GENERAL.—A manufacturer may apply credits purchased through the registry established by section 201 of the Fuel Economy and Security Act of 2002 toward any model year after model year 2006 under subsection (d), subsection (e), or both.

''(2) LIMITATION.—A manufacturer may not use credits purchased through the registry to offset more than 10 percent of the fuel economy standard applicable to any model year.''.

SEC. 103. ELIMINATION OF 2-FLEET RULE.

(a) IN GENERAL.—Section 32904 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to model years 2007 and later.

SEC. 104. ELIMINATION OF DUAL FUEL CREDIT.

Section 32905 of title 49, United States Code, is repealed.

SEC. 105. HIGH OCCUPANCY VEHICLE EXCEPTION.

(a) IN GENERAL.—Notwithstanding section 102(a)(1) of title 23, United States Code, a State may, for the purpose of promoting energy conservation, permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if it is a hybrid vehicle or is certified by the Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, to be a vehicle that utilizes only an alternative fuel.

(b) HYBRID VEHICLE DEFINED.—In this section, the term ''hybrid vehicle'' means a motor vehicle other than a light truck (as defined in section 32901(a)(17) of title 49, United States Code)—

(1) which—

(A) draws propulsion energy from onboard sources of stored energy which are both—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system; or

(B) recovers kinetic energy through regenerative braking and provides at least 13 percent maximum power from the electrical storage device;

(2) which, in the case of a passenger automobile—

(A) for 2002 and later model vehicles, has received a certificate of conformity under section 206 of the Clean Air Act (42 U.S.C. 7525) and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(e)(2)) for that make and model year; and

(B) for 2004 and later model vehicles, has received a certificate that such vehicle meets the Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

(3) which is made by a manufacturer.

(c) ALTERNATIVE FUEL DEFINED.—In this section, the term ''alternative fuel'' has the meaning such term has under section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

TITLE II—MARKET—BASED INITIATIVES FOR GREENHOUSE GAS REDUCTION

SEC. 201. MARKET-BASED INITIATIVES.

(a) ESTABLISHMENT OF REGISTRY FOR VOLUNTARY TRADING SYSTEMS.—The Secretary of Commerce, through the Undersecretary for Technology, shall establish a national registry system for greenhouse gas trading among industry under which emission reductions from the applicable baseline are assigned unique identifying numerical codes by the registry. Participation in the registry is voluntary. Any entity conducting business in the United States may register its emission results, including emissions generated outside of the United States, on an entity-wide basis with the registry, and may utilize the services of the registry.

(b) PURPOSES.—The purposes of the national registry are—

(1) to encourage voluntary actions to reduce greenhouse gas emissions and increase energy efficiency, including increasing the fuel economy of passenger automobiles and light trucks and reducing the reliance by United States markets on petroleum produced outside the United States used to provide vehicular fuel;

(2) to enable participating entities to record voluntary greenhouse gas emissions reductions; in a consistent format that is supported by third party verification;

(3) to encourage participants involved in existing partnerships to be able to trade emissions reductions among partnerships;

(4) to further recognize, publicize, and promote registrants making voluntary and mandatory reductions;

(5) to recruit more participants in the program; and

(6) to help various entities in the nation establish emissions baselines.

(c) FUNCTIONS.—The national registry shall carry out the following functions:

(1) REFERRALS.—Provide referrals to approved providers for advice on—

(A) designing programs to establish emissions baselines and to monitor and track greenhouse gas emissions; and

(B) establishing emissions reduction goals based on international best practices for specific industries and economic sectors.

(2) UNIFORM REPORTING FORMAT.—Adopt a uniform format for reporting emissions baselines and reductions established through—

(A) the Director of the National Institute of Standards and Technology for greenhouse gas baselines and reductions generally; and

(B) the Secretary of Transportation for credits under section 32903 of title 49, United States Code.

(3) RECORD MAINTENANCE.—Maintain a record of all emission baselines and reductions verified by qualified independent auditors.

(4) ENCOURAGE PARTICIPATION.—Encourage organizations from various sectors to monitor emissions, establish baselines and reduction targets, and implement efficiency improvement and renewable energy programs to achieve those targets.

(5) PUBLIC AWARENESS.—Recognize, publicize, and promote participants that—

(A) commit to monitor their emissions and set reduction targets;

(B) establish emission baselines; and

(C) report on the amount of progress made on their annual emissions.

(d) TRANSFER OF REDUCTIONS.—The registry shall—

(1) allow for the transfer of ownership of any reductions realized in accordance with the program; and

(2) require that the registry be notified of any such transfer within 30 days after the transfer is effected.

(e) FUTURE CONSIDERATIONS.—Any reductions achieved under this program shall be credited against any future mandatory greenhouse gas reductions required by the government. Final approval of the amount and value of credits shall be determined by the agency responsible for the implementation of the mandatory greenhouse gas emission reduction program, except that credits under section 32903 of title 49, United States Code, shall be determined by the Secretary of Transportation. The Secretary of Commerce shall by rule establish an appeals process, that may incorporate an arbitration option, for resolving any dispute arising out of such a determination made by that agency.

(f) CAFE STANDARDS CREDITS.—The Secretary of Transportation shall work with the Secretary of Commerce and the implementing panel established by section 202 to determine the equivalency of credits earned under section 32903 of title 49, United States Code, for inclusion in the registry. The Secretary shall by rule establish an appeals process, that may incorporate an arbitration option, for resolving any dispute arising out of such a determination.

SEC. 202. IMPLEMENTING PANEL.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an implementing panel.

(b) COMPOSITION.—The panel shall consist of—

(1) the Secretary of Commerce or the Secretary's designee, who shall serve as Chairperson;

(2) the Secretary of Transportation or the Secretary's designee; and

(3) 1 expert in the field of greenhouse gas emissions reduction, certification, or trading from each of the following agencies—

(A) the Department of Energy;

(B) the Environmental Protection Agency;

(C) the Department of Agriculture;

(D) the National Aeronautics and Space Administration;

(E) the Department of Commerce; and

(F) the Department of Transportation.

(c) EXPERTS AND CONSULTANTS.—Any member of the panel may secure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, for greenhouse gas reduction, certification, and trading experts in the private and non-profit sectors and may also utilize any grant, contract, cooperative agreement, or other arrangement authorized by law to carry out its activities under this subsection.

(d) DUTIES.—The panel shall—

(1) implement and oversee the implementation of this section;

(2) promulgate—

(A) standards for certification of registries and operation of certified registries; and

(B) standards for measurement, verification, and recording of greenhouse gas emissions and greenhouse gas emission reductions by certified registries;

(3) maintain, and make available to the public, a list of certified registries; and

(4) issue rulemakings on standards for measuring, verifying, and recording greenhouse gas emissions and greenhouse gas emission reductions proposed to the panel by certified registries, through a standard process of issuing a proposed rule, taking public comment for no less than 30 days, then finalizing regulations to implement this act, which will provide for recognizing new forms of acceptable greenhouse gas reduction certification procedures.

(e) CERTIFICATION AND OPERATION STANDARDS.—The standards promulgated by the panel shall include—

(1) standards for ensuring that certified registries do not have any conflicts of interest, including standards that prohibit a certified registry from—

(A) owning greenhouse gas emission reductions recorded in any certified registry; or

(B) receiving compensation in the form of a commission where sources receive money for the total number of tons certified;

(2) standards for authorizing certified registries to enter into agreements with for-profit persons engaged in trading of greenhouse gas emission reductions, subject to paragraph (1); and

(3) such other standards for certification of registries and operation of certified registries as the panel determines to be appropriate.

(f) MEASUREMENT, VERIFICATION, AND RECORDING STANDARDS.—The standards promulgated by the panel shall provide for, in the case of certified registries—

(1) ensuring that certified registries accurately measure, verify, and record greenhouse gas emissions and greenhouse gas emission reductions, taking into account—

(A) boundary issues such as leakage and shifted utilization; and

(B) such other factors as the panel determines to be appropriate;

(2) ensuring that—

(A) certified registries do not double-count greenhouse gas emission reductions; and

(B) if greenhouse gas emission reductions are recorded in more than 1 certified registry, such double-recording is clearly indicated;

(3) determining the ownership of greenhouse gas emission reductions and recording and tracking the transfer of greenhouse gas emission reductions among entities (such as through assignment of serial numbers to greenhouse gas emission reductions);

(4) measuring the results of the use of carbon sequestration and carbon recapture technologies;

(5) measuring greenhouse gas emission reductions resulting from improvements in—

(A) power plants;

(B) automobiles (including types of passenger automobiles and light trucks, as defined in section 32901(a)(16) and (17) respectively, produced in the same model year);

(C) carbon re-capture, storage and sequestration, including organic sequestration and manufactured emissions injection, and or storage.

(D) other sources;

(6) measuring prevented greenhouse gas emissions through the rulemaking process and based on the latest scientific data, sampling, expert analysis related to measurement and projections for prevented greenhouse gas emissions in tons including—

(A) organic soil carbon sequestration practices;

(B) forest preservation and re-forestation activities which adequately address the issues of permanence, leakage and verification; and

(7) such other measurement, verification, and recording standards as the panel determines to be appropriate.

(g) CERTIFICATION OF REGISTRIES.—Except as provided in subsection (h), a registrant that desires to be a certified registry shall submit to the panel an application that—

(1) demonstrates that the registrant meets each of the certification standards established by the panel under subsections (d) and (e); and

(2) meets such other requirements as the panel may establish.

(h) AUTOMOBILE INDUSTRY.—The Secretary of Transportation is deemed to be the certified registrant for credits earned under section 32903 of title 49, United States Code.

(i) ANNUAL REPORT.—Within 1 year after the date after the date of enactment of this Act and biennially thereafter, the panel shall report to the Congress on the status of the program established under this section. The report shall include an assessment of the level of participation in the program and amount of progress being made on emission reduction targets.

SEC. 203. DEFINITIONS.

In this title:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' includes—

(A) carbon dioxide;

(B) methane;

(C) hydro fluorocarbons;

(D) perfluorocarbons;

(E) nitrous oxide; and

(F) sulfur hexafluoride.

(2) BASELINE.—The term ''baseline'' means—

(A) the greenhouse gas emissions, determined on an entity-wide basis for the participant's most recent previous 3-year annual average of greenhouse gas emissions prior to the date of enactment of this Act; or

(B) if data is unavailable for that 3-year period, the greenhouse gas emissions as of September 30, 2002, (or as close to that date as such emission levels can reasonably be determined). In promulgating regulations under this title, the panel shall take into account greenhouse gas emission reductions or offsetting actions taken by any entity before the date on which the registry is established.

(3) CERTIFIED REGISTRY.—The term ''certified registry'' means a registry that has been certified by the panel as meeting the standards promulgated under section 202(e) and (f) and, for the automobile industry, the Secretary of Transportation.

(4) GREENHOUSE GAS EMISSIONS.—The term ''greenhouse gas emissions'' means the quantity of greenhouse gases emitted by a source during a period, measured in tons of greenhouse gases.

(5) GREENHOUSE GAS EMISSION REDUCTION.—The term ''greenhouse gas emission reduction'' means a quantity equal to the difference between—

(A) the greenhouse gas emissions of a source during a period; and

(B) the greenhouse gas emissions of the source during a baseline period of the same duration as determined by registries and entities defined as owners of emission sources.

(6) KYOTO PROTOCOL.—The term ''Kyoto protocol'' means the Kyoto Protocol to the United Nations Framework Convention on Climate Change (including the Montreal Protocol to the Convention on Substances that Deplete the Ozone Layer).

(7) PANEL.—The term ''panel'' means the implementing panel established by section 202(a).

(8) REGISTRANT.—The term ''registrant'' means a private person that operates a database recording quantified and verified greenhouse gas emissions and emissions reductions of sources owned by other entities.

(9) SOURCE.—The term ''source'' means a source of greenhouse gas emissions.

TITLE III—VEHICLE SAFETY

SEC. 301. ROOF CRUSH SAFETY STANDARD.

(a) IMPROVED CRASHWORTHINESS.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30128. Improved crashworthiness

''Within 3 years after the date of enactment of the Fuel Economy and Security Act of 2002, the Secretary of Transportation, through the National Highway Traffic Safety Administration, shall prescribe a motor vehicle safety standard under this chapter for rollover crashworthiness standards that includes—

''(1) dynamic roof crush standards;

''(2) improved seat structure and safety belt design;

''(3) side impact head protection airbags; and

''(4) roof injury protection measures.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30127 the following:

''30128. Improved crashworthiness''.

SEC. 302. SAFETY RATING LABELS.

Section 32302 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) of subsection (a) as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (2) of subsection (a) the following:

''(3) overall safety of the driver and passengers of the vehicle in a collision.''; and

(3) by striking subsection (b) and inserting the following:

''(b) MOTOR VEHICLE SAFETY INFORMATION.—

''(1) IN GENERAL.—In carrying out subsection (a), the Secretary shall establish test criteria for use by manufacturers in determining damage susceptibility, crashworthiness, and the overall safety of vehicles for drivers and passengers.

''(2) PRESENTATION OF DATA.—The Secretary shall prescribe a system for presenting information developed under paragraphs (1) through (3) of subsection (a) to the public in a simple and understandable form that facilitates comparison among the makes and models of passenger motor vehicles.

''(3) LABEL REQUIREMENT.—Each manufacturer of a new passenger motor vehicle (as defined in section 32304(a)(8)) manufactured after September 30, 2005, and distributed in commerce for sale in the United States shall cause the information required by paragraph (2) to appear on, or adjacent to, the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232(b).''.

By Mr. DASCHLE:

S.J. Res. 31. A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget pursuant to section 258(a)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985, for not to exceed five days of session.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 31

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that the conditions specified in section 254(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are met and the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 205—URGING THE GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS LEADING UP TO THE MARCH 31, 2002, PARLIAMENTARY ELECTIONS

Mr. CAMPBELL (for himself, Mr. DODD, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 205

Whereas Ukraine stands at a critical point in its development to a fully democratic society, and the parliamentary elections on March 31, 2002, its third parliamentary elections since becoming independent more than 10 years ago, will play a significant role in demonstrating whether Ukraine continues to proceed on the path to democracy or experiences further setbacks in its democratic development;

Whereas the Government of Ukraine can demonstrate its commitment to democracy by conducting a genuinely free and fair parliamentary election process, in which all candidates have access to news outlets in the print, radio, television, and Internet media, and nationally televised debates are held, thus enabling the various political parties and election blocs to compete on a level playing field and the voters to acquire objective information about the candidates;

Whereas a flawed election process, which contravenes commitments of the Organization for Security and Cooperation in Europe (OSCE) on democracy and the conduct of elections, could potentially slow Ukraine's efforts to integrate into western institutions;

Whereas in recent years, government corruption and harassment of the media have raised concerns about the commitment of the Government of Ukraine to democracy, human rights, and the rule of law, while calling into question the ability of that government to conduct free and fair elections;

Whereas Ukraine, since its independence in 1991, has been one of the largest recipients of United States foreign assistance;

Whereas $154,000,000 in technical assistance to Ukraine was provided under Public Law 107–115 (the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002), a $16,000,000 reduction in funding from the previous fiscal year due to concerns about continuing setbacks to needed reform and the unresolved deaths of prominent dissidents and journalists;

Whereas Public Law 107–115 requires a report by the Department of State on the progress by the Government of Ukraine in investigating and bringing to justice individuals responsible for the murders of Ukrainian journalists;

Whereas the disappearance and murder of journalist Heorhiy Gongadze on September 16, 2000, remains unresolved;

Whereas the presidential election of 1999, according to the final report of the Office of Democratic Institutions and Human Rights (ODIHR) of OSCE on that election, was marred by violations of Ukrainian election law and failed to meet a significant number of commitments on democracy and the conduct of elections included in the OSCE 1990 Copenhagen Document;

Whereas during the 1999 presidential election campaign, a heavy proincumbent bias was prevalent among the state-owned media outlets, members of the media viewed as not in support of the president were subject to harassment by government authorities, and proincumbent campaigning by state administration and public officials was widespread and systematic;

Whereas the Law on Elections of People's Deputies of Ukraine, signed by President Leonid Kuchma on October 30, 2001, was cited in a report of the ODIHR dated November 26, 2001, as making improvements in Ukraine's electoral code and providing safeguards to meet Ukraine's commitments on democratic elections, although the Law on Elections remains flawed in a number of important respects, notably by not including a role for domestic nongovernmental organizations to monitor elections;

Whereas according to international media experts, the Law on Elections defines the conduct of an election campaign in an ambiguous manner and could lead to arbitrary sanctions against media operating in Ukraine;

Whereas the Ukrainian Parliament (Verkhovna Rada) on December 13, 2001, rejected a draft Law on Political Advertising and Agitation, which would have limited free speech in the campaign period by giving too many discretionary powers to government bodies, and posed a serious threat to the independent media;

Whereas the Department of State has dedicated $4,700,000 in support of monitoring and assistance programs for the 2002 parliamentary elections;

Whereas the process for the 2002 parliamentary elections has reportedly been affected by apparent violations during the period prior to the official start of the election campaign on January 1, 2002; and

Whereas monthly reports for November and December of 2001 released by the Committee on Voters of Ukraine (CVU), an indigenous, nonpartisan, nongovernment organization that was established in 1994 to monitor the conduct of national election campaigns and balloting in Ukraine, cited five major types of violations of political rights and freedoms during the precampaign phase of the parliamentary elections, including—

(1) use of government position to support particular political groups;

(2) government pressure on the opposition and on the independent media;

(3) free goods and services given in order to sway voters;

(4) coercion to join political parties and pressure to contribute to election campaigns; and

(5) distribution of anonymous and compromising information about political opponents:

Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the strong relationship between the United States and Ukraine since Ukraine's independence more than 10 years ago, while understanding that Ukraine can only become a full partner in western institutions when it fully embraces democratic principles;

(2) expresses its support for the efforts of the Ukrainian people to promote democracy, the rule of law, and respect for human rights in Ukraine;

(3) urges the Government of Ukraine to enforce impartially the new election law, including provisions calling for—

(A) the transparency of election procedures;

(B) access for international election observers;

(C) multiparty representation on election commissions;

(D) equal access to the media for all election participants;