

S. RES. 284

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Res. 284, a resolution expressing support for "National Night Out" and requesting that the President make neighborhood crime prevention, community policing, and reduction of school crime important priorities of the Administration.

S. CON. RES. 119

At the request of Mr. BURNS, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. MILLER), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Con. Res. 119, a concurrent resolution honoring the United States Marines killed in action during World War II while participating in the 1942 raid on Makin Atoll in the Gilbert Islands and expressing the sense of Congress that a site in Arlington National Cemetery, near the Space Shuttle Challenger Memorial at the corner of Memorial and Farragut Drives, should be provided for a suitable monument to the Marine Raiders.

S. CON. RES. 121

At the request of Mr. HUTCHINSON, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Con. Res. 121, a concurrent resolution expressing the sense of Congress that there should be established a National Health Center Week for the week beginning on August 18, 2002, to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

S. CON. RES. 122

At the request of Ms. SNOWE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Con. Res. 122, a concurrent resolution expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots, and for other purposes.

AMENDMENT NO. 3922

At the request of Mr. HUTCHINSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3922 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3983

At the request of Mr. STEVENS, his name was added as a cosponsor of amendment No. 3983 intended to be pro-

posed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4094

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4094 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4134

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4134 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4143

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 4143 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 2691. A bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. FEINGOLD. Mr. President, I rise today to introduce legislation that will promote competition in the radio and concert industries.

This legislation will begin to address many of the concerns that I have heard from my constituents regarding the concentration of ownership in the radio and concert industry and its effect on consumers, artists, local businesses, and ticket prices.

A few weeks ago, I began discussing with my colleagues a number of con-

cerns that I have been hearing from Wisconsinites. Anti-competitive practices are hurting local radio station owners, local businesses, consumers, and artists.

During the debate of the 1996 Telecommunications Act, I joined a number of my colleagues in opposing the deregulation of radio ownership rules because of concerns about its effect on consumers, artists, and local radio stations.

Passage of this act was an unfortunate example of the influence of soft money in the political process. As my colleagues will recall, I have consistently said that this act was bought and paid for by soft money. Everyone was at the table, except for the consumers.

We have enacted legislation to rid the system of this loophole in campaign finance law, but we must also repair the damage that it allowed.

In just five years since its passage, the effects of the Telecommunications Act have been far worse than we imagined. While I opposed this act because of its anti-consumer bias, I did not predict that the elimination of the national radio ownership caps and relaxation of local ownership caps would have triggered such a tremendous wave of consolidation and harmed such as diverse range of interests.

This legislation did not simply raise the national ownership limits on radio stations, it eliminated them all together. It also dramatically altered the local radio station ownership limits through the implementation of a tiered ownership system that allowed a company to own more radio stations in the larger markets.

When the 1996 Telecommunications Act became law there were approximately 5,100 owners of radio stations. Today, there are only about 3,800 owners, a decrease of about 25 percent.

Concentration at the local levels are unprecedented.

At the same time that ownership of radio stations has become increasingly concentrated, some large radio station ownership groups have also bought promotion services and advertising.

I have been hearing from people at home in Wisconsin, from radio station owners, artists, broadcasters, and concert promoters who are being pushed out by anti-competitive practices, practices that result from an increasingly concentrated market.

I am very concerned that these levels of concentration are pushing independent radio station owners and concert promoters out of business. And I am concerned that a few companies are leveraging their cross-ownership of radio, concert promotion, and venues in an anti-competitive manner.

My legislation addresses these concerns by prohibiting any entity that owns radio stations, concert promotion services, or venues from leveraging their cross-ownership in anti-competitive manner. Under this proposal, the FCC would revoke the license of any radio station that uses its cross owner

ship of promotion services or venues to prevent access to the airwaves, venues, or in other anti-competitive ways.

For example, if an owner of a radio station and promotion service hindered access to the airwaves of a rival promoter, then the owner would be subject to penalties.

My legislation will also ensure that any future consolidation does not result in these anti-competitive practices. It will strengthen the FCC merger review process by requiring the FCC to scrutinize the mergers of large radio station ownership groups to consider the effect of national and local concentration on independent radio stations, concert promoters and consumers.

At the same time, it will also curb future local consolidation by preventing any upward revision of the limitation of multiple ownership of radio stations in local markets.

It will also close a loophole that currently allows large radio ownership companies to exceed the cap by "warehousing stations" through a third party. In these arrangements, large radio owners control a station through a third party, but the stations are not accounted for in their local ownership cap.

Finally, my legislation will also address many of the problems created by the consolidation in the radio industry, such as the new forms of payola. This legislation will require the FCC to modernize the Federal payola prohibition to prevent these large radio station ownership groups from leveraging their power to extract money or other consideration from artists, such as forcing them to play concerts for free.

Radio is a public medium and we must ensure that it serves the public good. The concentration of ownership, in the radio and concert industry, has caused great harm to people and businesses that have been involved in and concerned about the industry for generations.

It also harms the flow of creativity and ideas that artists seek to contribute to our society. This concentration does a disservice to our society at every level of the industry, and it must be addressed.

I urge my colleagues to join me to cosponsor this legislation to help to restore competition to the radio and concert industry by putting independent radio stations and concert promoters on a level playing field in the marketplace. This will help promote competition, local input, and diversity, and promote consumer choices.

By Mr. CORZINE (for himself, Mr. TORRICELLI, Mr. DURBIN, and Mr. NELSON of Florida):

S. 2692. A bill to provide additional funding for the second round of empowerment zones and enterprise communities; to the Committee on Finance.

Mr. CORZINE. Mr. President, today I am introducing legislation, "The

Round II Empowerment Zone/Enterprise Community, EZ/EC, Flexibility Act of 2002," to provide funding for the Round II Enterprise Zone/Enterprise Community program. I want to thank and acknowledge Senators TORRICELLI, DURBIN and NELSON of Florida for their cosponsorship of this bill.

This legislation would encourage economic development throughout the EZ/EC program, particularly to the 15 Round II urban and 5 rural empowerment zones that were designated in 1999. Each of those communities has put together strong strategic initiatives to promote economic growth.

The legislation would help ensure that these Round II communities will be provided with the funding they have been promised. The bill also would authorize the use of EZ/EC grants as a match for other relevant Federal programs. This would provide the EZ/EC program with maximum flexibility to implement initiatives at the local level.

The Enterprise Zone/Enterprise Community program was created to provide Federal assistance over ten years in designated urban and rural communities that would fuel economic revitalization and job growth. The program does so primarily by providing federal grants to communities and tax and regulatory relief to help communities attract and retain businesses.

Unfortunately, an inequity now exists between the way Round I and Round II EZs and ECs have been funded. Those communities that won EZ designations in the initial round, in 1994, received full funding from the Congress, which made all grant awards available for use within the first two years of designation. However, EZs and ECs designated in Round II did not receive this same funding authority.

Federal benefits promised to the Round IIs included funding grants of \$100 million for each urban zone, \$40 million for each rural zone and about \$3 million for each Enterprise Community over a ten-year period beginning in 1999. In reliance on those "promised" funds, Round II zones prepared strategic plans for economic revitalization based on the availability of that funding. However, unlike Round I designees, who received a full funding up front, Round II zones have received a mere fraction of the funding promise.

The lack of a certain, predictable funding stream will ultimately undermine the ability of Round II EZs/ECs to effectively implement their economic growth strategies in their designated communities. And that's a shame, because the EZ/EC initiative has produced real results.

In fact, I'm proud to say that one of the best Round II EZs is located in Cumberland County, NJ. The Cumberland County Empowerment Zone, a collaborative effort of the communities of Bridgeton, Millville, Vineland and Port Norris, has been a model EZ, and committed all the funds made available to it by HUD.

Since the creation of the EZ, Cumberland County has witnessed more than 100 housing units rehabbed, renovated or newly built. A \$4 million loan pool has been created to fund community and small business reinvestment. The EZ also has led to the funding for over 60 economic development initiatives, utilizing more than \$11 million in funding to leverage \$120 million in private, public and tax exempt bond financing.

These are real results. And if the Federal commitment to the EZ continues, over 1,100 new jobs will be created in the County over the next year and a half alone.

Cumberland County is just one example of how the EZ/EC initiative has brought hope and promise to communities throughout America. We need to do more to support and build on these initiatives. Now is the time for Congress to fulfill the promise made to Round II EZs and ECs.

I urge my colleagues to cosponsor this legislation, and hope the Senate will expedite its consideration.

By Mr. DORGAN (for himself and Mr. CORZINE):

S. 2693: A bill to amend the Internal Revenue Code of 1986 to encourage retirement savings for individuals by providing a refundable credit for individuals to deposit in a Social Security Plus account, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, the Board of Trustees for the Social Security Trust Fund issued its annual report in March describing the financial health of the Trust Fund and its outlook for the future. The report shows that the financial condition of the Trust Fund over the next few decades has improved somewhat since last year, that is, the Social Security program is now expected to remain solvent for three additional years through 2041. This is welcome news for the tens of millions of baby boomers who will depend on this program in the coming decades.

However, this latest Trustees' report also makes clear that the Social Security program still faces significant long-term financial challenges. This finding was not unexpected. In fact, there is already bipartisan agreement in Congress that we will need to make some careful changes to the Social Security system in order to guarantee the solvency of the Social Security Trust Fund beyond 2041. Today, Senator CORZINE of New Jersey and I are introducing legislation that we think should be part of those reform discussions.

Our legislation, called the Social Security Plus Account Act, builds upon two fundamental principles: One, the underlying guaranteed defined benefit approach of the current Social Security program should not be scrapped or weakened. Social Security has become the foundation of the Nation's retirement system, something that people

can always count on. At a time when private employers are shifting more retirement saving risks onto the shoulders of their employees through the use of defined contribution plans like 401(k) plans rather than traditional defined benefit pension plans, the need to retain Social Security's basic guaranteed payment is paramount.

Second, this legislation recognizes that Congress must do more to encourage families and individuals, especially those of modest means, to increase their savings and to build a retirement nest egg. Specifically, our legislation provides for the creation of new tax-favored retirement savings accounts that individuals and families could access to supplement, but not replace, their expected future Social Security benefits.

Unlike many reform proposals, this legislation leaves the Social Security program intact. Many privatization plans force you to choose between individual accounts and the loss of Social Security's guaranteed benefit at current levels. Our proposal calls for personal accounts as an "add-on" to Social Security. This is an important distinction from the "carve-out" accounts featured in privatization plans. Privatization plans will inevitably reduce traditional guaranteed benefits. Our approach would not.

Under this legislation, eligible individuals can set up and make tax-favored contributions of up to \$2,000 to a new Social Security Plus Account, SSPA. To provide an extra savings boost for low- and moderate-income families, our legislation would require the Federal Government to provide matching contributions between 25 and 100 percent for married couples with adjusted gross income below \$100,000, \$50,000 for singles. The \$2,000 limit applies to the total of the individual's own contribution and the Federal match. This will make it much more affordable for low and moderate earners to fully fund their accounts.

Like traditional individual retirement accounts, SSPAs can grow tax-free. For example, if an individual aged 30 who files a joint return and has annual earnings of about \$25,000 contributes \$500 to a SSPA, the Federal Government would match that contribution with a \$500 contribution to the account. If that individual contributes \$500 in cash each year to the account for 32 years, earning 5-percent interest per year, until retirement at age 62, he or she would have some \$80,000 available for distribution from the account. This amount grows to \$160,000 if the individual is able to contribute the maximum in each year.

Let's take another example. Assume that an individual who is forty years old, files a joint return and has annual adjusted gross income of \$80,000. If he or she could make the maximum permissible contribution each year until reaching age 62, along with an annual government match of \$400, he or she might expect to have at least \$160,128 available at retirement.

Under our legislation, the accrued amounts that are paid out or distributed when the holder of a SSPA retires, dies or becomes disabled are treated like Social Security benefits and a portion of the distributions would be taxed only above certain threshold amounts.

Now I fully understand that we may not be able to enact this legislation this year or next. Regrettably, last year's highly-touted projected budget surpluses have vanished for at least the next several years and resources are now scarce. The massive tax cuts put in place in the summer of 2001, and scheduled to take full effect over a period of years, will make finding adequate funds for many of the Nation's critical spending priorities even more difficult.

However, many of the privatization proposals would require massive infusions from the Treasury general revenue fund to offset the transition and other costs for even partial privatization initiatives. If such resources are available, it seems to me that we would better serve our citizens by using these scarce resources to enact Social Security Plus Accounts that will help them save for retirement but not put the underlying Social Security program at risk.

The current Social Security system has served us well for many years and will continue to do so if we make some adjustments. Still we all know that Social Security reform is needed. I remain committed to working on a bipartisan basis to address the long-term solvency issues facing Social Security and to improve retirement savings. And we do need to implement appropriate Social Security reforms as soon as our resources will allow us. Needlessly delaying efforts to shore up Social Security for the long term would likely require more severe action.

We certainly can't afford to make matters worse in the interim. A number of us in the Senate are concerned by the proposals offered by President Bush and some in Congress to eliminate the guaranteed basis of Social Security and replace it, in part with private accounts. The suggestion to "privatize" Social Security, or to invest a portion or all of the trust funds in the stock market, has been supported by the large investment banking houses and many others who believe that doing so would produce higher returns and improve the solvency of the system.

Several of the President's Commission on Social Security privatization plans would divert some of the payroll taxes that are currently being collected. Some of the proposals would use well over \$1 trillion from the Social Security Trust Fund. This would immediately and adversely impact the financial well-being of the Social Security Trust Fund, putting in jeopardy both current and future Social Security benefits.

I do not believe that investing the proceeds of the Social Security system

in the stock market through individual accounts provides the kind of stability and certainty we need for the management of the Social Security program. Social Security is intended to provide what its name suggests, security. Stock market investments do not provide this secure foundation. They increase, on average, over certain time periods. But people don't retire at average times. They retire at particular times.

This point is mostly glossed over by the President's Commission to Strengthen Social Security. The Commission issued its final report last December that included several reform options that would allow workers to invest in personal retirement accounts, but reduce their traditional guaranteed Social Security benefit. In my judgment, no one, including the President's Commission, has provided a satisfactory answer to the question of what happens to people who retire when the market is down if we change Social Security, even partly, from a social insurance program to a stock market investment program. This is not mere polemics. The Enron debacle, the boom and bust of the dot com companies of the late 1990s, and the declining stock prices of recent weeks all serve as stark reminders to all of us about the perils of investing in the stock market.

Again, I will be working for appropriate reforms to extend the life of the Social Security Trust Fund so future generations can rely on Social Security. Social Security Plus Accounts can provide a much-needed supplement to the basic program, but would do so without undermining it. They do not reform the program by themselves, but are designed to be part of a responsible reform package.

For many of our nation's seniors, Social Security is the difference between poverty and a dignified retirement. When President Franklin D. Roosevelt signed the Social Security program into law in 1935 he said "We can never insure one-hundred percent of the population against one-hundred percent of the hazards and vicissitudes of life. But we have tried to frame a law which will give some measure of protection to the average citizen and his family against poverty ridden old age." The importance of his words and his new social insurance plan are reflected in Social Security's overwhelming success today. Let's make sure that the promise and security of Social Security is kept for many generations to come.

I urge my colleagues to consider supporting this proposal in the context of comprehensive Social Security reforms considered by the Senate. Below I've provided a detailed summary of the Social Security Plus Account Act to more fully explain how the new savings accounts would work.

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:

SOCIAL SECURITY PLUS ACCOUNT ACT OF 2002

In general

This legislation creates new tax-favored Social Security Plus Accounts (SSPA). Generally, an eligible individual with at least \$5,000 of annual earnings and who is not a dependent of another taxpayer or a full-time college student may contribute up to \$2,000 to a SSPA for each year until he or she reaches the age of 70 & 1/2. An individual whose modified adjusted gross income exceeds \$150,000 (\$300,000 for a married individual) is ineligible to make a contribution to a SSPA.

A 20-percent refundable tax credit is allowed for eligible contributions to a SSPA. In addition, the federal government will match a percentage of a SSPA contribution for taxpayers with modified adjusted gross income (AGI) below a certain level (See below).

Amounts in SSPAs that are distributed for permissible purposes are subject to favorable income tax treatment and are not subject to penalty.

An eligible individual shall file a designation of the SSPA to which the match is made, along with his or her tax return for the year (or if no return is filed, on a form prescribed by the Secretary of the Treasury) not later than the due date for filing such return (including extensions) or the 15th day of April, whichever is later.

Matching contributions

In the case of an eligible individual, the federal government makes a matching contribution to the SSPA. This is accomplished as refundable tax credit for the tax year in an amount equal to the matching contribution. The allowable credit is treated as an overpayment of tax which may only be transferred to a SSPA.

The Secretary of the Treasury will make matching contributions to the SSPAs of taxpayers with modified AGI below a certain level. The applicable percentage shall be according to the following:

In the case of an individual filing a joint return:

The applicable percentage is:	
If modified adjusted gross income is:	
\$30,000 or less	100
Over \$30,000 but not over \$60,000	50
Over \$60,000 but not over \$100,000	25
Over \$100,000	zero
In the case of a head of household:	
\$22,500 or less	100
Over \$22,500 but not over \$45,000	50
Over \$45,000 but not over \$75,000	25
Over \$75,000	zero
In the case of any other individual:	
\$15,000 or less	100
Over \$15,000 but not over \$30,000	50
Over \$30,000 but not over \$50,000	25
Over \$50,000	zero

Maximum contributions

The maximum annual contribution to a SSPA each year in \$2,000—including both the individual and matching contributions. As such, the maximum annual contribution would be \$1,000 for those in the lowest bracket (with a \$1,000 maximum match), \$1,333.33 for the middle bracket (with a \$667 maximum match) and \$1,600 for the next bracket (with a \$400 maximum match). Those in the highest bracket with earnings over \$100,000 could contribute \$2,000 (with no match).

Minimum contributions

The minimum annual contribution must be sufficient to ensure that the total deposit is \$200 (i.e. the lowest bracket would have to contribute at least \$100, the middle bracket would have to contribute at least \$133, the next bracket at least \$160, and the highest bracket at least \$200).

Tax treatment of SSPAs

Similar to traditional individual retirement accounts (IRAs), amounts contributed to a SSPA would be tax-favored and accounts would grow tax-free. However, amounts paid or distributed out of a SSPA would be taxable like Social Security benefits. That is, up to 50% of SSPA benefits are taxable for taxpayers whose income plus 50% of their benefits exceed \$25,000 for individuals and \$32,000 for couples. Up to 85% of SSPA benefits are taxable for taxpayers whose income plus benefits exceeds \$34,000 for individuals and \$44,000 for couples.

10-percent penalty for disqualified distributions

Distributions that are not made from a SSPA after retirement, death, disability or not used for catastrophic medical expenses exceeding 7.5% of AGI are includible in gross income and are subject to regular tax rates and a 10-percent penalty. Matching contributions from the federal government may be distributed from an SSPA only after retirement, at death or in the event of disability.

Mr. CORZINE. Mr. President, I am pleased to join today with Senator DORGAN in introducing legislation, the Social Security Plus Account Act of 2002, that would create new tax-favored Social Security Plus Accounts to supplement the existing Social Security program.

Although the Social Security Trust Fund is now projected to remain solvent for almost 40 years, I share the interest of a broad range of leaders in exploring ways to extend solvency further into the future. At this point, it remains unclear when Social Security reform will be debated. However, Senator DORGAN and I are introducing this legislation in the hope that it will be considered when that debate moves forward.

As most of my colleagues know, last year President Bush appointed a commission to recommend ways to move toward privatization of Social Security. Last December, that commission issued a report that included proposals to establish privatized accounts into which a portion of Social Security contributions would be diverted. The Bush Commission's proposals included deep cuts in guaranteed benefits, cut that for some current workers would exceed 25 percent, and for future retirees would exceed 45 percent.

I strongly oppose these cuts. In my view, they would take the security out of Social Security. That would undermine the central goal of the program.

At the same time, I recognize that, by itself, Social Security will not provide sufficient funds for many retirees in the future. That is why it is important that Americans save on their own to prepare for retirement. I therefore support other government initiatives to promote private savings, such as individual retirement accounts and 401(k) plans.

The proposal for Social Security Plus Accounts in this legislation takes the concept of an IRA or 401(k) account, and builds on it. These new accounts would provide an additional and more powerful savings incentive for many Americans, especially middle class workers and those with more modest

incomes. Under our legislation, the government would match contributions by taxpayers with incomes below certain levels. In addition, all contributions would provide immediate tax relief: a tax cut equal to 20 percent of the contribution. Moreover, when a person takes money out of an account at retirement, the proceeds would be treated in the same manner as Social Security benefits, meaning that some or all proceeds could be withdrawn tax free.

A Social Security Plus Account would provide a useful supplement to our Social Security system, without weakening that system in any way. Unlike the proposals of the Bush Social Security Commission, these new accounts would not force a reduction in traditional Social Security benefits. This difference is critical.

Senator DORGAN and I recognize that the establishment of Social Security Plus Accounts would require resources that are not presently available. We therefore appreciate that action on our legislation will have to wait until later, when we have more financing. However, we believe it important to put our proposal on the table today, to help ensure that when the appropriate time comes, our colleagues understand that there is more than one way to establish personal accounts. The right way, as proposed in this legislation, is to establish accounts that supplement Social Security, without draining the Social Security Trust Fund, without cutting benefits, and without undermining Social Security's promise to Americans who have paid into the system in good faith.

I want to thank Senator DORGAN for his leadership in this effort. I look forward to working with him to ensure that we find new and better ways to promote savings, without undermining the basic guarantees provided through Social Security.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2694. A bill to extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Tribe, and the Nansemond Tribe; to the Committee on Indian Affairs.

Mr. ALLEN. Mr. President, I rise in support of Virginia's Indian Tribes and to introduce a bill to extend Federal recognition to six of Virginia's Indian Tribes.

These Tribes have a rich tradition and history, not only for Virginia, but also for the Nation as a whole. My bill will recognize the Chickahominy Tribe; the Chickahominy Tribe Eastern Division; the Upper Mattaponi Tribe; the Rappahannock Tribe; the Monacan Tribe; and the Nansemond Tribe.

The title of the bill is the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act". For me, this legislation also has a very personal aspect to it. Thomasina Jordan

was a dear friend of mine. As Governor of Virginia, I appointed Thomasina as Chair of the Virginia Council on Indians, and she served as an advisor to me in many ways over the years. Thomasina was a great leader and civil rights activist in Virginia, paving the way for this legislation. Regrettably, she passed away in 1999 after a long and courageous battle with cancer. I offer this legislation in her memory as her last battle on earth was for Federal recognition of Virginia's tribes. Thomasina's efforts to ensure equal rights and recognition to all American Indians continue today in spirit because she was able to have an effect on the lives of so many individuals and encourage many to join her quest for fairness, honor and justice.

The American Indians in Virginia contribute to the diverse, exciting nature and heritage of the Commonwealth of Virginia. Virginians are united in their desire to honor these first residents and I am pleased that Senator WARNER and I are able to join Virginia's House Delegation in offering this legislation.

There are more than 550 federally recognized Tribes in the United States. While no Tribes have been federally recognized in Virginia, the Commonwealth of Virginia has recognized the eight main tribes. According to the U.S. Census Bureau, there are over 21,000 American Indians living in Virginia.

"Federally recognized" means these tribes and groups can enjoy a special legal relationship with the U.S. government where no decisions about their lands and people are made without Indian consent. It is important that we give Federal recognition to these proud Virginia tribes so that they cannot only be honored in the manner they deserve but also for the many benefits that federal recognition would provide.

Members of federally recognized tribes, most importantly, can qualify for grants for higher education opportunities.

There is absolutely no reason why American Indian Tribes in Virginia should not share in the same benefits that so many Indian tribes around the country enjoy.

The Indian Tribes in Virginia have one of the longest histories of any Indian tribe in America, which is a remarkable point considering none of the tribes in Virginia are federally recognized. As Virginia approaches the 400th anniversary of the 1607 founding of Jamestown, the first permanent English settlement in North America, it is crucial that the role of Indian tribes in Virginia in the development of our Commonwealth and our country are properly recognized and appreciated.

There are three routes that an Indian Tribe can pursue in order to receive Federal recognition. One, the tribe can apply for administrative recognition through the Bureau of Indian Affairs, which all these Virginia Tribes have

done. Two, a tribe can gain Federal recognition through an act of Congress. And three, the tribe can obtain Federal recognition through legal proceedings in the court system.

There has been a sharp increase in recent years of the number of tribes seeking Federal recognition via an application to the Bureau of Indian Affairs. However, the General Accounting Office recently reported that, while the workload at the Bureau of Indian Affairs has increased dramatically, the resources to handle the large volume of applications has actually decreased. Since 1978, the Bureau of Indian Affairs has processed only 32 of the 150 applications it received, deciding favorably on only 12 of them. In fact, BIA averages only 1.3 completed applications a year. The route of Federal recognition through the Bureau of Indian Affairs and Bureau of Acknowledgement and Recognition is a cumbersome and lengthy process, which has taken sometimes over 20 years for an application to be decided upon.

In 1999, the Virginia General Assembly passed a resolution calling on the U.S. Congress to grant Federal recognition to the tribes in Virginia. Identical legislation to what I introduce today has already been introduced in the House. I join my House colleagues, Mr. MORAN of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mr. SCOTT, Mr. SCHROCK, Mr. BOUCHER, and Mr. FORBES in this important endeavor.

The precedent has already been set for the second route for attainment of Federal recognition, through an act of Congress. Since the 93rd Congress (1973-1974), Congress has restored Federal recognition to eighteen tribes and has granted seven new Federal recognitions to tribes. In 2000, Congress passed a law to grant new Federal recognition to the Shawnee Indians as a separate tribe from the Cherokee Nation of Oklahoma and another law to restore Federal recognition to the tribe of Graton Rancheria of California. It is time that Virginia's tribes receive the same recognition.

The main goal of this legislation is to establish a more equitable relationship between the tribes and the State and Federal Government.

While I understand that some may have a concern that Federal recognition of Indian tribes may lead to the establishment of gaming operations within a State, this is not the case. As a result of the 1988 Indian Gaming Regulatory Act, federally recognized Indian Tribes can conduct only the gaming operations that are authorized by State law. Tribes are unable to operate casinos, slot machines or card games unless approved by a specific State/Tribe Compact. My bill includes language restating this point to make it clear that nothing in the Act provides an exception to the Indian Gaming Regulatory Act. Ultimately, it gives proper coverage under Virginia law so as not to provide special gaming privileges.

This legislation not only lays out the path for granting Federal recognition to six American Indian Tribes in Virginia, but it also honors and details the proud history of each of the six Tribes.

The Virginia tribes have fought hard to retain their heritage and cultural identity, and it is my hope that this legislation be seen as a way to recognize this identity.

As Americans, we need to appreciate the many contributions American Indians have made to our Nation in order to make it the great country it is today. Thomasina Jordan once wrote: "We belong to this land. For 10,000 years we have been here. We were never a conquered people. The dominant society needed us to survive in 1607, and it needs American Indians and our spiritual values to survive in the next millennium." The Commonwealth of Virginia has realized that it needs its proud Indian tribes. This bill is another step toward recognizing and appreciating this special relationship.

By Mr. FRIST (for himself, Mr. FEINGOLD, and Mr. LUGAR):

S. 2695. A bill to amend the Foreign Assistance Act of 1961 to extend the authority for debt reduction, debt-for-nature swaps, and debt buybacks to nonconcessional loans and credits made to developing countries with tropical forests; to the Committee on Foreign Relations.

Mr. FRIST. Mr. President, today I rise to introduce, with Senator FEINGOLD and Senator LUGAR, a bill that could have a far-reaching impact in preserving some of the most pristine tropical forest in the world.

We seek to amend the Tropical Forest Conservation Act, TFCA, a law passed in 1998. The TFCA has led to the preservation of thousands of acres of tropical forest, particularly in the Americas, by allowing low and middle income countries to engage in debt-for-nature "swaps." The TFCA allows eligible governments to divert resources currently needed for debt service toward the conservation and management of disappearing rain forests.

Our amendment to TFCA would expand the use of this successful program. Our change would allow more tropical forests to be preserved. Under TFCA, countries are limited to using concessional debt for making swaps. Concessional debt is special low-interest loans reserved for the poorest countries to exchange non-concessional debt, e.g. Export-Import bank loans, etc. for preserved forest land. This change will not only increase the potential for swaps in countries with concessional debt, but also make some countries newly eligible for the program.

One example of a country that is not currently eligible for TFCA, but that has great potential for using the expanded program, is the African nation of Gabon. Gabon has some extraordinary, pristine forest land that deserves to be preserved.

In the fall of 2000, the National Geographic Society sponsored a 2000-mile, 15-month expedition through Central Africa by Dr. Mike Fay, a well known conservationist. Dr. Fay traveled through some of the last unexplored regions on earth, including the Langoue forest in Gabon. His expedition encountered a remarkable variety of species and habitat that are in danger of disappearing unless we help Gabon's government preserve it. Dr. Fay's observations of the Langoue Forest are compelling. Here are some excerpts from his report:

"[T]here's a river in almost the dead center of Gabon called the Ivindo which has an amazing set of waterfalls. It's a big river, probably a hundred or so meters wide, of slow, black water, and it drains almost all of northeastern Gabon. These chutes, these waterfalls—two in particular called Mingouli and Kongou—make this place an attraction.

An Italian named Giuseppe Vassallo, who died about a year and a half ago . . . promoted this place as a national park because he said it was the best forest in Gabon. He talked about it and lobbied for it and cajoled people, but it just never quite happened. We walked across this block that he'd always talked about, and I actually flew over it with him in '98 . . .

And we discovered the highest concentration of giant elephants that we'd seen on the entire walk. It's probably the only place left in the central African forest with elephants that are abundant and with a large percentage of very large males, tusks that no one has seen in a very long time, one hundred pounds on a side. Giant elephants, it's something you just don't see because they've been poached out of the population. [And] naive gorillas, something that we hadn't seen on the entire trip. You can tell they're naive because when they see you they don't run away, they don't look alarmed, they don't act alarmed, they don't vocalize. The males don't charge at all and they get very curious. They come to see you and they approach well within the danger zone. They sit there for hours and they just stare as if it's something they've never seen before, and it's pretty obvious that they haven't.

You travel a little bit farther along and there's this mountain that we'd been navigating toward for a few weeks, and it's again full of elephants, and it's got all kinds of beautiful topography and rocky cliffs. It's a real sort hidden forest, and it really gives you a feeling of great isolation being up on this mountain plateau. So we started walking south of the mountain and pretty soon we came upon an elephant trail that lead us a little bit astray. It lead us to the east of where we wanted to go but we kept on following it and it just got bigger and bigger. I looked at the map and it was obvious that it was navigating us right toward a clearing. Long before you get to an elephant clearing you can tell where you're going, because the elephant trail opens up to like two meters wide, it's covered with dung, and there's a huge amount that are on these "highways." It's a lot like how major highway arteries in the States get bigger as they go into the city, that's basically what it is for elephants, it's an "elephant city." So, we get there, and there it is, this clearing that no one has ever seen before, no conservationist even could have imagined existed in Gabon. This place is just abounding with wildlife and you think "This place really is what old Giuseppe said it was." Even though he had never walked in it, it was as if he just knew this place was the best. The place is called Langoue and it still exists.

There are about 1.2 million acres in the Langoue Forest that are completely untouched. Experts familiar with the region estimate that more than 700,000 acres at the heart of the forest could be preserved for about \$3.5 million. This part of the forest includes the naive gorillas, the giant elephants, and the waterfalls.

At the very modest cost, our amendment will give nations like Gabon a new tool for preserving their remaining tropical forest, for the benefit of the people of Gabon, and for the benefit of mankind.

I ask unanimous consent that the full text of the interview with Dr. Fay and the text of a letter from Conservation International appear at this point in the RECORD.

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

[From National Geographic News, Aug. 9, 2001]

INTERVIEW: MIKE FAY IS ON A TREK TO PRESERVE FOREST IN GABON
(By Andrew Jones)

Last year, conservationist J. Michael Fay completed a 2,000-mile (3,218-kilometer), fifteen-month walk through central Africa in some of the world's most pristine forests. Now, the expedition leader for the National Geographic Society and an ecologist for the Wildlife Conservation Society has undertaken another challenge: a personal campaign to preserve nearly 250,000 hectares (618,000 acres) of forest in Gabon as a national park.

National Geographic News: You were in the African bush for fifteen months. How has that changed your perspective on conservation?

Dr. J. Michael Fay: As a conservationist, I would say it's a double-edged sword. Because when you're out there, you realize how much is left. There's such abundance—it's so huge, it goes on forever. You can walk for fifteen months and basically be in the woods the whole time and not have to traverse areas that are inhabited by humans. And you think, "Wow, that's cool. This place is at the ends of the Earth; it will never be touched." Then you look at the map and the logging activity and you look at the human expansion and you think, "This place is all going to disappear in the next seven to ten years."

It makes you wake up to the fact that human beings, even in the 21st century, still don't regard natural resources as something precious. Because if they did, there would be a worldwide effort to preserve these places rather than extract wood out of them as quickly as possible with zero regard for ecosystems, while wasting most of that wood before you get it to the market. So from my perspective, it was pretty depressing.

NG News: do you think there's anyone in particular to blame? Or is there no one person or group we can point to as the source of the problem?

Fay: I think the human species is what it is. It evolved to extract as many resources as it possibly could from the environment to survive better and better. That's kind of what humans are programmed to do. And to do the opposite of that, to conserve, I think is a very difficult thing for people to even comprehend, let alone enact. It's kind of counter-evolutionary, and I think it takes a lot of education and a lot of foresight. If humans want to survive on this planet without having some kind of catastrophic event take out large percentages of the population

someday in the future, then they're going to have to make that shift. A lot of people talk about it, a lot of people understand it, but it's really hard to make that last jump and actually say, "Okay, I'm going to make a switch."

NG News: You're now trying to have nearly 250,000 hectares of forest land in Gabon designated as a national park. Why did you choose that particular area?

Fay: Well, there's a river in almost the dead center of Gabon called the Ivindo which has an amazing set of waterfalls. It's a big river, probably a hundred or so meters wide, of slow, black water, and it drains almost all of northeastern Gabon. These chutes, these waterfalls—two in particular called Mingouli and Kongou—make this place an attraction.

An Italian named Giuseppe Vassallo, who died about a year and a half ago . . . promoted this place as a national park because he said it was the best forest in Gabon. He talked about it and lobbied for it and cajoled people, but it just never quite happened. We walked across this block that he'd always talked about, and I actually flew over it with him in '98. We looked at the logging companies coming in from the west at a very rapid rate, and so we tried to design a walk in this place that didn't go through any logging. And we discovered the highest concentration of giant elephants that we'd seen on the entire walk. It's probably the only place left in the central African forest with elephants that are abundant and with a large percentage of every large males—tusks that no one has seen in a very long time, one hundred pounds on a side. Giant elephants—it's something you just don't see because they've been poached out of the population. [And] naive gorillas—something that we hadn't seen on the entire trip. You can tell they're naive because when they see you they don't run away, they don't look alarmed, they don't act alarmed, they don't vocalize. The males don't charge at all and they get very curious. They come to see you and they approach well within the danger zone. They sit there for hours and they just stare as if it's something they've never seen before, and it's pretty obvious that they haven't.

You travel a little bit farther along and there's this mountain that we'd been navigating toward for a few weeks, and it's again full of elephants, and it's got all kinds of beautiful topography and rocky cliffs. It's a real sort of hidden forest, and it really gives you a feeling of great isolation being up on this mountain plateau.

So we started walking south of the mountain and pretty soon we came upon an elephant trail that lead us a little bit astray. It lead us to the east of where we wanted to go but we kept on following it and it just got bigger and bigger and bigger. I looked at the map and it was obvious that it was navigating us right toward a clearing. Long before you get to an elephant clearing you can tell where you're going, because the elephant trail opens up to like two meters wide, it's covered with dung, and there's a huge amount of track that are on these "highways." It's a lot like how major highway arteries in the States get bigger as they go into the city—that's basically what it is for elephants—it's an "elephant city." So, we get there, and there it is—this clearing that no one has ever seen before, no conservationist even could have imagined existed in Gabon. This place is just abounding with wildlife and you think "This place really is what old Giuseppe said it was." Even though he had never walked in it, it was as if he just knew this place was the best. The place is called Langoue and it still exists.

If you look at the map from a land-use perspective though, you realize that the entire block has been given away to many different

logging companies, and they're working their way into Langoue as fast as we can talk. They're going to log that entire area, and there's still about 500,000 hectares [1,235,500 acres] that are completely virgin, untouched forest. But because of the sheer number of logging companies in there, the potential to log that block completely very quickly is very high. So we're launching a campaign with the government and the logging companies and the conservation community and with the general public to try and create a national park in this place. That means pushing back time. That means going back in time essentially four or five years [ago], when there were no logging concessions in this place. And that's difficult to do. And it's expensive.

NG News: How much money are you looking to raise?

Fay: Well, if we had three and a half million dollars today, right now, we can go into Gabon tomorrow and negotiate the logging rights for those concessions and maybe preserve 300,000 hectares [741,000 acres] of that forest, which includes those native gorillas, the giant elephants, the clearing on the mountain and the waterfalls. We could start that process quite easily tomorrow. But surprisingly, finding three and a half million dollars for conservation, in this world that has too much money, is very difficult.

NG News: Where have you been looking for funding?

Fay: Everywhere. You know, we don't have a major coordinated fund-raising effort that we're investing lots of money into. We're trying to do it on the cheap. I guess you could say. We're trying to use the media coverage that we've received and use the connections that we have from a number of sources. We have raised well over a million dollars already, but we . . . need three and a half million dollars, and without it we're not gonna get that national park. . . . When you look at the exploitation of the resources in those countries it's not done for the consumption of Gabonese or Congolese, it's done primarily for the consumption of Americans, Asians, and Europeans. And people need to be responsible for that. They can't just blithely keep going farther afield and exploiting the wilderness without having to pay some attention to that fact, without having to pay up. . . . We get all upset when the U.S. government wants to go drilling in [the Arctic National Wildlife Refuge]. But when an oil company wants to drill in the most pristine place in Gabon, we don't say "boo." And that has to change. People need to be responsible globally if they're going to exploit globally. It has to be a two-way street.

NG News: How do you propose to monitor the park and protect it from such threats as poaching, logging, and bushmeat hunting?

Fay: It's that double-edged sword again. The place is very isolated right now. So we're looking at a four-pronged approach. The first prong was to basically get a team on the ground . . . to protect that clearing and get a presence in there that says to people, "There's somebody looking after this place." People have taken an interest in it, people have recognized that it's something that needs to be protected. . . . We have money from the U.S. Fish and Wildlife Service to establish a camp and a team on the ground. So that's prong number one.

Prong number two is the buy-back. We need to negotiate with logging companies and with the Gabonese government to find out how much it is going to cost and which blocks we can get. We're dealing with ten different blocks, each about 25,000 hectares (62,000 acres) . . . and each one takes a separate negotiation essentially. We have the green light from the Gabonese forestry minister to start this process.

The third prong of the effort is to establish a trust fund so that management will take place there in the long term. Trust funds not only create a situation where you can get funding for a place like that, but you also have a much broader management base . . . because if there's an international trust fund then there's an international board. And if there's an international board, people are going to be interested in keeping this place in a state that this fund was set up to preserve. Over the years national governments in Africa have shown great interest and have collaborated in international conservation efforts in their countries. This is seen as positive and we have had great success in the past with these associations.

And then the fourth thing is to actually establish a long-term presence on the ground, which again requires some sort of international collaboration between the conservation organization and the national government. It relies on funding from the outside rather than inside the country. We have a grant to pay for the ground action for the next three years and the effort to negotiate the national park. So we're making pretty good progress on our four prongs. But we've only completed about 10 to 30 percent of the 100 percent that we need to go on all four of those demands. So, there's still a lot of work to be done.

There are some positive elements to build on. Along the megatransect route there are already some protected areas. The idea is to preserve and fully protect about one tenth of the entire forest. We need to be pragmatic by setting reasonable targets that we can accomplish.

CONSERVATION INTERNATIONAL,
Washington, DC, June 26, 2002.

HON. BILL FRIST,
U.S. Senate, 416 Russell Senate Office Building,
Washington, DC

DEAR SENATOR FRIST: Conservation International applauds your leadership in sponsoring legislation to strengthen the Tropical Forest Conservation Act (TFCA). Through making nonconcessional debt eligible for TFCA treatment, this legislation paves the way for substantial conservation gains by allowing additional countries to participate in debt-for-nature swaps.

Gabon is a good example. The country contains some of the world's most pristine and biologically important tropical forests—forests that shelter an incredible diversity of wildlife including populations of gorillas and chimpanzees so wild as to never before have encountered human beings. Protecting Gabon's forests is an urgent priority of the conservation community. It is also important to Gabon's future. These forests are essential to maintaining hydrological patterns, protecting water quality and quantity, and offering development opportunities in the form of a potentially significant ecotourism market. As you well know, their exploitation poses an additional risk of exposing human beings to deadly disease. In fact, the most recent Ebola outbreak occurred in Gabon.

Gabon should be a strong candidate for debt relief under the Tropical Forest Conservation Act: it has abundant, critical, and threatened tropical forests; it has a stable political regime; it seeks resources for conservation; and it owes debts to the United States. Unfortunately, the TFCA's narrow construction prohibits Gabon from seeking debt treatment under the Act. Your legislation would change this.

Conservation International has a long history of participating in debt-for-nature swaps and has significant private resources to bring to the table in support of public/private partnerships under the TFCA. In fact, we recently worked with The Nature

Coservancy and World Wildlife Fund to contribute a total of \$1.1 million to a TFCA deal in Peru, which leveraged \$5.5 million in U.S. Government funds and generated \$10.6 million in local currency payments for conservation of Peru's forests. With passage of your legislation, CI anticipates additional opportunities to work with the U.S. and key tropical forest countries to simultaneously achieve conservation and debt relief.

Thank you once again for your leadership.

Sincerely,

NICHOLAS LAPHAM,
Senior Director for Policy.

By Mr. BINGAMAN:

S. 2696. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Albuquerque Biological Park Title Clarification Act. This bill would assist the City of Albuquerque, NM by clearing its title to two parcels of land located along the Rio Grande. More specifically, it would allow the city to move forward with its plans to improve the properties as part of a Biological Park Project, a city funded initiative to create a premier environmental educational center for its citizens and the entire State of New Mexico.

The Biological Park Project has been in the works since 1987 when the city began to develop an aquarium and botanic garden along the banks of the Rio Grande. The facilities constitutes just a portion of the overall project. In pursuit of the balance of the project, the city, in 1997, purchased two properties from the Middle Rio Grande Conservancy District, MRGCD, for \$3,875,000. The first property, Tingley Beach, had been leased by the city from MRGCD since 1931 and used for public park purposes. The second property, San Gabriel Park, had been leased by the city since 1963, and also used for public park purposes.

In the year 2000, the city's plan were interrupted when the U.S. Bureau of Reclamation claimed that in 1953 it had acquired ownership of all of MRGCD's property that is associated with the Middle Rio Grande Project. The United States' assertion called into question the validity of the 1997 transaction between the city and MRGCD. Both MRGCD and the city dispute the United States' claim of ownership.

This dispute is delaying the city's progress in developing the Biological Park Project. If the matter is simply left to litigation, the delay will be both indefinite and unnecessary. Reclamation has already determined that the two properties are surplus to the needs of the Middle Rio Grande Project. Moreover, this history of this issue indicates that Reclamation had once considered releasing its interest in the properties for \$1.00 each. Obviously, the Federal interest in these properties is low while the local interest is very high. Moreover, this bill would address

only the status of the two properties at issue. The general dispute concerning title to project works is left for the courts to decide.

I hope my colleagues will work with me to help resolve this issue which is important to the citizens of my state. While much of what we do here in the Congress is complex and time-consuming work, we should also have the ability to move quickly when necessary and appropriate to solve local problems caused by federal actions. I therefore urge my colleagues to support this legislation.

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. 2696

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Albuquerque Biological Park Title Clarification Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) In 1997, the City of Albuquerque, New Mexico paid \$3,875,000 to the Middle Rio Grande Conservancy District to acquire two parcels of land known as Tingley Beach and San Gabriel Park.

(2) The City intends to develop and improve Tingley Beach and San Gabriel Park as part of its Albuquerque Biological Park Project.

(3) In 2000, the City's title to Tingley Beach and San Gabriel Park was clouded by the Bureau of Reclamation's assertion that MRGCD had earlier transferred its assets, including Tingley Beach and San Gabriel Park, to the United States as part of a 1953 grant of easement associated with the Middle Rio Grande Project.

(4) The City's ability to continue developing the Albuquerque Biological Park Project has been hindered by the cloud on its title.

(5) The United States' claim of ownership is disputed by the City and MRGCD in *Rio Grande Silvery Minnow v. John W. Keys, III*, No. CV 99-1320 JP/RLP-ACE (D. N.M. filed Nov. 15 1999).

(6) Tingley Beach and San Gabriel Park are surplus to the needs of the Middle Rio Grande Project.

(b) PURPOSE.—The purpose of this Act is to disclaim on behalf of the United States, any right, title, and interest it may have in and to Tingley Beach and San Gabriel Park, thereby removing the cloud on the City's title to these lands.

SEC. 3. DEFINITIONS.

In this Act:

(a) CITY.—The term "City" means the City of Albuquerque, New Mexico.

(b) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms "Middle Rio Grande Conservancy District" and "MRGCD" mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution system for irrigation in the Middle Rio Grande Valley.

(c) MIDDLE RIO GRANDE PROJECT.—The term "Middle Rio Grande Project" means the federal reclamation project on the Middle Rio Grande authorized by the Flood Control Act of 1948 (Public Law 80-858; 62 Stat. 1179) and the Flood Control Act of 1950 (Public Law 81-516).

(d) SAN GABRIEL PARK.—The term "San Gabriel Park" means the tract of land containing 40.2236 acres, more or less, situated within Section 12, and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(e) TINGLEY BEACH.—The term "Tingley Beach" means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

SEC. 4. DISCLAIMER OF PROPERTY INTEREST.

(a) IN GENERAL.—As of the date of enactment of this Act, the United States—

(1) disclaims any right, title, and interest it may have in and to Tingley Beach and San Gabriel Park; and

(2) recognizes as valid the special warranty deeds dated November 25, 1997, conveying Tingley Beach and San Gabriel Park from MRGCD to the City.

(b) OTHER FEDERAL ACTION.—The Secretary of the Interior shall take any and all actions to ensure that future maps, property descriptions, or other documents generated in association with the Middle Rio Grande Project, are consistent with this Act.

SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) IN GENERAL.—Except as expressly provided in section 4, nothing in this Act shall be construed to affect any right, or interest in and to any land associated with the Middle Rio Grande Project.

(b) ONGOING LITIGATION.—Nothing contained in this Act shall be construed to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, No. CV 99-1320 JP/RLP-ACE, entitled *Rio Grande Silvery Minnow v. John W. Keys, III*, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

By Mr. REID (for himself, Mrs. BOXER, Mrs. CLINTON, Mr. LIEBERMAN, and Mr. SARBANES):

S. 2697. A bill to require the Secretary of the Interior to implement the final rule to phase out snowmobile use in Yellowstone National Park, John D. Rockefeller, Jr. Memorial Parkway, and Grant Teton National Park, and snowplane use in Grand Teton National Park; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, in Yellowstone National Park last winter, park rangers wore respirators. This isn't some kind of a joke, this is the truth. In Yellowstone National Park, the park rangers wore respirators because the air was so clouded and fogged with the pollution from snowmobiles that they had to do that to preserve their health.

Earlier this week, the Bush administration decided to open Yellowstone and Grand Teton National Parks to snowmobile traffic. In doing so, they chose to ignore an avalanche of public comments that strongly supported the banning of snowmobiles in these two

magnificent national parks. They chose pollution over protection.

Mr. President, this isn't the first failing grade of this administration's environmental report card. I am sorry to say it probably won't be the last. It is, however, particularly disappointing in light of the Yellowstone National Park's importance to the American people.

Today, I join with Senators BOXER, CLINTON, and LIEBERMAN to introduce the Yellowstone Protection Act to shield America's first national park from a relapse of damaging snowmobile traffic.

Congressmen RUSH HOLT and CHRISTOPHER SHAYS are introducing a similar bill in the House of Representatives today. I salute them for their bipartisan leadership on this most important issue.

When Congress established the National Park Service, we directed it to "conserve the scenery and the natural and historic objects and the wildlife" of our parks "unimpaired for the enjoyment of future generations."

Mr. President, I have given speeches talking about Government and the things we should be proud of. Near the top of the list every time is our national park system. We are the envy of the world with these magnificent parks, as well we should be. To think that people who work in the parks must wear respirators because of the smog caused by snowmobiles, that is hard to imagine.

In January of 2001, the National Park Service did the right thing. Wisely, it adopted a rule to phase out snowmobile use in the park. After carefully studying the science, examining the law, and reviewing the comments of the American people, it determined—the Park Service did—that the use of snowmobiles was inconsistent with the mission of Yellowstone National Park.

Yet despite that historic decision and the overwhelming evidence that led to it, despite the science the EPA said was among the best it had ever seen, despite the support of over 80 percent of the people commenting on this issue, the National Park Service, under pressure from the administration and special interests, decided on Tuesday to roll back this commonsense rule.

The Bush administration chose to ignore science, environmental laws, and public opinion.

The Yellowstone Protection Act simply codifies the original National Park Service rule that would have banned snowmobiles in the park.

Yellowstone Park is the birthplace of our park system. Congress created the National Park Service to protect Yellowstone and other parks.

Yellowstone Park should serve as a guiding light for our protection of natural resources, not as a canary in a coal mine.

Today, we must act to protect Yellowstone just as our forefathers did in 1872, when they established this magnificent national park. They made a

farsighted decision to guarantee that each new generation would inherit a healthy and vibrant Yellowstone.

This Congress must step forward to uphold what Congress began 130 years ago.

This legislation requires the management of Yellowstone and Grand Teton National Parks to be guided by law and informed by science, not dictated and directed by special interests.

We have suffered through the work that has been done by the Bush administration with the environment—whether it is arsenic in the water, whether it is stopping children from having their blood tested for lead, whether it is making it easier for power generators to dump millions of tons of pollutants in the air, whether it is easing up on Superfund legislation, refusing to fund Superfund legislation—all these things you would think would be enough. But, no, it is not enough. Now they have to say that Smokey the Bear must wear a respirator. I think that is too much.

I ask unanimous consent that the text 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. 2697

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 “Yellowstone Protection Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The January 22, 2001, rule phasing out snowmobile use in Yellowstone National Park, Grand Teton National Park, and the John D. Rockefeller, Jr. Memorial Parkway was made by professionals in the National Park Service who based their decision on law, 10 years of scientific study, and extensive public process.

(2) An environmental impact statement that formed the basis for the rule concluded that snowmobile use is impairing or adversely impacting air quality, natural soundscapes, wildlife, public and employee health and safety, and visitor enjoyment. According to the Environmental Protection Agency, the environmental impact statement had “among the most thorough and substantial science base that we have seen supporting a NEPA document”.

(3) The National Park Service concluded that snowmobile use is violating the mission given to the agency by Congress—to manage the parks “in such manner and by such means as will leave them unimpaired for the enjoyment of future generations”. The National Park Service also found that snowmobile use is “inconsistent with the requirements of the Clean Air Act, Executive Orders 11644 and 11989 [by Presidents Nixon and Carter, relating to off-road vehicle use on public lands], the NPS’s general snowmobile regulations and NPS management objectives for the parks”.

(4) In order to maintain winter visitor access, the Park Service outlined a plan to use the already existing mode of winter transportation known as snowcoaches, which are mass transit, oversnow vehicles similar to vans. The final rule states that a snowcoach transit system “would reduce adverse impacts on park resources and values, better

provide for public safety, and provide for public enjoyment of the park in winter”.

(5) The National Park Service Air Resources Division determined that despite being outnumbered by automobiles 16 to 1 during the course of a year, snowmobiles produce up to 68 percent of Yellowstone’s carbon monoxide pollution and up to 90 percent of the park’s annual hydrocarbon emissions.

(6) Noise from snowmobiles routinely disrupts natural sounds and natural quiet at popular Yellowstone attractions. A February 2000 “percent time audible” study found snowmobile noise present more than 90 percent of the time at 8 of 13 sites.

(7) In Yellowstone’s severe winter climate, snowmobile traffic regularly disturbs and harasses wildlife. In October 2001, 18 eminent scientists warned the Secretary of the Interior that “ignoring this information would not be consistent with the original vision intended to keep our national parks unimpaired for future generations”. National Park Service regulations allow snowmobile use only when that use “will not disturb wildlife...” (36 CFR 2.18(c)).

(8) At Yellowstone’s west entrance, park rangers and fee collectors suffer from symptoms of carbon monoxide poisoning due to snowmobile exhaust. According to National Park Service records, in December 2000, a dozen park employees filed medical complaints citing sore throats, headaches, lethargy, eye irritation, and tightness in the lungs. Their supervisor requested more staff at the west entrance, not because of a need for additional personnel to cover the work there, but so the supervisor could begin rotating employees more frequently out of the “fume cloud” for the sake of their health. In 2002, for the first time in National Park history, rangers were issued respirators to wear while performing their duties.

(9) The public opportunity to engage in the environmental impact study process was extensive and comprehensive. During the 3-year environmental impact study process and rulemaking, there were 4 opportunities for public consideration and comment. The Park Service held 22 public hearings in regional communities such as West Yellowstone, Cody, Jackson, and Idaho Falls, and across the Nation. The agency received over 70,000 individual comments. At each stage of the input process, support for phasing out snowmobiles grew, culminating in a 4-to-1 majority in favor of the rule in early 2001. More recently, 82 percent of those commenting wrote in favor of the National Park Service decision to phase out snowmobile use in the parks.

SEC. 3. FINAL RULE CODIFIED.

Beginning on the date of the enactment of this Act, the Secretary of the Interior shall implement the final rule to phase out snowmobile use in Yellowstone National Park, the John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park, and snowplane use in Grand Teton National Park, as published in the Federal Register on January 22, 2001 (66 Fed. Reg. 7260–7268). The Secretary shall not have the authority to modify or supersede any provision of that final rule.

By Mr. ROCKEFELLER:

S. 2698. A bill to establish a grant program for school renovation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 2699. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and ren-

ovation of public schools; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing two bills aimed at addressing our national school infrastructure crisis. Schools across America have been allowed to fall into ill repair, and in some school districts, there is a serious need for new school construction.

The Department of Education has found that the average age of a public school building in this country is 42 years old, an age when buildings tend to deteriorate. In 1995, the GAO found that the unmet need for school construction and renovation in the United States was a staggering \$112 billion.

When our schools are in poor condition, our children suffer and our Nation suffers. Studies have shown that children in well-kept schools perform better than children in deteriorating buildings. Certainly our children deserve the advantages that come with studying in a safe, clean, modern environment. The state of our schools is unacceptable, and it is our responsibility to do all we can to remedy this situation.

These bills are the first pieces of my education agenda for 2002. In addition to investing in school construction, we must also invest in school leadership. Within the next few weeks, I intend to promote initiatives for school principals and incentives to recruit and retain teachers. School leadership will be essential in meeting the higher standards set by our new Leave No Child Behind Act, and principals play a pivotal role. I will be pushing legislation to ensure that we invest in leadership programs to help principals be bold leaders of reform. Also, I intend to introduce tax incentives to reward highly qualified teachers as a way to recruit and retain the best and the brightest for our classrooms. Building leadership among principals and teachers is as essential to quality education as modern schools.

These efforts build on my ongoing education efforts on math and science and technology. In 1996, I was proud to sponsor the E-Rate program with Senator SNOWE to connect our classroom to the Internet because our students must be connected to modern technology to gain the skills needed for the 21st century. This year, I am working hard to enact the National Math and Science Partnership Act to authorize almost a \$1 billion a year for five years for the National Science Foundation to invest in promoting quality math and science education. The combination of these legislative initiatives should help provide the essential resources and leadership necessary to achieve our education goals.

I can see the effects of deteriorating school buildings in my State of West Virginia. There alone, the need for school construction, renovation, and repair is rapidly approaching a staggering \$2 billion over the next 10 years, a sum West Virginia cannot meet without assistance.

West Virginia has, in the past, benefited greatly from Federal programs designed to improve the quality of school buildings, and the money we've received has been put to excellent use. Funding made available by the Qualified Zone Academy Bond program, a program in which the Federal Government authorizes the states to sell school construction bonds and then pays the interest to the bond holders, has provided my state with over \$4 million in bond funding since 1998. This money has been used to renovate science labs, install wireless computer equipment, remove asbestos, and provide modular classrooms, among many other valuable projects. Another program, a direct funding initiative included in the FY 2001 final budget agreement, has also been a great success in West Virginia and across the nation.

Many schools in my State are unable to take advantage of school bondings because some local communities are so needy that they cannot afford even the low- or no-interest loans that program makes available. And when areas which are already disadvantaged are hit with natural disasters, such as the heart-breaking catastrophic flooding West Virginia has now suffered two years in a row, school districts cannot be expected to keep up with their infrastructure needs.

The direct funding initiative in the 2001 budget made \$1.2 billion in grants available for emergency school renovation and repair and technology improvements across America. West Virginia was fortunate to receive nearly \$8 million in funding from the program, enabling our schools to replace roofs, fix faulty wiring and sewage systems, remove asbestos, and make themselves better prepared for fire emergencies.

The success stories from these programs prove that we can make a real impact in the quality of schools in our nation. I am proud to introduce two bills today designed to build upon these past successes: the America's Better Classroom Act and the Building Our Children's Future Act.

The America's Better Classroom Act is designed to expand and build upon the success of the Qualified Zone Academy Bond, or the QZAB program. It expands this program by \$2.8 billion so even more school districts will be able to take advantage of the low-or no-interest school construction loans that it provides. QZAB's are aimed at schools in disadvantaged areas. To qualify, a school must be located in an empowerment zone, enterprise community, or 35 per cent of its students must be eligible for free or reduced lunch.

In addition to expanding the QZAB program, the America's Better Classroom Act creates a new \$22 billion bonding program designed to help all school districts meet their renovation needs. Funding to states will be allocated based on the Title I funding formula. In this way, many more school districts will have the opportunity to

reap the benefits of no- or low-interest loans for school renovation and repair. This legislation is similar to a House bill sponsored by Congresswoman NANCY JOHNSON and Congressman CHARLIE RANGEL. I look forward to working with the House colleagues on this crucial program.

The second bill I introduce today is the Building Our Children's Future Act, a \$5 billion initiative designed to help schools that, due to poverty, high growth, or unforeseen disaster, are unable to meet their repair and renovation needs. Many districts that are facing these difficult challenges find themselves so strapped that they cannot even afford to pay back the principle on an interest-free loan. These areas need direct help, and this grant program provides it.

The Building Our Children's Future Act gives each State funding based on Title I, with a priority to target funding to schools that have been damaged or destroyed by a natural disaster or are located in a high poverty or high growth areas, defined by the state. This makes certain that states have the flexibility to put the money where it is needed the most.

The bill also recognizes that not all renovation needs are the same. In the 21st century, providing students and teachers with access to technology will be a critical part of keeping schools up-to-date. Likewise, we have made a commitment to assist states in covering the costs of special education, a commitment that will undoubtedly require renovation and construction to accommodate special needs. For this reason, the Building Our Children's Future Act sets aside a portion of its funds for states to make technology improvements and carry out programs under the Individuals with Disabilities Education Act.

Finally, the Building Our Children's Future Act also makes money available to schools with high Native American populations and schools located in outlying areas, so that no group will be left behind as we seek to remedy our school infrastructure crisis.

I believe that America's Better Classroom Act and the Building Our Children's Future Act are important steps toward giving our children the learning environments they deserve. When our schools are in disrepair, we cannot expect our educational system to be any different. I hope you will join me in supporting these two bills and, in doing so, join me in supporting the futures of our children and our Nation.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 293—DESIGNATING THE WEEK OF NOVEMBER 10 THROUGH NOVEMBER 16, 2002, AS "NATIONAL VETERANS AWARENESS WEEK" TO EMPHASIZE THE NEED TO DEVELOP EDUCATIONAL PROGRAMS REGARDING THE CONTRIBUTIONS OF VETERANS TO THE COUNTRY

Mr. BIDEN (for himself, Mr. THURMOND, Mr. CONRAD, Mr. CLELAND, Mrs. CLINTON, Mr. ROCKEFELLER, Mr. MILLER, Mr. DEWINE, Mr. COCHRAN, Mr. DURBIN, Mr. LUGAR, Ms. COLLINS, Mr. SESSIONS, Mr. KERRY, Mr. BREAUX, Mr. DODD, Mr. DORGAN, Mr. HELMS, Mr. BAUCUS, Mrs. BOXER, Mr. JOHNSON, Ms. LANDRIEU, Mr. GRASSLEY, Mr. ROBERTS, Mr. LEVIN, Mr. REID, Mr. LEAHY, Mr. MCCAIN, Mr. HOLLINGS, Mr. SARBANES, Mr. VOINOVICH, Mr. INHOFE, Mrs. MURRAY, Mr. GREGG, Ms. MIKULSKI, Mr. DOMENICI, Mr. HUTCHINSON, Mrs. LINCOLN, Mr. SANTORUM, Mr. CRAPO, Mr. BUNNING, Mr. CRAIG, Mr. STEVENS, Mr. AKAKA, Mr. NELSON of Florida, Mr. CARPER, Mr. INOUE, Mr. HAGEL, Mr. FEINGOLD, Mr. WARNER, Mr. BINGAMAN, and Mr. DAYTON) submitted the following resolution; which was referred to the Committee on the Judiciary

S. RES. 293

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas our system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas on October 30, 2001, President George W. Bush issued a proclamation urging all Americans to observe November 11 through November 17, 2001, as National Veterans Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 10 through November 16, 2002, as "National Veterans Awareness Week" for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe National Veterans