S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 2737. A bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the Trade Adjustment Assistance Improvement Act of 2002.

You may ask why I am introducing this new bill now. After all, only about a month ago the Senate passed the Trade Act of 2002, a bill which prominently features a landmark expansion and improvement of the current Trade Adjustment Assistance program.

We all know that work on that trade bill is not yet complete. And I continue working diligently to get that bill through the conference process and on to the President's desk just as soon as possible.

Indeed, I am frustrated that so much time has been lost on this bill. Five weeks in the House as they worked through a very unusual process of appointing conferees. More time in the Senate while Republicans blocked efforts to get the bill to conference.

The TAA provisions in the trade bill that passed the Senate back in May are solid and important. They represent a huge improvement over current law. It is critical to remember, however, that they are the product of compromise, a compromise that was reached between Democrats and Republicans in the Senate and with the Administration.

In my view, the Senate-passed TAA reforms represent a good first step toward making TAA work for American workers. But we could do better. And we should do better.

That is why I am here introducing new TAA legislation today. I think American workers should know that my commitment to improve TAA will not end after we pass the current trade bill.

This new bill includes a number of provisions not included in H.R. 3009, the bill that passed the Senate. I would like to summarize a few of the most important new provisions now.

First, this bill makes training a full entitlement under TAA.

Under current law, TAA income support is an individual entitlement, but the training entitlement is subject to a funding cap. When funds run out, as they frequently do, workers cannot get the training to which they are entitled. In some cases, this results in denial of income support as well.

While H.R. 3009 raises the funding cap in an attempt to eliminate funding shortfalls for TAA training, I think this bill takes an even better approach. After all, TAA is fundamentally a retraining program. It just makes sense to make the same commitment to fully fund training that we already do to income support.

Second , this bill broadens the scope of eligibility to additional groups of trade-impacted workers who were dropped from TAA in the compromise language passed by the Senate. This includes, most importantly, a much broader definition of secondary workers.

In particular, this bill includes full TAA eligibility for downstream secondary workers, rather than limiting that eligibility to workers impacted by NAFTA.

It also includes coverage for workers who provide services under contract to trade-impacted firms and to truckers who may be adversely affected by the opening of the border to Mexican trucking services. In sum, this bill aims to make sure that every worker who loses his job as a result of trade gets fair and equitable access to services under TAA.

Third, this bill creates an easy and efficient process for providing TAA benefits on an industry-wide rather than firm-by-firm basis. We all know that there are industries in this country, like softwood lumber, steel, and textiles, just to name a few, that are experiencing declining employment on a national basis as a direct consequence of trade.

The bill addresses the problem two ways. In cases where an industry has already demonstrated adverse trade effects in a section 201 or ''safeguard'' investigation, the President must provide industry-wide TAA certification as part of the remedy.

It also requires the Secretary of Labor to use an industry-wide approach to certification in other industries when there is evidence that trade-related worker displacements are national in scope.

Finally, we restore the 75 percent health care tax credit for TAA participants that was reduced to 70 percent in the compromise trade bill. We also give workers additional choices for obtaining health care coverage.

Without strong and meaningful improvements in the TAA program, I think we would not have seen the wide, bipartisan support for the overall trade bill that allowed it to pass the Senate by a vote of 66–30.

For that reason, I view the Senate-passed TAA bill as a floor for what can reasonably be agreed to in conference. I don't think that something weaker is going to get us to a majority when the Senate considers the conference report.

As I mentioned before, many of the provisions included in this new bill were dropped from the trade bill that recently passed the Senate as part of a bipartisan compromise. Many, if not all, of them fall easily within the scope of the upcoming conference.

While I plan to vigorously defend the Senate bill in conference, I want to remind my colleagues in the House that the Senate bill already represents a bipartisan compromise, one worked out with the Administration.

In passing the rule to go to conference, my colleagues in the House have passed a bill that would completely gut the Senate-passed provisions. For example: the restrictions on coverage for secondary workers are so strict as to effectively eliminate coverage; the bill would not cover shifts in production to non-NAFTA countries; and the health care benefits have been significantly weakened. They would cover many fewer workers, for a shorter period of time, with reduced benefits that may be of little use.

I would suggest to my colleagues in the House that efforts to weaken the Senate bill will be met with equally strong efforts to strengthen it. It should come as no surprise that, if my House colleagues persist in trying to weaken TAA, I will feel obligated to raise some of the provisions that were dropped in the Senate negotiations.

As I have said many times, I believe an improved TAA program is critical to regaining public confidence in a liberal trade policy for our country. In future, I intend to keep working toward the goal of improving TAA in every way available. I think this new bill points us in the right direction and I am pleased to be introducing it today.

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

S. 2738. A bill to provide for the reimbursement under the Medicaid program under title XIX of the Social Security Act of nursing facilities that are located on an Indian reservation in the State of South Dakota and owned or operated by an Indian tribe or tribal organization, and for other purposes; to the Committee on Finance.

Mr. JOHNSON. Mr. President, South Dakota tribes are prevented from developing elder care on their reservations due to a State imposed moratorium on the construction or acquisition of additional nursing home beds. This impasse has gone on for nearly a decade, much too long.

Today I am introducing legislation along with my good friend and colleague Senator DASCHLE, that will facilitate the development and operation of nursing facilities that are owned or operated by an Indian tribe or tribal organization on Indian reservations that are located in the State of South Dakota. Additionally, the legislation will protect the right of members of Indian tribes and tribal organizations to

access health care provided by nursing facilities in the exercise of those members' entitlement to medical assistance under the Medicaid program.

The facts and information discussed during the Senate Indian Affairs July 10, 2002, Hearing on Elder Health Issues, confirms the need for this legislation. The National Resource Center on Native American Aging at the University of North Dakota, NRCNAA, reports that there is a ''greater level of need for personal assistance among the Native American elders than in the general population''. Only 6.5 percent of the Native American elders over 55 receive such services. This fact is especially alarming in light of the fact that Indian elders are affected disproportionately by disability and poor health. For example, the prevalence of diagnosed diabetes among American Indians and Alaska Natives age 65 and over, is 21.5 percent. This is nearly double the rate of 11 percent for the non-Hispanic white population, age 65 and over. Additionally, because of their rural isolation, poverty, and other barriers, reservation elders have little access to existing long term care delivery mechanisms that may serve mainstream or urban elderly populations.

This legislation will reduce existing barriers and give South Dakota tribes, their tribal elders, and their families long-term care alternatives. This legislation will assist tribes in their goal of providing their elders with care that preserves the individuals' dignity and health. I will continue to work closely with tribal leaders in South Dakota and Senator DASCHLE to address this critical problem facing the Native American community. I urge my colleagues to support passage of the South Dakota Tribal Nursing Facilities Act of 2002.

Mr. DASCHLE. Mr. President, today I join the Senator from South Dakota, Mr. Johnson, in introducing the South Dakota Tribal Nursing Facilities Act of 2002. I am proud to be an original cosponsor of this legislation, which will address the growing need for tribally-operated nursing homes on South Dakota's Indian reservations.

The Committee on Indian Affairs recently held a hearing on the growing health concerns facing Native American elders throughout Indian Country. Elderly Native Americans suffer from diabetes and other debilitating illnesses at rates hundreds of times higher than the general population. As more and more people live longer, it is necessary to find new ways to provide them with the health care, support, and services they need to lead productive, dignified lives.

American Indian elders are well respected and play a strong, central role in their communities. They are the storytellers, the historians, the teachers, and the link between the younger generation and the past. Unfortunately, Native American elderly in need of nursing home or other long-term care are forced to enter off-reservation facilities, or pay for private care, which many cannot afford. In rural States like South Dakota, many off-reservation facilities are hundreds of miles from the reservation, which places an increased burden on family members and ioslated the elders who are housed there. Many families cannot afford to visit their parents or grandparents in these distant nursing homes, and the elders often die forgotten and alone. While these nursing homes provide for the physical well-being, their spiritual health suffers.

There are only eleven tribally operated nursing home nationwide, and only one in South Dakota, operated by the Rosebud Sioux Tribe. The National Indian Council on Aging estimates that there are approximately 165,000 American Indians elderly nationwide, with less than 700 tribal nursing home beds available. Tribal nursing homes will allow tribal elders to remain in their communities, surrounded by friends and loved ones in their later years. In recent years, several South Dakota tribes have expressed an interest in establishing nursing homes on their reservations to provide for their tribal elderly. However, the South Dakota Legislature, in response to a surplus of nursing home beds and dwindling Medicaid funding, enacted a moratorium prohibiting the construction and licensing of new nursing homes.

While the moratorium does not apply to construction on Indian reservations in the State, the prohibition on licensing has the unfortunate effect of blocking access to a key and critical source of funding for any tribally-operated nursing home, Medicaid. Federal law requires that nursing homes be licensed by the State in which they are located to be eligible for reimbursement under Medicaid. The South Dakota Tribal Nursing Facilities Act of 2002 will overcome this obstacle by authorizing Indian tribes to construct, operate and license their own nursing homes. This will level the playing field to afford an opportunity to tribal governments that is afforded already to States. It is my hope this proposal will serve as a starting point so we can begin to address the long-term health care needs of American Indians across the country. I hope you will support our joint efforts.

By Mr. HATCH (for himself, Mr. DEWINE, Mr. LOTT, Mr. DOMENICI, Mr. BUNNING, Mr. GRASSLEY, Mr. KYL, Mr. MCCONNELL, Mr. SESSIONS, Mr. SANTORUM, Mr. HUTCHINSON, Mr. THURMOND, and Mr. HELMS):

S. 2739. A bill to provide for post-conviction DNA testing, to improve competence and performance of prosecutors, defense counsel, and trial judges handling State capital criminal cases, to ensure the quality of defense counsel in Federal capital cases, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, the issue of the death penalty in our country continues to spark significant debate. The recent Supreme Court decisions addressing capital punishment underscore the importance of this issue to the American people. It is an issue that engenders great passion, both among its supporters and among its opponents. The American people believe in the death penalty, especially for terrorists who have killed thousands of Americans. And all of us agree that the death penalty must be imposed fairly and accurately.

I have stated on numerous occasions my views on the death penalty. It is the ultimate punishment and it should be reserved only for those defendants who commit the most heinous of crimes. I am firmly convinced that we must be vigilant in ensuring that capital punishment is meted out fairly against those truly guilty criminals. We cannot and should not tolerate defects in the capital punishment system. No one can disagree with this ultimate and solemn responsibility.

In the last decade, DNA testing has evolved as the most reliable forensic technique for identifying criminals when biological evidence is recovered. While DNA testing is now standard in pre-trial investigations today, the issue of post-conviction DNA testing has emerged in recent years as the technology for such testing has improved. The integrity of our criminal justice system and in particular, our death penalty system, can be enhanced with the appropriate use of DNA testing. No one disagrees with the fact that post-conviction DNA testing should be made available to defendants when it serves the ends of justice.

In addition to post-conviction DNA testing, every defendant in our criminal justice system is afforded the guarantee by the 6th Amendment of our Constitution of competent and effective counsel. The Supreme Court has enforced this right in numerous decisions in order to ensure that all defendants are afforded the constitutional protections guaranteed to them.

Death penalty opponents argue that the system is broken and blame ineffective assistance of counsel. Their own evidence, however, indicates that the system is not broken. To the contrary, a recent Justice Department study concluded that ''[i]n both Federal and large State courts, conviction rates were the same for defendants represented by publicly financed and private attorneys.'' (Caroline Wolf Harlow, Defense Counsel in Criminal Cases, Bureau of Justice Statistics, November 2000). Further, 34 out of 38 States with capital punishment have adopted standards or have existing practices to ensure assignment of competent counsel. In my view, the appellate system and our habeas system, which was reformed in 1996, remain robust and entirely capable of identifying and rectifying instances of deficient representation or substantial error at the trial level.

We have all heard the horror stories of the attorney who fell asleep during

his client's trial and the attorney who showed up for trial intoxicated. Some opponents of the death penalty seek to portray these stories as ''par for the course.'' This view ignores the hundreds of capital cases in which no flaw was found in the quality of legal representation. It also ignores the hundreds of capital cases in which defendants were either acquitted, or sentenced to a penalty less than death, many times the result of outstanding representation by defense counsel. The truth is that in many cases prosecutors handling a capital case are out-manned and outgunned by defense teams funded by a combination of public and private sources.

The legislation I introduce today will ensure the integrity of our death penalty system. The Act addresses post-conviction DNA testing for defendants, provides grants to States to fund state post-conviction DNA testing programs, and creates new grant programs to train State prosecutors, defense counsel and judges to ensure that defendants receive a fair capital trial.

First, the Act authorizes post-conviction DNA testing where a federal defendant can show that the DNA test will establish his or her ''actual innocence.'' There has been considerable debate about when a convicted defendant should be entitled to post-conviction DNA testing. Under my proposal, when a defendant demonstrates that a favorable result would show that he or she is actually innocent of the crime, the defendant will be given access to DNA testing. Thus, DNA testing will not be permitted where such a test would only muddy the waters and be used by the defendant to fuel a new and frivolous series of appeals. When a DNA test shows that the defendant is actually innocent, then the Act authorizes the defendant to file a motion for a new trial. Under the Act, DNA testing in capital cases will be prioritized and conducted on a ''fast track,'' so that these important cases are handled quickly.

Second, in order to discourage a flood of baseless claims, the Act authorizes the prosecution of defendants who make false claims of innocence in support of a DNA testing request. Each defendant will be required to assert under penalty of perjury that they are, in fact, innocent of the crime. When DNA testing reveals that the defendant's claim of innocence was actually false, the defendant can then be prosecuted for perjury, contempt or false statements. Further, the Act allows DNA test results to be entered into the CODIS database and compared against unsolved crimes. If the test result shows that the defendant committed another crime, the defendant may then be prosecuted for the other crime.

Third, with respect to State defendants, the Act encourages States to create similar DNA testing procedures, and provides funding assistance to those States that implement DNA testing programs. Twenty-five of 38 States which have capital punishment already have enacted post-conviction DNA testing programs, and 6 States have pending legislation to create such a program. With the new source of funding, more States will enact DNA testing programs, and will provide such testing on an expedited basis.

Fourth, in order to improve the fairness and accuracy of state capital trials, the Act creates grant programs to train defense counsel, prosecutors and trial judges to ensure fair capital trials. While I do not believe that the system is broken, I do believe that our justice system can always be improved. The grants proposed under the Act will enable States to send prosecutors, defense counsel and trial judges to training programs to ensure that capital cases are handled more efficiently and effectively, and that every capital defendant will receive a fair trial under our justice system.

Starting in 2001 and continuing through this year, the Judiciary Committee, has conducted a number of hearings to examine these difficult issues relating to the death penalty system in our country. A competing proposal, S. 486, is now pending before the Committee. The alternative proposal would open the floodgates to frivolous litigation by allowing convicted Federal and State defendants to obtain post-conviction DNA testing even when they have never previously claimed they were innocent of the crime. Second, the alternative proposal tramples on the concept of federalism by stretching the 14th Amendment to mandate DNA testing and evidence preservation requirements on the States. Third, the alternative proposal would strip state courts of their traditional power to appoint counsel to represent indigent defendants; require states to comply with federally-mandated requirements for assignment of competent counsel; and fund new private capital resource litigation centers. Fourth, the alternative bill threatens to reduce valuable Byrne grants to State law enforcement agencies which are needed to fight crime in our local communities. Finally, the alternative bill would authorize a flood of private suits to enforce a set of new federal mandates on each of the states.

My bill will further our nation's commitment to justice, ensure that our country has a fair death penalty system, and protect the sovereignty of states from burdensome and unnecessary federal assertions of power.

I strongly urge my colleagues to join with me in promptly passing this important 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:

[Data not available at time of printing.]

By Mr. GRASSLEY (for himself and Mr. NELSON of Nebraska):

S. 2741. A bill to amend title 38, United States Code, to improve procedures for the determination of the inability of veterans to defray expenses of necessary medical care, and for other purposes; to the Committee on Veterans' Affairs.

Mr. GRASSLEY. Mr. President, today I am introducing legislation to address a problem in the way the Department of Veterans Affairs, VA, determines a veteran's eligibility category for health care, which results in an unfair misclassification of many veterans who are farmers. Veterans who do not have a service-connected disability but who are unable to defray the cost of necessary health care are placed in priority group 5 and are able to receive health care services from the VA at no cost to the veteran. In order to determine whether a veteran falls below the means test threshold and is thus eligible to enroll in priority group 5, the VA looks at the net worth of a veteran's estate, including any real property owned by the veteran or the veteran's spouse. When you add in the value of farm land, the net worth of many farmer-veterans can appear high on paper even though they may in fact have little or no income.

The current means test threshold for net worth is set at $80,000. Given the current average value of farm land in Iowa of $1,857, a farm in Iowa worth $80,000 would average a barely viable 44 acres. A more viable 80 acre farm would be worth $148,560 on average. In other words, almost any Iowa farm large enough to be viable would exceed the current means test threshold.

Under the current law, when the value of a veteran's estate exceeds the means test threshold, the veteran becomes ineligible to enroll in priority group 5 if the VA determines that ''it is reasonable that some part of the corpus of such estates be consumed for the veteran's maintenance.'' I don't think it is ever ''reasonable'' that a veteran, who has little or no income or other assets, be asked to sell a portion of his family farm in order to pay his medical bills. Nevertheless, because of the way the law currently reads, these land-rich but cash-poor veterans are often placed in priority group 7, meaning they may only enroll in VA health care if they agree to pay co-payments to the VA and then only on a space-available and funds-available basis.

This problem was first brought to my attention by one of my constituents, Larry Sundall, who is a county veterans service officer in Emmet County, IA. In response, I convened a meeting in Des Moines in April of 2000, which was attended by county veterans service officers and State veterans affairs officers from Iowa, Minnesota, Nebraska, and South Dakota as well as VA staff. I heard many similar stories about low-income veterans who were in the same boat. In September of that year, I introduced legislation to fix this problem by excluding the value of real property from the calculation of

the net worth of a veteran's estate in determining a veteran's eligibility category for health care.

Unfortunately, my bill was not acted on before the end of the 106th Congress. In the first session of the 107th Congress, an unsuccessful attempt was made to address this issue in the context of legislation to make improvements to various veterans' programs. I am now reintroducing my legislation in hopes of fixing this problem once and for all.

In addition, my bill makes some adjustments to the way the VA determines the attributable income of a veteran that will make the process easier for both the VA and the veteran. The VA currently has the authority to verify a veteran's income using a quick and efficient computer process that matches VA records with data from the IRS and other Federal agencies. However, the data for the prior year is often unavailable making it impossible for the VA to perform this income verification for the majority of veterans at the time when the data is needed. My bill would allow the VA to use the data available for the year preceding the previous year to determine the attributable income of a veteran. This would not only help the VA to more easily and more accurately determine a veteran's income, it would also allow a veteran to check a box to let the VA use this procedure to gather the veteran's income data without the veteran having to dig through his financial records and fill out the information on a form. It can be frustrating for a veteran to have to fill out the paperwork necessary to apply for benefits and this change would make the application process easier for both the veteran and the VA.

My bill would correct a fundamental unfairness that adversely affects veterans who are farmers while making the application process for health benefits simpler for veterans and more efficient for the VA. In fact, taken together, these important reforms would actually save taxpayer dollars. According to data provided to me by the VA, over $8.7 million would be saved in fiscal year 2003 alone. This legislation is a win-win proposition and I would urge my colleagues to join me in supporting the swift passage of this measure.

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. 2741

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

SECTION 1. IMPROVEMENT OF PROCEDURES FOR DETERMINATION OF INABILITY TO DEFRAY EXPENSES OF NECESSARY MEDICAL CARE.

(a) EXCLUSION OF CERTAIN ASSETS FROM ATTRIBUTABLE INCOME AND CORPUS OF ESTATES.—Subsection (f) of section 1722 of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: '', except that such income shall not include the value of any real property of the veteran or the veteran's spouse or dependent children, if any, or any income of the veteran's dependent children, if any''; and

(2) in paragraph (2), by striking ''the estates'' and all that follows and inserting ''the estate of the veteran's spouse, if any, but does not include any real property of the veteran, the veteran's spouse, or any dependent children of the veteran, nor any income of dependent children of the veteran.''.

(b) ALTERNATIVE YEAR FOR DETERMINATION OF ATTRIBUTABLE INCOME.—That section is further amended by adding at the end the following new subsection:

''(h) For purposes of determining the attributable income of a veteran under this section, the Secretary may determine the attributable income of the veteran for the year preceding the previous year, rather than for the previous year, if the Secretary finds that available data do not permit a timely determination of the attributable income of the veteran for the previous year for such purposes.''.

(c) USE OF INCOME INFORMATION FROM CERTAIN OTHER FEDERAL AGENCIES.—Section 5317 of that title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) In addition to any other activities under this section, the Secretary may utilize income information obtained under this section from the Secretary of Health and Human Services or the Secretary of the Treasury for the purpose of determining the attributable income of a veteran under section 1722 of this title, in lieu of obtaining income information directly from the veteran for that purpose.''.

(d) PERMANENT AUTHORITY TO OBTAIN INFORMATION.—(1) Section 5317 of that title, as amended by subsection (c), is further amended by striking subsection (h).

(2) Section 6103(l)(7)(D) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(7)(D)) is amended in the flush matter at the end by striking the second sentence.

By Mrs. HUTCHISON (for herself, Mr. LEVIN, Mr. BINGAMAN, Mr. DOMENICI, Mr. MURKOWSKI and Ms. CANTWELL):

S. 2742. A bill to establish new nonimmigrant classes for border commuter students; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, I am pleased to join my colleague from Texas, Senator HUTCHISON, in introducing legislation to make part-time commuter students who are nationals of either Canada or Mexico and attend school in the United States eligible for student visas.

Thousands of Canadian nationals commute to attend schools part time in the United States and hundreds of these part-time students commute to schools in Michigan. Between 35 and 40 part-time Canadian students attend Baker College, in Port Huron, MI, each semester. And more than 400 Canadian students plan to attend Wayne State University in Detroit part time this fall alone. Other schools in Michigan, including Lake Superior State University in Sault Saint Marie, also have a number of part-time Canadian students. Unfortunately, current law does not establish an appropriate visa for these part-time commuter students.

Under the Immigration and Naturalization Act, aliens who reside in a foreign country and are pursuing a full course of study from a recognized vocational institution or an established college, university, or other academic institution in the United States are eligible for student visas. For purposes of granting student visas, the INS defines ''full course of study'' as 12 credits or more. Part-time commuter students, those who might be only taking a class or two, are not currently eligible for student visas.

However, some INS district offices have permitted part-time commuter students to enter the United States as visitors to pursue their studies. However, the INS recently announced its intention to eliminate this practice and enforce the full time, 12 credit hour requirement.

I agree with the INS that we need to tighten up enforcement of our immigration laws. However, achieving this goal does not mean that we have to prohibit all part-time commuter students from attending classes at schools in the United States. But absent a legislative remedy, that is exactly what will happen. Fortunately, the agency recently postponed enforcement of the policy until August 15, 2002, while administrative and legislative remedies are considered. The legislation we are introducing today appropriately addresses the problem facing part-time commuter students without opening new avenues for illegal immigration.

Our bill would amend 18 U.S.C. 1101 to make certain part-time commuter students eligible for student visas. The bill would allow nationals of Canada or Mexico who both maintain a residence and a place of abode in their country or nationality and who commute to school to enroll part time in schools in the United States. Part-time commuter student visas are restricted to nationals of Canada or Mexico. Our bill would not make political asylees, residents, or others who are nationals of third countries but simply live in Canada or Mexico eligible for the visas.

The legislation also enhances national security by ensuring that part-time commuter students are tracked through SEVIS, the Student and Exchange Visitor Information System. SEVIS was set up to make the Federal Government aware of changes in a foreign student's status that could affect their eligibility to remain in the United States. The Enhanced Border Security and Visa Entry Reform Act passed by the Senate in April and signed into law by the President on May 14, 2002, paved the way for full implementation of SEVIS. Certain schools began participating in a SEVIS this month and participation is mandatory by January 30, 2003. However, SEVIS only tracks nonimmigrant students and exchange visitors. Aliens admitted with visitor visas are not tracked through the system. Our bill will, for the first time, ensure that part-time commuter students from

Canada and Mexico are tracked through SEVIS.

Mr. President, the legislation we are introducing today is not only an improvement on current INS policy with regards to part-time commuter students but it closes an important loophole in INS's student tracking system. I am pleased to join Senator HUTCHINSON in introducing the bill and I look forward to seeing it pass the 107th Congress.

BORDER COMMUTER STUDENT ACT OF 2002

Ms. CANTWELL. Mr. President, I am joining today with Senator KAY BAILEY HUTCHISON to introduce the Border Commuter Student Act of 2002.

In my State and many other States along our borders, Canadian and Mexican students take advantage of our excellent community colleges and vocational schools. For many years, this system has worked well, providing economic benefits to the schools and to the surrounding communities while also helping Mexican and Canadian students to benefit from educational opportunities in this country.

Unfortunately, despite the fact that this is a system that has worked well for both Canadian students and the local communities the Immigration and Naturalization, INS, recently decided to begin enforcing a 50-year-old law that prohibits those students from attending U.S. schools on a part-time basis. As of August 15, students will no longer be allowed to cross the Canadian border to attend classes at Bellingham Technical College. This will result in a significant loss of funds for Bellingham Technical College and the surrounding community in Whatcom County which is already suffering from severely reduced border traffic in the wake of September 11 and the economic downturn in the State as a whole.

They will not be allowed to cross the border to attend El Paso Community College, D'Youville College in Buffalo, or Wayne State University in Detroit.

In my home State of Washington, Bellingham Technical College currently has many part-time students who commute from Canada, the vast majority of whom are enrolled in nursing, surgical technology, and dental assistant training programs. This action is being taken at the same time we are facing a devastating shortage of nurses and other health care professionals both in the United States and in Canada.

This bill will address this issue by creating a new category for students who do not intend to immigrate to this country. It will be limited to Canadian and Mexican commuter students residing in their home country and attending school on a full- or part-time basis at schools in many of our border States. In order to qualify for this visa, students will have to prove that they are who they say they are, and will be subjected to more strict requirements than Canadian visitors entering the U.S. for pleasure.

Our educational system is the best in the world, and the INS decision to terminate a system that has been extending that educational opportunity to those who live adjacent to our borders and that has been providing economic benefit to my State and many other States, is the wrong policy. With the introduction of this legislation today, we will address this problem and allow a system that has been working to continue. I am proud to be a cosponsor of the Border Commuter Student Act of 2002.

I would like to thank Senator HUTCHISON for her leadership on the bill and look forward to working with her and my other colleagues to pass this important legislation.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 2743. A bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; to the Committee on Indian Affairs.

Mr. KYL. Mr. President, on behalf of Senator MCCAIN and myself I am introducing legislation today that would codify the settlement of the Zuni Indian Tribe's water rights for its religious lands in northeastern Arizona. Congress first recognized the importance of these lands in 1984 when it created the Zuni Heaven Reservation, Pub. L. No. 98–498, as amended by Pub. L. No. 101–486, 1990. The small communities upstream from this Reservation have been fully-appropriated, they have had more would-be water users than water, for nearly a century. The prospect of dividing this limited water with yet another user created great uncertainty. To resolve that uncertainty and to avoid expensive and protracted litigation, the Zuni Tribe, the United States on behalf of the Zuni Tribe, the State of Arizona, including the Arizona Game and Fish Commission, the Arizona State Land Department, and the Arizona State Parks Board, and the major water users in this area of Arizona negotiated for many years to produce a settlement that is acceptable to all parties.

This bill would provide the Zuni Tribe with the resources and protections necessary to acquire water rights from willing sellers and to restore and protect the wetland environment that previously existed on the Reservation. In return, the Zuni Tribe would waive its claims in the Little Colorado River Adjudication. In addition, the Zuni Tribe would, among other things, grandfather existing water uses and waive claims against many future water uses in the Little Colorado River basin. In summary, with this bill, the Zuni Tribe can achieve its needs for the Zuni Heaven Reservation while avoiding a disruption to local water users and industry. Furthermore, the United States can avoid litigating water rights and damage claims and satisfy its trust responsibilities to the Tribe regarding water for the Reservation. The parties have worked many years to reach consensus and I believe this bill would produce a fair result to all.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 2744. A bill to establish the National Aviation Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

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

Mr. DeWINE. Mr. President, I rise today with my friend and fellow Ohioan, Senator VOINOVICH, to introduce a bill that would establish a National Aviation Heritage Area within our home state of Ohio.

The year 2003 represents the 100th anniversary of manned flight. On December 17, 1903, Wilbur and Orville Wright, who are native Ohioans, invented controlled, heavier-than-air flight. This was the first step in the century-long progression of flight. The Wright Brothers' successful design and the science behind it were the forerunners to our modern airplanes and space vehicles.

There is obvious historical and cultural significance to the birth of aviation, and one of the unique educational aspects of aviation is the opportunity we can give children to interact with the subject outside of the classroom. This is why I am proud today to be introducing the National Aviation Heritage Area Act.

Our bill seeks to foster strong public and private investments in aviation landmarks. Some of these landmarks include the Wright Brother's Wright Cycle Company, located in Dayton, OH; the National Aviation Hall of Fame; the Wright-Dunbar Interpretive Center, where students of all ages can learn about the painstaking measures the Wright Brothers and many of their predecessors took to fly; and the Huffman Prairie Flying Field, where the Brothers perfected the design of the world's first airplane. Listed in the bill are several other important aviation sites that may be added into the Heritage Area at a later date, such as the NASA-Glenn Research Facility and the Captain Edward V. Rickenbacher House.

Mr. President, flight has become another important square in the patchwork of our nation's history. We are reminded of this every time we look skyward and see the crisscross of jet contrails. We are reminded of this every time we walk through the Rotunda of our very own U.S. Capitol and see the last frieze square that depicts the invention of flight by the Wright Brothers. And, we are reminded of this by one of the symbols of America, the eagle, a flying bird that represents the freedom of a people.

It is vital that we protect the sites that have played such an important role in aviation. Doing so, we can enhance the education and enrichment of our children and our grandchildren for many years to come.

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. 2744

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

TITLE I—NATIONAL AVIATION HERITAGE AREA

SECTION 101. SHORT TITLE.

This title may be cited as the ''National Aviation Heritage Area Act''.

SEC. 102. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Few technological advances have transformed the world or our Nation's economy, society, culture, and national character as the development of powered flight.

(2) The industrial, cultural, and natural heritage legacies of the aviation and aerospace industry in the State of Ohio are nationally significant.

(3) Dayton, Ohio, and other defined areas where the development of the airplane and aerospace technology established our Nation's leadership in both civil and military aeronautics and astronautics set the foundation for the 20th Century to be an American Century.

(4) Wright-Patterson Air Force Base in Dayton, Ohio, is the birthplace, the home, and an integral part of the future of aerospace.

(5) The economic strength of our Nation is connected integrally to the vitality of the aviation and aerospace industry, which is responsible for an estimated 11,200,000 American jobs.

(6) The industrial and cultural heritage of the aviation and aerospace industry in the State of Ohio includes the social history and living cultural traditions of several generations.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Ohio to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Aviation Heritage Foundation, Incorporated, the State of Ohio, and other local and governmental entities to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans, while providing opportunities for education and revitalization.

(8) Since the enactment of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), partnerships among the Federal, State, and local governments and the private sector have greatly assisted the development and preservation of the historic aviation resources in the Miami Valley.

(9) An aviation heritage area centered in Southwest Ohio is a suitable and feasible management option to increase collaboration, promote heritage tourism, and build on the established partnerships among Ohio's historic aviation resources and related sites.

(10) A critical level of collaboration among the historic aviation resources in Southwest Ohio cannot be achieved without a congressionally established national heritage area and the support of the National Park Service and other Federal agencies which own significant historic aviation-related sites in Ohio.

(11) The Aviation Heritage Foundation, Incorporated, would be an appropriate management entity to oversee the development of the National Aviation Heritage Area.

(12) Five National Park Service and Dayton Aviation Heritage Commission studies and planning documents ''Study of Alternatives: Dayton's Aviation Heritage'', ''Dayton Aviation Heritage National Historical Park Suitability/Feasibility Study'', ''Dayton Aviation Heritage General Management Plan'', ''Dayton Historic Resources Preservation and Development Plan'', and Heritage Area Concept Study (in progress) demonstrated that sufficient historical resources exist to establish the National Aviation Heritage Area.

(13) With the advent of the 100th anniversary of the first powered flight in 2003, it is recognized that the preservation of properties nationally significant in the history of aviation is an important goal for the future education of Americans.

(14) Local governments, the State of Ohio, and private sector interests have embraced the heritage area concept and desire to enter into a partnership with the Federal Government to preserve, protect, and develop the Heritage Area for public benefit.

(15) The National Aviation Heritage Area would complement and enhance the aviation-related resources within the National Park Service, especially the Dayton Aviation Heritage National Historical Park, Ohio, and the Wright Brothers National Memorial, Kitty Hawk, North Carolina.

(b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—

(1) encourage and facilitate collaboration among the facilities, sites, organizations, governmental entities, and educational institutions within the Heritage Area to promote heritage tourism and to develop educational and cultural programs for the public;

(2) preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, structures, facilities, and sites within the National Aviation Heritage Area;

(3) encourage within the National Aviation Heritage Area a broad range of economic opportunities enhancing the quality of life for present and future generations;

(4) provide a management framework to assist the State of Ohio, its political subdivisions, other areas, and private organizations, or combinations thereof, in preparing and implementing an integrated Management Plan to conserve their aviation heritage and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the Heritage Area; and

(5) authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and private organizations, or combinations thereof, in preparing and implementing the private Management Plan.

SEC. 103. DEFINITIONS.

For purposes of this title:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Foundation.

(2) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means funds appropriated by Congress and made available to the management entity for the purpose of preparing and implementing the Management Plan.

(3) HERITAGE AREA.—The term ''Heritage Area'' means the National Aviation Heritage Area established by section 4 to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

(4) MANAGEMENT PLAN.—The term ''Management Plan'' means the management plan for the Heritage Area developed under section 106.

(5) MANAGEMENT ENTITY.—The term ''management entity'' means the Aviation Heritage Foundation, Incorporated (a nonprofit corporation established under the laws of the State of Ohio).

(6) PARTNER.—The term ''partner'' means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

SEC. 104. NATIONAL AVIATION HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Ohio, and other areas as appropriate, the National Aviation Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall include the following:

(1) A core area consisting of resources in Montgomery, Greene, Warren, Miami, Clark, and Champaign Counties in Ohio.

(2) The Neil Armstrong Air & Space Museum, Wapakoneta, Ohio, and the Wilbur Wright Birthplace and Museum, Millville, Indiana.

(3) Sites, buildings, and districts recommended by the Management Plan.

(c) MAP.—A map of the Heritage Area shall be included in the Management Plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Aviation Heritage Foundation.

SEC. 105. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—For purposes of implementing the Management Plan, the management entity may use Federal funds made available through this Act to—

(1) make grants to, and enter into cooperative agreements with, the State of Ohio and political subdivisions of that State, private organizations, or any person;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.— The management entity shall—

(1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section 106;

(2) give priority to implementing actions set forth in the Management Plan, including taking steps to assist units of government and nonprofit organizations in preserving resources within the Heritage Area and encouraging local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the Management Plan;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area in developing and implementing the Management Plan;

(4) maintain a collaboration among the partners to promote heritage tourism and to assist partners to develop educational and cultural programs for the public;

(5) encourage economic viability in the Heritage Area consistent with the goals of the Management Plan;

(6) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(7) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;

(8) conduct public meetings at least quarterly regarding the implementation of the Management Plan;

(9) submit substantial amendments to the Management Plan to the Secretary for the approval of the Secretary; and

(10) for any year in which Federal funds have been received under this Act—

(A) submit an annual report to the Secretary that sets forth the accomplishments of the management entity and its expenses and income;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this Act to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds from other sources for authorized purposes.

SEC. 106. MANAGEMENT PLAN.

(a) PREPARATION OF PLAN.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed Management Plan that shall take into consideration State and local plans and involve residents, public agencies, and private organizations in the Heritage Area.

(b) CONTENTS.—The Management Plan shall incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area and shall include the following:

(1) An inventory of the resources contained in the core area of the Heritage Area, including the Dayton Aviation Heritage Historical Park, the sites, buildings, and districts listed in section 202 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), and any other property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, or maintained because of its significance.

(2) Recommendations for inclusion within the Heritage Area of suitable and feasible sites, buildings, and districts outside the core area of the Heritage Area. Such recommendations shall be included in the inventory required under paragraph (1) and may include the following:

(A) The Wright Brothers National Memorial, Kitty Hawk, North Carolina.

(B) The Captain Edward V. Rickenbacker House National Historic Landmark, Columbus, Ohio.

(C) The NASA Glenn Research Center at Lewis Field, Cleveland, Ohio.

(D) The Rocket Engine Test Facility National Historic Landmark, Sandusky, Ohio.

(E) The Zero Gravity Research Facility National Historic Landmark, Cleveland, Ohio.

(F) The International Women's Air & Space Museum, Inc., Cleveland, Ohio.

(G) The John and Annie Glenn Museum and Exploration Center, New Concord, Ohio.

(3) An assessment of cultural landscapes within the Heritage Area.

(4) Provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with the purposes of this Act.

(5) An interpretation plan for the Heritage Area.

(6) A program for implementation of the Management Plan by the management entity, including the following:

(A) Facilitating ongoing collaboration among the partners to promote heritage tourism and to develop educational and cultural programs for the public.

(B) Assisting partners planning for restoration and construction.

(C) Specific commitments of the partners for the first 5 years of operation.

(7) The identification of sources of funding for implementing the plan.

(8) A description and evaluation of the management entity, including its membership and organizational structure.

(c) DISQUALIFICATION FROM FUNDING.—If a proposed Management Plan is not submitted to the Secretary within 3 years of the date of the enactment of this Act, the management entity shall be ineligible to receive additional funding under this Act until the date on which the Secretary receives the proposed Management Plan.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary, in consultation with the State of Ohio, shall approve or disapprove the proposed Management Plan submitted under this Act not later than 90 days after receiving such proposed Management Plan.

(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed Management Plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed Management Plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the Management Plan. Funds appropriated under this Act may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

SEC. 107. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the management entity, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the Management Plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(A) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) OTHER ASSISTANCE.—Upon request, the Superintendent of Dayton Aviation Heritage National Historical Park may provide to public and private organizations within the Heritage Area, including the management entity, such technical and financial assistance as appropriate to support the implementation of the Management Plan, subject to the availability of appropriated funds. The Secretary is authorized to make grants and enter into cooperative agreements with public and private organizations for the purpose of implementing this subsection.

(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act;

(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(4) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 108. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE AND THE ADMINISTRATOR OF NASA.

The decisions concerning the execution of this title as it applies to properties under the control of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall be made by such Secretary or such Administrator, in consultation with the Secretary of the Interior.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.

(c) OTHER FEDERAL FUNDS.—Other Federal funding received by the management entity for the implementation of this Act shall not be counted toward the authorized appropriation.

SEC. 110. SUNSET PROVISION.

The Secretary shall not provide any grant or other assistance under this title after September 30, 2017.

TITLE II—WRIGHT COMPANY FACTORY STUDY

SEC. 201. STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study updating the study required under section 104 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419) and detailing alternatives for incorporating the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park.

(b) CONTENTS.—The study shall include an analysis of alternatives for including the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park that detail management and development options and costs.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with the Delphi Corporation, the Dayton Aviation Heritage Commission, the Aviation Heritage Foundation, State and local agencies, and other interested parties in the area.

SEC. 202. REPORT.

Not later than 2 years after funds are first made available for this title, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study conducted under section 201.

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

S. 2745. A bill to provide for the exchange of certain lands in Utah; to the

Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, it gives me great pleasure today to introduce for the Senate's consideration legislation that will benefit the school children of Utah and improve the management of the public lands within Utah. This legislation closely follows two previous legislated land exchanges, the ''Utah Schools and Lands Exchange Act of 1998'' and the ''Utah West Desert Land Exchange Act of 2000''. Each of these past exchanges has enabled the Federal Government to consolidate lands in Utah with significant resource value while the State of Utah has accumulated lands of lesser environmental significance, but with higher revenue generating potential. The Federal-Utah State Trust Lands Consolidation Act will only add to the successes earned through the last two land exchanges.

The Utah Enabling Act of 1894 granted to the State four sections, each section approximately 640 acres in size, in each 36 square-mile township. These lands were granted for the support of the public schools, and thus are referred to a school trust lands. Accordingly, the School and Institutional trust Lands Administration, SITLA, is required by law to generate revenue in accordance with its mission from approximately 3.5 million acres of widely dispersed land. The location of these lands, as they are not contiguous to each other, has made management by the State difficult. In addition, as school trust lands are interspersed with Federal lands, Federal land designations, such as wilderness study areas, national monuments, and national parks, have further complicated the state's ability to fully carry out its trust responsibility to its public schools.

The legislation I propose today will ratify an agreement signed by the State of Utah, the Department of the Interior, and the Department of Agriculture. Under the agreement the Federal Government will receive 108, 284 acres from SITLA while the Federal government will transfer to SITLA approximately 133,000 acres of federal lands. SITLA will exchange property with significant resource values including inholdings in the Manti-La Sal National Forest, the Red Cliffs Desert Reserve, and most importantly 102,000 acres in the San Rafael Swell. The San Rafael Swell is one of the most remarkable areas in the county. It is 900 square miles of rugged terrain sprinkled with amazing mesas, buttes, and canyons. The San Rafael Swell also contains significant natural, historical, and cultural resources and it is home to an important population of desert bighorn sheep. Furthermore, over the yeas the San Rafael Swell has been proposed to be designated as wilderness, a national conservation area, a heritage area, and a national monument. It is widely agreed that this area deserves special recognition. Because of the proposed designations and the overall importance of the San Rafael Swell, sizable school trust inholdings are not advisable; both the State and Federal Government would be better served by consolidated ownership.

The majority of the lands acquired by the SITLA are in the Uinta Basin, which will compliment current SITLA holdings. These lands are less environmentally sensitive but have good potential for development in the future, thereby allowing the State to maintain its trust responsibilities. Additional properties will be acquired in Emery, Washington, Sevier, and Utah counties.

During negotiations between the State of Utah and the Federal Government great care was taken to exclude from exchange Federal lands designated as wilderness study areas, areas proposed for wilderness designations in pending Federal legislation, significant endangered species habitat, significant archaeological resources, areas of critical environmental concern, or other lands known to raise significant environmental concerns of any kind. Additionally, the parties to this agreement expended substantial effort to ensure the value of the exchange was equal. To ensure the exchange was of comparable value the parties obtained the services of a nationally recognized real estate consultant who reviewed the methodologies and assumptions used to determine value. After completing a thorough review, the consultant supported the parties' conclusion that the exchange was of equal value.

This legislation has the strong support of Utah's delegation, the Utah State Office of Education, and the Utah Parent Teacher Association. I look forward to working with my colleagues to pass this legislation this year.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 2746. A bill to establish a Federal Liaison on Homeland Security in each State, to provide coordination between the Department of Homeland Security and State and local first responders, and for other purposes; to the Committee on Governmental Affairs.

Mr. FEINGOLD. Mr. President, I rise today with my colleague from Maine to introduce legislation to improve and streamline Federal support for first responders. Our proposal will also provide an avenue for our first responders, our fire fighters, law enforcement, rescue, and emergency medical service, EMS, providers, to help Federal agencies and the new Department of Homeland Security improve and coordinate existing programs and future initiatives.

The President has proposed a massive shift in the Federal Government by creating a new Department of Homeland Security. While Washington will surely be shaken up by this restructuring, nobody will feel the impact of this shift more than those on the front lines, our law enforcement, firefighters, rescue workers, EMS providers, and other first responders.

I am concerned that as the proposed Department of Homeland Security moves forward, one of the most important functions has not received enough consideration, supporting first responders.

A recent editorial by Amy Smithson, the Director of the Chemical and Biological Nonproliferation Project at the Henry L. Stimson Center, which was published in the New York Times, illustrates that even without this massive re-organization, Washington must do a more effective job in targeting the resources to the training and equipment programs that our communities need.

Ms. Smithson details how Washington has already shifted key training and equipment programs for firefighters, police, paramedics, and others from the Defense Department to the Justice Department and now on to the Federal Emergency Management Agency.

While these first responders are the most important people in any emergency, they received just $311 million of the more than $9.7 billion in counter-terrorism spending in 2001.

While I commend the Administration for raising the funding dedicated to first responders for 2003 fiscal year to $5 billion, I share Ms. Smithson's concern that with the new layers of bureaucracy and reorganization, that number could shrink significantly.

Providing resources is not the only answer. These resources need to be dedicated to those programs that meet the needs of the first responders serving our communities.

The Federal agencies in the Department of Homeland Security must listen to the priorities of our communities. After all, the needs of first responders vary between regions, as well as between rural and urban communities. In Wisconsin, I have heard needs ranging from training to equipment to more emergency personnel in the field, just to name a few.

We must listen to our law enforcement officials to identify which programs most effectively help them protect our communities. We must listen to our firefighters and fire chiefs to identify which programs most effectively prevent and respond to disasters.

Once we have identified these programs and perceived needs, the Federal agencies under the New Department of Homeland Security must coordinate their activities in an effective manner.

In the case of EMS providers, more than five Federal agencies currently support EMS services, but they lack coordination and the necessary input from our local EMS providers. Earlier this year, Congress approved legislation, sponsored by the Senator from Maine and myself, that would improve coordination between these services.

We must ensure that the agencies within the Department of Homeland Security promote this same kind of coordination and not fall into the trap of five separate initiatives to address the same problem.

Our legislation, the First Responder Support Act will promote effective coordination among Federal agencies under the Department of Homeland Security and ensure that our first responders, our firefighters, law enforcement, rescue, and EMS providers, can help Federal agencies and the new Department of Homeland Security improve existing programs and future initiatives.

Our proposal establishes a Federal Liaison on Homeland Security in each State, to provide coordination between the Department of Homeland Security and State and local first responders. This office will serve not only as an avenue to exchange ideas, but also as a resource to ensure that the funding and programs are effective. For example, they can help ensure that State and local priorities are matching up with those set out at the new Department. They can also identify areas of Homeland Security in which the Federal and State or local role is duplicative and recommend ways to decrease or eliminate unneeded resources.

It would also direct the agencies within the Department of Homeland Security to coordinate and prioritize their activities that support first responders, and at the same time, ensure effective use of taxpayer dollars.

As part of this coordination, the First Responders Support Act establishes a new advisory committee of those in the first responder community to identify and streamline effective programs.

I am submitting this proposal in the hope that the Committee charged with creating the new agency will consider it during their mark up of any legislation. I recognize, however, that this consideration does not prejudge which committee will be charged with oversight of this new department.

We must be aggressive in seeking the advice of our first responders, and helping them to attain the resources that they need to provide effective services. They are on the front lines, and deserve our support. In almost any disaster, the local first providers and health care providers play an indispensable role. If the Department of Homeland Security is to be effective, we need to ensure that the resources are delivered to the front line personnel in an effective and coordinated manner. I urge my Colleagues to join me in cosponsoring this proposal and support our first responders.

By Mr. CONRAD:

S. 2748. A bill to authorize the formulation of State and regional emergency telehealth network testbeds and within the Department of Defense, a telehealth task force; to the Committee on Armed Services.

Mr. CONRAD. Mr. President, today I am introducing the National Emergency Telemedical Communications Act of 2002 or NETCA. This bill would take important steps to strengthen our Nation's ability to respond to and manage biological, chemical, and nuclear terrorist attacks and other natural disasters.

Today, we live in a world forever changed by the September 11 attacks on our country. These events exposed weaknesses in our homeland defense; the anthrax attacks further showed how important it is to have a strong public health system and what happens when such a system has been neglected.

My bill would help address both of these issues. It would authorize two regional telehealth test beds, linking local and state health departments with the CDC, academic, VA, and DoD medical centers, Emergency Medical Services, and other health entities. Additionally, these efforts would be coordinated with local and State law enforcement, fire departments, and the National Guard. The system would then be tested for its ability to gather information in real-time, send timely alerts, and connect front-line responders with key support people to prevent or assist in managing a crisis. For instance, in a situation where there are mass casualties, an emergency room physician, while in the hospital, would be able to assist the emergency medical technician at the scene in triaging patients and directing where patients should be transported. They also would be able to participate directly in the treatment of patients in the field and not have to wait for them to arrive at the hospital. In these situations, minutes mean lives; enactment of this legislation would save lives.

But this system would do more than allow for medical specialist-to-patient consultations; it would permit disaster experts hundreds or even thousands of miles away to view the disaster area and communicate directly with front-line responders. For example, in a ''dirty'' bomb explosion, fire and rescue responders might not notice anything different than expected based upon their training for response to explosives. However, if their trucks and uniforms were equipped with devices that recognized this radiation, not only would they be alerted, but the information could be automatically relayed by the telehealth system to radiation experts who could then be ''brought'' to the scene to help direct the response and improve responder safety.

For such a system to work, everyone must be on the same page. This means the information being sent must be understood by all. We cannot have one part of the system use medical terminology typical for one region of the country, such as ''reactive airway disease'', and another part of the system using a different name, such as ''asthma.'' Thus, a common agreed upon language must be determined. Furthermore, each statewide network must be connected in a seamless fashion so this information can pass through smoothly and without interruption. My bill would create a task force of relevant experts from private and government to solve both of these challenges and then use the test beds to evaluate their solutions.

In the end, I envision an intelligent system, capable of gathering information real-time and proactively connecting front-line responders with key support people. It would provide timely alerts, crisis response, prevention, and prediction of medical and other dangers.

Ultimately, it is my hope that this project will lead to the formation of a secure National Emergency Telemedical Network. I am happy to say that there is broad support for this legislation in the telemedicine and information management communities, as well as in various State and Federal agencies. In particular, I am pleased that my bill has been endorsed by the American Telemedicine Association, the Center for Telemedicine Law, the American Association of Medical Colleges, the North Dakota Hospital Association, the North Dakota Medical Association, the North Dakota State Department of Health, the University of Texas Health Sciences Center, the University of Tennessee Health Sciences Center, and the Telemedicine Center of East Carolina University. I am also pleased that Senator Kay Bailey Hutchison has joined me in this effort, and I urge my other colleagues to support this important piece of legislation.

By Mr. CORZINE (for himself, Mr. TORRICELLI, Mr. SCHUMER, Mrs. CLINTON, Mr. DODD, and Mr. LIEBERMAN):

S. 2749. A bill to establish the Highlands Stewardshp area in the States of Connecticut, New Jersey, New York, and Pennsylvania, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CORZINE. Mr. President, today along with Senator TORRICELLI, Schumer, Clinton, Dodd and Lieberman, I am introducing the Highlands Stewardship Act of 2002. I am proud to be joining my colleagues from the New Jersey, New York, and Connecticut delegations in the House of Representatives, who have introduced identical legislation in the House.

This legislation would help to preserve one of the last open space treasures in this country, the Highlands forest region that stretches from northwestern Connecticut, across the lower Hudson River valley in New York, through my State of New Jersey and into east-central Pennsylvania. This region encompasses more than two million acres of forest, farms, streams, wetlands, lakes and reservoirs and historic sites. It includes the Green, Taconic and Notre Dame Mountains. It also includes such historic sites as Morristown National Historic Park and West Point.

The value of the ecological, recreational and scenic resources of the Highlands cannot be overstated. 170 million gallons are drawn from the

Highlands aquifers daily, providing quality drinking water for over 11 million people. 247 threatened or endangered species live in the Highlands including the timber rattlesnake, wood turtle, red-shouldered hawk, barred owl, great blue heron and eastern wood rat. There also are many fishing, hiking and boating recreation opportunities in the Highlands that are used by many of the one in twelve Americans who live within 2 hours of travel of the Highlands.

Unfortunately, much of Highlands is quickly vanishing. According to a study issued by the United States Department of Agriculture we lost 3,400 acres of forest and 1,600 acres of farmland between 1995 and 2000 to development.

This legislation would designate a Stewardship Area amongst the four States in order to protect the most important Highlands projects. It would create a source of funding for conservation and preservation projects in the Highlands to preserve and protect the open space that remains. $7 million a year for seven years would be provided for conservation assistance projects in the four Highlands states. This funding could be used for items such as smart growth initiatives and cultural preservation projects. $25 million a year over ten years also would be provided for open space preservation projects in the four Highlands states. The source of this funding would be the Land and Water Conservation Fund.

I am proud to introduce this legislation to ensure that we to protect this resource, which is so critical to our quality of life.

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

S. 2749

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 ''Highlands Stewardship Act of 2002''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Highlands region is a geographic area that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut;

(2) the Highlands region is an environmentally unique and economically important area that—

(A) provides clean drinking water to over 11,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

(B) provides critical wildlife habitat, including habitat for threatened and endangered species;

(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

(D) contains—

(i) recreational resources; and

(ii) cultural and multicultural landscapes relating to the development of commerce, transportation, the maritime industry, agriculture, and industry in the Highlands region; and

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits;

(3) an estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region;

(4) more than 1,000,000 residents live in the Highlands region;

(5) the Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve natural and agricultural resources, open spaces, recreational areas, and historic sites, while encouraging sustainable economic growth and development in a fiscally and environmentally sound manner;

(6) continued population growth and land use patterns in the Highlands region—

(A) reduce the availability and quality of water;

(B) reduce air quality;

(C) fragment the forests;

(D) destroy critical migration corridors and forest habitat; and

(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources;

(7) the natural, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant;

(8) the national significance of the Highlands region has been documented in—

(A) the Highlands Regional Study conducted by the Forest Service in 1990;

(B) the New York-New Jersey Highlands Regional Assessment Update conducted by the Forest Service in 2001;

(C) the bi-State Skylands Greenway Task Force Report;

(D) the New Jersey State Development and Redevelopment Plan;

(E) the New York State Open Space Conservation Plan;

(F) the Connecticut Green Plan: Open Space Acquisition FY 2001–2006

(G) the open space plans of the State of Pennsylvania; and

(H) other open space conservation plans for States in the Highlands region;

(9) the Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, restore, promote, or interpret resources of the Highlands region, including—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawanagunk Grasslands Wildlife Refuge;

(C) the Morristown National Historical Park;

(D) the Delaware and Lehigh Canal Corridors;

(E) the Hudson River Valley National Heritage Area;

(F) the Delaware River Basin;

(G) the Delaware Water Gap National Recreation Area;

(H) the Upper Delaware Scenic and Recreational River;

(I) the Appalachian National Scenic Trail; and

(J) the United States Military Academy at West Point, New York;

(10) it is in the interest of the United States to protect, conserve, restore, promote, and interpret the resources of the Highlands region for the residents of, and visitors to, the Highlands region;

(11) the States of Connecticut, New Jersey, New York, and Pennsylvania, regional entities, and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, and promoting the resources of the Highlands region; and

(12) because of the longstanding Federal practice of assisting States in creating, protecting, conserving, preserving, and interpreting areas of significant natural, economic, and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States, regional entities, and units of local government in the Highlands region, protect, restore, promote, preserve, and interpret the natural, agricultural, historical, cultural, and economic resources of the Highlands region.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to recognize the importance of the natural resources and the heritage, history, economy, and national significance of the Highlands region to the United States;

(2) to assist the Highlands States, regional entities, and units of local government, public and private entities, and individuals in protecting, restoring, preserving, interpreting, and promoting the natural, agricultural, historical, cultural, recreational, and economic resources of the Highlands Stewardship Area;

(3) to authorize the Secretary of Agriculture and the Secretary of the Interior to provide financial and technical assistance for the protection, conservation, preservation, and sustainable management of forests, land, and water in the Highlands region, including assistance for—

(A) voluntary programs to promote and support private landowners in carrying out forest land and open space retention and sustainable management practices; and

(B) forest-based economic development projects that support sustainable management and retention of forest land in the Highlands region;

(4) to provide financial and technical assistance to the Highlands States, regional entities, and units of local government, and public and private entities for planning and carrying out conservation, education, and recreational programs and sustainable economic projects in the Highlands region; and

(5) to coordinate with and assist the management entities of the Hudson River Valley National Heritage Area, the Wallkill National Refuge Area, the Morristown National Historic Area, and other federally designated areas in the region in carrying out any duties relating to the Highlands region.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means any agricultural producer, regional entity, unit of local government, public entity, private entity, or other private landowner in the Stewardship Area.

(2) HIGHLANDS REGION.—The term ''Highlands region'' means the region that encompasses nearly 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(3) HIGHLANDS STATE.—The term ''Highlands State'' means—

(A) the State of Connecticut;

(B) the State of New Jersey;

(C) the State of New York; and

(D) the State of Pennsylvania.

(4) LAND CONSERVATION PARTNERSHIP PROJECT.—The term ''land conservation partnership project'' means a project in which a non-Federal entity acquires land or an interest in land from a willing seller for the purpose of protecting, conserving, or preserving the natural, forest, agricultural, recreational, historical, or cultural resources of the Stewardship Area.

(5) OFFICE.—The term ''Office'' means the Office of Highlands Stewardship established under section 6(a).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) STEWARDSHIP AREA.—The term ''Stewardship Area'' means the Highlands Stewardship Area established under section 5(a).

(8) STUDY.—The term ''study'' means the Highlands Regional Study conducted by the Forest Service in 1990.

(9) UPDATE.—The term ''update'' means the New York-New Jersey Highlands Regional Assessment Update conducted by the Forest Service in 2001.

(10) WORK GROUP.—The term ''Work Group'' means the Highlands Stewardship Area Work Group established under section 6(c).

SEC. 5. ESTABLISHMENT OF HIGHLANDS STEWARDSHIP AREA.

(a) ESTABLISHMENT.—The Secretary and the Secretary of the Interior, shall establish the Highlands Stewardship Area in the Highlands region.

(b) CONSULTATION AND RESOURCE ANALYSES.—In establishing the Stewardship Area, the Secretary and the Secretary of the Interior shall—

(1) consult with appropriate officials of the Federal Government, Highlands States, regional entities, and units of local government; and

(2) utilize the study, the update, and relevant State resource analyses.

(c) MAP.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall prepare a map depicting the Stewardship Area.

(2) AVAILABILITY.—The map shall be on file and available for public inspection at the appropriate offices of the Secretary and the Secretary of the Interior.

SEC. 6. OFFICE OF HIGHLANDS STEWARDSHIP.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Under Secretary of Agriculture for Natural Resources and Environment, the Chief of the Natural Resources Conservation Service, the Administrator of the Farm Service Agency, the Chief of the Forest Service, and the Under Secretary for Rural Development, shall establish within the Department of Agriculture the Office of Highlands Stewardship.

(b) DUTIES.—The Office shall implement in the Stewardship Area—

(1) the strategies of the study and update; and

(2) in consultation with the Highlands States, other studies consistent with the purposes of this Act.

(c) HIGHLANDS STEWARDSHIP AREA WORK GROUP.—

(1) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the ''Highlands Stewardship Area Work Group'' to assist the Office in implementing the strategies of the studies and update referred to in subsection (b).

(2) MEMBERSHIP.—The Work Group shall be comprised of members that represent various public and private interests throughout the Stewardship Area, including private landowners and representatives of private conservation groups, academic institutions, local governments, and economic interests, to be appointed by the Secretary, in consultation with the Governors of the Highlands States.

(3) DUTIES.—The Work Group shall advise the Office, the Secretary, and the Secretary of the Interior on priorities for—

(A) projects carried out with financial or technical assistance under this section;

(B) land conservation partnership projects carried out under section 7;

(C) research relating to the Highlands region; and

(D) policy and educational initiatives necessary to implement the findings of the study and update.

(d) FINANCIAL AND TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Office may provide financial and technical assistance to an eligible entity to carry out a project to protect, restore, preserve, promote, or interpret the natural, agricultural, historical, cultural, recreational, or economic resources of the Stewardship Area.

(2) PRIORITY.—In determining the priority for financial and technical assistance under paragraph (1), the Office shall consider the recommendations of the study and update.

(3) CONDITIONS.—

(A) IN GENERAL.—The provision of financial assistance under this subsection shall be subject to the condition that the eligible entity enter into an agreement with the Office that provides that if the eligible entity converts, uses, or disposes of the project for a purpose inconsistent with the purpose for which the financial assistance was provided, as determined by the Office, the United States shall be entitled to reimbursement from the eligible entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(i) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(ii) the amount by which the financial assistance has increased the value of the land on which the project is carried out.

(B) COST-SHARING REQUIREMENT.—The Federal share of the cost of carrying out a project under this subsection shall not exceed 50 percent of the total cost of the project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $7,000,000 for each of fiscal years 2004 through 2010, to remain available until expended.

SEC. 7. LAND CONSERVATION PARTNERSHIP PROJECTS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary, the Office, and the Governors of the Highlands States, shall annually designate land conservation partnership projects that are eligible to receive financial assistance under this section.

(b) CONDITIONS.—

(1) IN GENERAL.—To be eligible for financial assistance under subsection (a), a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

(A) identifies—

(i) the non-Federal entity that will own or hold the land or interest in land; and

(ii) the source of funds to provide the non-Federal share under paragraph (2);

(B) provides that if the non-Federal entity converts, uses, or disposes of the project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(i) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(ii) the amount by which the financial assistance increased the value of the land or interest in land; and

(C) provides that use of the financial assistance will be consistent with—

(i) the open space plan or other plan of the Highlands State in which the land conservation partnership project is being carried out; and

(ii) the findings and recommendations of the study and update.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of carrying out a land conservation partnership project under this subsection shall not exceed 50 percent of the total cost of the land conservation partnership project.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of the Interior from the Treasury or the Land and Water Conservation Fund to carry out this section $25,000,000 for each of fiscal years 2004 through 2013, to remain available until expended.

(2) USE OF LAND AND WATER CONSERVATION FUND.—Appropriations from the Land and Water Conservation Fund under paragraph (1) shall be considered to be for Federal purposes under section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–7).

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 128—HONORING THE INVENTION OF MODERN AIR CONDITIONING BY DR. WILLIS H. CARRIER ON THE OCCASION OF ITS 100TH ANNIVERSARY

Mr. DOOD (for himself and Mr. LIBERMAN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 128

Whereas on July 17, 1902, Dr. Willis H. Carrier submitted designs to a printing plant in Brooklyn, New York, for equipment to control temperature, humidity, ventilation, and air quality, marking the birth of modern air conditioning;

Whereas air conditioning has become an integral technology enabling the advancement of society through improvements to the Nation's health and well-being, manufacturing processes, building capacities, research, medical capabilities, food preservation, art and historical conservation, and general productivity and indoor comfort;

Whereas Dr. Carrier debuted air conditioning technology for legislative activity in the House of Representatives Chamber in 1928, and the Senate Chamber in 1929;

Whereas the air conditioning industry now totals $36,000,000,000 on a global basis and employs more than 700,000 people in the United States; and

Whereas the year 2002 marks the 100th anniversary of modern air conditioning: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress honors the invention of modern air conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary.

Mr. DODD. Mr. President, I rise today to mark the 100th anniversary of the modern air conditioner, which was invented by Dr. Willis H. Carrier in 1902. I join with my colleague Senator LIEBERMAN to submit a Resolution honoring this achievement.

It was 100 years ago today that a 25 year old engineer named Willis Carrier, while trying to address a printing problem caused by heat and humidity at the Sackett-Williams Lithographing