WARNER) was added as a cosponsor of S. 2936, a bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percent relating to periods of receiving disability payments, and for other purposes.

S. CON. RES. 94

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 94, A concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. CON. RES. 138

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Mr. DAYTON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 138, A concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

AMENDMENT NO. 4662

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 4662 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4662

At the request of Mr. CRAPO, his name was added as a cosponsor of amendment No. 4662 intended to be proposed to H.R. 5005, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2966. A bill to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will significantly lower noise, emissions, and fuel consumption, to reinvigorate basic and applied research in aeronautics and aviation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DODD. Madam President, I am pleased to rise today with Senator ALLEN to introduce the Aeronautics Research & Development Revitalization Act of 2002. This legislation is aimed at protecting the economic stability and national security of the United States by establishing a broad-based agenda to reinvigorate America's aeronautics and aviation R&D enterprise and maintain America's competitive leadership in aviation. Congressman LARSON and other members of Congress introduced companion legislation in the House several months ago.

The United States has dominated the aircraft industry for years. In 1985, we dominated the aerospace market controlling more than 73 percent of the commercial aircraft industry. Unfortunately, since 1985, the U.S. has fallen behind considerably. Today, we control less than 50 percent of the global market. Over the last decade, funding for the National Aeronautics and Space Administration's aeronautics research and development program has fallen by approximately 50 percent.

Last year, the European Commission and aerospace industry executives unveiled a report entitled ''European Aeronautics: A Vision for 2020'' which outlines ambitious goals of attaining global leadership in aeronautics and creating a world class air transport system for Europe. The U.S. aeronautics industry is being left behind at the gates, and is now in a position where it must catch up in an effort not to lose its economic and technological dominance over the international aeronautics market. Europe has committed to spending more than $93 billion within the next 20 years in order to implement ''A Vision for 2020''.

The Aeronautics Research and Development Revitalization Act of 2002 will provide a funding basis for NASA to plan and implement their ''Aeronautics Blueprint-Toward a Bold New Era of Aviation''. The ''Aeronautics Blueprint'' confronts the challenges that are faced by the aviation industry and puts forth a vision of what can be achieved by investments in aeronautics research and technology, and stresses the importance of combining the efforts of NASA, DOD, DoT, the FAA, academia, and industry. It does not, however, provide a program plan to actually achieve the vision, nor does it address the huge disparity between current NASA aeronautics funding and what is required to achieve the vision. The bill that Senator ALLEN and I are introducing today provides the necessary program plan needed to achieve the nation's aeronautics vision as found in the ''Aeronautics Blueprint,'' and stresses the importance of having agencies like NASA and FAA work closely together in achieving these goals.

The Aeronautics Research and Development Revitalization Act of 2002 would reverse the trend of declining Federal investments in aeronautics and aviation R&D by doubling the authorization of funding over five years. Funding for NASA would increase to $900 million in 2005, which is approximately the level it was in 1998, and would increase to $1.15 billion in 2007. The legislation would also double funding for the FAA to more than $550 million in 2007.

This bill will have a direct impact on technologies that can be easily incorporated into the commercial airline industry. The bill focuses on improving fuel-efficiency for commercial standard airliners, as well as noise reduction, improved emissions, wake turbulence, more stringent safety and security standards, a more efficient air-traffic control system, and supersonic transport. Universities will also be given resources to develop training methods for people who will make use of these technologies. Individual engineering graduate students studying aeronautics will be eligible for scholarships and summer employment opportunities which will be made possible through specific funding in this legislation.

These new technologies will help our Nation militarily, as well. Planes will be able to fly farther than before, communications networks will be improved, making it easier to coordinate military operations, and quieter engines will make planes less detectable to ground forces that do not have the benefit of radar. Even transport missions will be much more efficient.

The events of September 11 not only highlighted the importance of aviation to our entire economy, but they also demonstrated the need to enhance our aviation security system. This bill should, we believe, be part of our government's commitment to investment in the economic growth, security and safety of America's aviation and aeronautics sector.

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

S. 2967. A bill to promote the production of affordable low-income housing; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BOND. Madam President, I rise today to introduce the Affordable Housing Expansion Act of 2002. I include a summary of the provisions of the legislation with my statement, and I urge all members to review the bill and the summary. Obviously this is a major piece of legislation that will undoubtedly be considered in the next session of Congress as well, but I want to be out in public for discussion this year so we can work on it early next year. This is an important bill that is designed to start to meet the long-term housing needs of very low- and extremely low-income families. This bill is targeted especially to provide affordable housing for extremely low-income families, those at or below 30 percent of medium income.

In particular, the Affordable Housing Expansion Act would establish a new block grant program to be administered by the Department of Housing and Urban Development—HUD. HUD would allocate funds to state housing finance agencies for the development of mixed income housing with the Federal funding targeted to the development of the very low-income and extremely low-income housing component of the mixed income housing. Each state housing finance agency would have to submit an affordable housing expansion

plan to HUD that ensures the funds are allocated to meet the low-income housing needs in both the rural and urban areas of each state. States also would have to contribute a 25 percent match. Moreover, each state housing finance agency could use up to 20 percent of these block grant funds to preserve existing low-income multifamily housing and for the rehabilitation needs of low-income multifamily housing.

The Affordable Housing Expansion Act also provides new authority for low-income housing production under the Section 8 program and the Public Housing program. Under the Section 8 program, the bill provides new authority for a ''Thrifty Voucher'' program that would allow the use of section 8 project-based assistance for new construction, substantial rehabilitation and preservation of affordable housing for extremely low-income families. Because the cost of these vouchers is capped at 75 percent of the payment standard, these vouchers will need to be used in conjunction with other housing assistance programs, such as the HOME program, the Community Development Block Grant program or Low Income Housing Tax Credit program, to be successful.

The bill also would authorize a new loan guarantee program that will allow public housing agencies to rehabilitate existing public housing or develop offsite public housing in mixed income developments. The long-term debt of these loans would be tied to the prorata share of funds under the Public Housing Capital and Operating Funds that would be allocated to the units that are rehabilitated or constructed over a maximum of 30 years. This tool will allow Public Housing Agencies to address more aggressively the over $20 billion backlog of public housing capital needs.

The Affordable Housing Expansion Act of 2002 is an important first step towards addressing a growing shortage of affordable housing for very low-income and extremely low-income families. While homeownership rates have grown and the cost of housing has skyrocketed, many very low-income and extremely low-income families are being left behind without the availability of affordable rental housing. This is unfortunate. It is a tragedy. The social and economic costs to the Nation are dramatic. And while we have several Federal housing production programs, such as the HOME program and the Low Income Housing Tax Credit, not enough is being done.

In particular, HUD's most recent report on worst case housing needs, A Report on Worst Case Needs in 1999: New Opportunity Amid Continuing challenges, concluded that the shortage of affordable housing has worsened. In particular, the number of units affordable to extremely low-income renters dropped between 1997 and 1999 at an accelerated rate, and shortages of affordable housing available to those renters worsened. As we have seen in this economy, as rents continue to rise faster than inflation, the pressure for above-average rent increases at the bottom end of the rental stock is eroding further the supply of rental units that are affordable without Government subsidies.

In addition, this report found a record high of 5.4 million families—some 600,000 more families with worst case housing needs than in 1991—that have incomes below 50 percent of median income and pay at least 50 percent of their income in rent. In addition, worst case housing needs have become increasingly concentrated among those families with extremely low-incomes. In particular, over three-quarters of the families with worst case housing needs in 1997 had incomes below 30 percent of median income. I have seen no evidence that these families have fared better since 1997, and as rents have increased, I think it obvious that the problem has worsened. Further, since that time, we have lost some 200,000 units of section 8 project-based units to rent increases as well as to decisions by owners of the housing not to renew their section 8 contracts. Also, as families age and people live longer lives, we are beginning to face a new crisis of a lack of affordable housing for our seniors.

The Affordable Housing Expansion Act is designed to provide additional, needed tools that will allow States and communities to develop new affordable low-income and mixed-income housing, including units targeted to extremely low-income families. This would help fill a gap in the housing needs of the Nation that would allow these lowest income families to begin to climb the housing ladder to homeownership. Decisions would be driven by local choice and need and start to meet the burgeoning need for new low-income housing in tight markets where there is little or no housing for families and seniors at the low end of the economic scale. These families need to be served and the cost is small compared to potential cascading social and economic costs to both communities and families—it is a simple equation—homes equal stable environments in which children are educated and people can obtain jobs. Jobs and homes represent the tax base of any community and educated children are the future of our Nation.

This is important legislation. The private sector is not making the needed investment to meet the low-income housing needs of the present and future. The Federal government must show the leadership and make the needed investment to partner with state and localities as well as public and private entities in the low-income housing infrastructure of the Nation. This bill is designed to start to meet this need and focus the debate on the importance of low-income housing production to the current and future housing needs of this Nation.

Too often in this body we say we are going to help low-income people get more housing because we are going to expand the number of section 8 certificates. The sad fact is that in many communities, particularly in the St. Louis area, no matter how many more vouchers you put out, no more housing is available. Too many of the vouchers, the certificates, are not used because there simply is not the affordable housing. This deals with the problem that we see, not just in St. Louis but across the Nation.

I believe my colleagues should take a hard look at this. We invite their comments and consideration. We must do something, and it will probably be next year, but we must get to work right now thinking about how we are going to meet the need for affordable housing for the very low and extremely low income people who live in our country.

I ask unanimous consent that a summary of the legislation be printed with my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Madam President, I send the bill to the desk and ask for its appropriate referral.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

AFFORDABLE HOUSING EXPANSION ACT OF 2002 (INTRODUCED BY SENATORS BOND AND COLLINS)

TITLE I—PRODUCTION OF NEW HOUSING FOR EXTREMELY LOW-INCOME AND VERY LOW-INCOME FAMILIES

Establishes a $1 billion block grant program beginning in 2003 that would allocate funds to state housing finance agencies on a per capita basis according to the population of the state. No state would receive less than $6 million.

Allows funds to be used for acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing; permits funds to be used for rehabilitation needs and preservation of existing assisted low-income housing (although no more than 20 percent of the funds can be used for rehabilitation and preservation); allows conversion of existing housing to housing for the elderly or for persons with disabilities.

Requires states to meet a 25 percent matching requirement to ensure accountability and to leverage additional funds.

Requires housing developed to be low- and mixed-income housing with at least 30 percent of the assisted unites targeted to extremely low-income families (families at or below 30 percent of medium income); remaining assisted units would be targeted to very low-income families.

Rents for assisted units are modeled after the low-income tax credit program only with deeper targeting—extremely low-income families would pay no more than 25 percent of 30 percent of medium income and very low-income families would pay no more than 25 percent of 50 percent of medium income.

Authorizes a new multifamily risk-sharing mortgage insurance program to help underwrite housing assisted under this title.

TITLE II—SECTION 8 HOUSING PRODUCTION

Thrifty vouchers

Establishes a ''Thrify'' Voucher Housing Production program that targets section 8

project-based assistance for new construction, substantial rehabilitation and preservation with eligible families defined as ''extremely low-income families'' (those at or below 30 percent of adjusted income).

Limits assistance to 25 percent of units in a building while limiting the cost for a unit at 75 percent of the payment standard or fair market rent (really is operating costs, utility costs and reasonable return on operating costs.). Initial rent term would be 15 years with renewals through at least year 40. The premise is to use anticipated section 8 project-based funds to capitalize the cost of new construction, substantial rehabilitation and preservation while subsidizing these costs over some 40 years plus. Thrifty vouchers could be used in conjunction with low-income housing tax credits, HOME, CDBG or the (Title I) ''Bond'' Housing Production Block Grant program.

New Thrifty Vouchers would be distributed under the formula used for the HOME program.

Reallocation of vouchers

New section 8 provision would provide for the reallocation of section 8 funds where a PHA fails to utilize at least 90 percent of allocated section 8 tenant-based assistance, and then 95 percent after 16 months from notice on failure to meet the 90 percent utilization requirements. Allows PHAs to challenge for a new survey of market rents in an area for an increased rent payment standard or fair market rent. Provides for a reallocation to another PHA, State or local agency, or nonprofit/for-profit capable of administering section 8 assistance upon a finding that a PHA has failed to meet these performance requirements. Upon a finding that there is a lack of eligible families for section 8 assistance in an are, HUD may reallocate section 8 assistance to other needy areas.

Preservation of sections 8 assistance on hud—held and owned properties

New provision that requires HUD to maintain existing section 8 project-based assistance for any HUD-owned or HUD-held multifamily projects upon disposition, except where HUD determines the project is not viable. (Mirrors Bond provision carried in annual VA/HUD Appropriations Acts for the disposition of HUD-owned or HUD-held multifamily projects that serve elderly or disabled families.)

TITLE III—PUBLIC HOUSING LOAN GUARANTEE PROGRAM

Establishes a new HUD loan guarantee program for public housing agencies for the rehabilitation of a portion of public housing or the development of off-site public housing in mixed income developments. Long term debt is tied to the pro-rata share of funds under the Captial and Operating Funds that would be allocated to the units rehabilitated or constructed over a maximum of 30 years.

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

S. 2967

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 ''Affordable Housing Expansion Act of 2002''.

SEC. 2. PURPOSE.

The purposes of this Act are to expand the production of affordable low-income housing for extremely low-, very low- and low-income families:

(1) through the creation of a housing production block grant program that will be administered through state housing finance agencies;

(2) through new section 8 ''thrifty'' voucher authority; and

(3) through new loan guarantee authority for public housing agencies.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) The term ''extremely low-income families'' shall mean persons and families (as that term is defined in section 3(b)(3) of the United States Housing Act of 1937) whose incomes do not exceed—

(A) 30 percent of the area medium as determined by the Secretary with adjustments for smaller and larger families and for unusually high or low family incomes; or

(B) 30 percent of the national nonmetropolitan medium income, if it is higher than the area medium income.

(2) The term ''insular areas'' shall mean the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, America Samoa, and any other territory of possession of the United States

(3) The term ''low-income families'' shall have the same meaning as provided under section 3(b)(2) of the United States Housing Act of 1937.

(4) The term ''project-based assistance'' shall have the meaning given such term in section 16(c)(6) of the United States Housing Act of 1937, except that such term includes assistance under any successor programs to the programs referred to in such section.

(5) The term ''public housing agency'' shall have the meaning given such term in section 3(b) of the United States Housing Act of 1937.

(6) The term ''Secretary'' shall mean the Secretary of Housing and Urban Development.

(7) The term ''section 8 assistance'' or ''voucher'' shall have the meaning given such term in section 8(f) of the United States Housing Act of 1937.

(8) The term ''State'' shall mean any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(9) The term ''State housing finance agency'' shall mean any State or local housing finance agency that has been designated by a State or insular area to administer this program.

(10) The term ''very low-income families'' shall have the same meaning as provided under section 3(b) of the United States Housing Act of 1937.

TITLE I—PRODUCTION OF AFFORDABLE HOUSING FOR EXTREMELY LOW-INCOME AND VERY LOW-INCOME FAMILIES

SEC. 101. AUTHORITY.

The Secretary of Housing and Urban Development shall make funds available to State housing finance agencies as provided under section 102 for the rehabilitation of existing low-income housing, for the development of new affordable low-income housing units, and for the preservation of existing low-income housing units that are at risk of becoming unavailable for low-income families.

SEC. 102. ALLOCATION OF RESOURCES.

(a) IN GENERAL.—The Secretary shall allocate funds approved in appropriations Acts to State housing finance agencies to carry out this Title. Subject to the requirements of subsection (b) and as otherwise provided in this subsection, each State housing finance agency shall be eligible to receive an amount of funds equal to the proportion of the per capita population of the State in relation to the population of the United States which shall be determined on the basis of the most recent decennial census for which data are available. For each fiscal year, the Secretary shall reserve for grants to Indian tribes 1 percent of the amount appropriated under the applicable appropriations Act. The Secretary shall provide for distribution of amounts under this subsection to Indian tribes on the basis of a competition conducted pursuant to specific criteria developed after notice and public comment.

(b) MINIMUM STATE ALLOCATION.—If the allocation under subsection (a), when applied to the funds approved under this section in appropriations Acts for a fiscal year, would result in funding of less than $6,000,000 for any State, the allocation for such State shall be $6,000,000 and the increase shall be deducted pro rata from the allocation of all the other States.

(c) CRITERIA FOR REALLOCATION.—The Secretary shall reallocate any funds previously allocated to a State housing finance agency for any fiscal year in which the State housing finance agency fails to provide its match requirements or fails to submit an affordable housing expansion plan that is approved by the Secretary. All such funds shall be reallocated pursuant to the formula provided under subsection (a).

SEC. 103. AFFORDABLE HOUSING EXPANSION PLAN.

(a) SUBMISSION OF AFFORDABLE HOUSING EXPANSION PLAN.—The Secretary shall allocate funds under section 102 to a State housing finance agency only if the State housing finance agency has submitted an affordable housing expansion plan, with annual updates, approved by the Secretary and designed to meet the overall very low- and low-income housing needs of both the rural and urban areas of the State in which the State housing finance agency is located. This plan shall be developed in conjunction with the housing strategies developed for the applicable States and localities under section 105 of Cranston-Gonzalez National Affordable Housing Act.

(b) CITIZEN PARTICIPATION.—Before submitting an affordable housing expansion plan to the Secretary, a State housing finance agency shall—

(1) make available to citizens of the State, public agencies and other interested parties information regarding the amount of assistance expected to be made available under this Title and the range of investment or other uses of such assistance that the State housing finance agency may undertake;

(2) publish the proposed plan in a manner that, in the determination of the Secretary, affords affected citizens, public agencies, and other interested parties a reasonable opportunity to review its contents and to submit comments on the proposed plan;

(3) hold one or more public hearings to obtain the views of citizens, public agencies, and other interested parties on the housing needs of the State; and

(4) provide citizens, public agencies, and other interested parties with reasonable access to records regarding the uses of any assistance that the State housing finance agency may have received under this Title during the preceding 5 years.

SEC. 104. ELIGIBLE USE OF FUNDS.

Funds made available under this title shall be used for—

(1) the acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing for mixed income rental housing where the assistance provided under section 102 shall be used to assist units targeted to very low-income and extremely low-income families, including large families, the elderly, and persons with disabilities.

(2) the moderate and substantial rehabilitation of rental housing units that are currently assisted under State or Federal low-income housing programs;

(3) the preservation of Federal and State low-income housing units that are at risk of

being no longer affordable to low-income families;

(4) the purchase and creation of land trusts to allow low-income families an opportunity to rent homes in areas of low-vacancy;

(5) conversion of public housing to assisted living facilities for the very low- and extremely-low income elderly;

(6) conversion of section 202 elderly housing to assisted living facilities for the very low- and extremely-low income elderly;

(7) conversion of HUD-owned or HUD-held multifamily properties upon disposition to housing for the very low- and extremely low-income elderly, housing for very low-income and extremely low-income persons with disabilities and to assisted living facilities for the very low- and extremely low-income elderly; and

(8) creation of sinking funds to maintain reserves held by State housing finance agencies to preserve the low-income character of the housing.

SEC. 105. MATCHING REQUIREMENTS.

(a) IN GENERAL.—Each State housing finance agency shall make contributions for activities under this title that total, throughout a fiscal year, not less than 25 percent of the funds made available under this title.

(b) ALLOWABLE AMOUNTS.—

(1) APPLICATION TO HOUSING.—A contribution shall be recognized for purposes of a match under subsection (a) only if—

(A) made with respect to housing that qualifies as affordable housing under section 107; or

(B) made with respect to any portion of a project for which not less than 50 percent of the units qualify as affordable housing under section 107.

(2) FORM.—A contribution may be in the form of—

(A) cash contributions from non-Federal sources, which may not include funds from a grant under section 106(b) or section 106(d) of the Housing and Community Development Act of 1974 or from the value of low income tax credits allocated pursuant to the Internal Revenue Code;

(B) the value of taxes, fees or other charges that are normally and customarily imposed but are waived, forgone, or deferred in a manner that achieves affordability of housing assisted under this title;

(C) the value of land or other real property as appraised according to procedures acceptable to the Secretary;

(D) the value of investment in on-site and off-site infrastructure directly required for affordable housing assisted under this title;

(E) the reasonable value of any site-preparation and construction materials and any donated or voluntary labor in connection with the site-preparation for, construction or rehabilitation of affordable housing; and

(F) such other contributions to affordable housing as the Secretary considers appropriate.

(3) ADMINISTRATIVE EXPENSES.—Contributions for administrative expenses may not be recognized for purposes of this section.

SEC. 106. DISTRIBUTION OF ASSISTANCE.

Each State housing finance agency shall ensure that the development of new housing under this section is designed to meet both urban and rural needs, and prioritize funding, to the extent practicable, in conjunction with the economic redevelopment of an area.

SEC. 107. ELIGIBLE AFFORDABLE HOUSING.

(a) PRODUCTION OF AFFORDABLE HOUSING.—In the case of new construction, housing shall qualify for assistance under this title only if the housing—

(1) is required to have not less than 30 percent of the assisted units occupied by extremely low-income families who pay as a contribution towards rent (not including any Federal or State rental subsidy provided on behalf of the family) not more than 25 percent of the adjusted income of a family whose income equals 30 percent of the median income for the area, as determined by the Secretary, with adjustments for the number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 30 percent of the median income for the area on the basis of the Secretary's findings that variations are necessary because of the prevailing levels of construction costs or fair market rents, or unusually high or low family incomes;

(2) except as provided under paragraph (1), is required to have all assisted units be occupied by very low-income families who pay as a contribution towards rent (not including any Federal or State rental subsidy provided on behalf of the family) not more than 25 percent of 50 percent of the median income for an area; and

(3) will remain affordable under the requirements provided in paragraphs (1) and (2), according to legally binding commitments satisfactory to the Secretary, for not less than 40 years, without regard to the term of the mortgage or to the transfer of ownership, or for such period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this Act, including foreclosure where the responsibility for maintaining the low-income character of the property will be the responsibility of the State housing finance agency.

(b) PRIORITY FOR EXTREMELY LOW-INCOME FAMILIES.—State housing finance agencies shall give priority for funding to those projects that maximize the availability and affordability of housing for extremely low-income families.

SEC. 108. TENANT SELECTION.

An owner of any housing assisted under this Title shall establish tenant selection procedures consistent with the affordable housing expansion plan of the State housing finance agency.

SEC. 109. PROHIBITION ON USE OF FUNDS FOR SERVICE COORDINATORS OR SUPPORTIVE SERVICES.

No funds under this Act may be used for service coordinators or supportive services.

SEC. 110. PENALTIES FOR MISUSE OF FUNDS.

The Secretary shall recapture any assistance awarded under this Title to the extent the assistance has been used for impermissible purposes. To the extent the Secretary identifies a pattern and practice regarding the misuse of funds awarded under this Title, the Secretary shall deny assistance to that State for up to 5 years, subject to notice and an opportunity for judicial review.

SEC. 111. SUBSIDY LAYERING REQUIREMENTS.

The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 may be satisfied in connection with assistance, including a commitment to insure a mortgage, provided under this Title by a certification of a State housing finance agency to the Secretary that the combination of assistance within the jurisdiction of the Secretary and other government assistance provided in connection with a property assisted under this Title shall not be any greater than is necessary to provide affordable housing.

SEC. 112. MULTIFAMILY RISK-SHARING MORTGAGE INSURANCE PROGRAM.

The Secretary shall carry out a mortgage insurance program through the Federal Housing Administration in conjunction with State housing finance agencies to insure multifamily mortgages for housing that qualifies under this Title. This program shall be consistent with the requirements established under section 542 of the Housing and Community Development Act of 1992, except that housing that meet the requirements of this Title shall be eligible for mortgage insurance.

SEC. 113. EFFECTIVE DATE AND REGULATIONS.

(a) EFFECTIVE DATE.—This Title shall take effect upon the date of enactment of this Act.

(b) RULES.—The Secretary shall issue notice and comment rulemaking with final regulations issued no later than 6 months after the date of enactment of this Act.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000,000 for fiscal year 2003, of which no more than 20 percent of such funds may be used for rehabilitation needs and to preserve existing housing for low- income families.

TITLE II—SECTION 8 HOUSING PRODUCTION

SEC. 201. PROJECT-BASED VOUCHERS AND THRIFTY VOUCHERS.

(a) IN GENERAL.—Section 8(o)(13) of the United States Housing Act of 1937 is amended—

(1) in subparagraph (C)(ii), by inserting before the period at the end the following: '', revitalizing a low-income community, or preventing the displacement of extremely low- income families'';

(2) in subparagraph (D)(ii), by striking ''apply in the case of'' and all that follows through the period and inserting the following: ''apply—

(I) in the case of assistance under a contract for housing consisting of single family properties (buildings with 1 to 4 units);

(II) for dwelling units that are specifically made available for households comprised of elderly families or disabled families; or

(III) outside of a qualified census tract, for buildings with 5 to 25 units or with dwelling units that are specifically made available for families receiving supportive services.

For purposes of this clause, the term 'qualified census tract' has the same meaning given that term in section 42(d) of the Internal Revenue Code of 1986. The Secretary may waive the limitations of this clause, consistent with the obligation to affirmatively further fair housing practices.'';

(3) in subparagraph (F), by striking ''10 years'' and inserting ''15 years'';

(4) by adding the following to the end:

''(L) USE OF ASSISTANCE IN CONJUNCTION WITH PUBLIC HOUSING CAPITAL FUNDS.—

''(i) CAPITAL FUND.—Notwithstanding any provision to the contrary in this Act, a public housing agency may attach assistance under this paragraph to a structure or unit that receives assistance allocated to the public housing agency under the Capital Fund, established by section 9(d).

''(ii) OPERATING FUND.—A unit that receives assistance under this paragraph shall not be eligible for assistance under the Operating Fund established by section 9(e).

''(M) THRIFTY VOUCHERS.—

''(i) IN GENERAL.—For the purpose of encouraging the production or preservation of housing affordable to extremely low-income families, a public housing agency may use amounts provided under an annual contributions contract under this subsection to enter into a housing assistance payment contract for Thrifty Voucher assistance that is attached to the structure. Except as otherwise specified in this paragraph, such housing assistance contract shall be subject to the limitations and requirements of subparagraphs (A), (B), (C), (D), (E), (F), (G), (J), (K) and (L).

''(ii) USE FOR NEW PRODUCTION, SUBSTANTIAL REHABILITATION, AND PRESERVATION.—Assistance under this paragraph may only be attached to a structure that is newly constructed, acquired for preservation as affordable housing, or substantially rehabilitated.

''(iii) ELIGIBLE FAMILIES.—A prospective tenant of a unit that is assisted under this subparagraph must qualify as an extremely low-income family at the commencement of the proposed occupancy by the tenant.

''(iv) LIMITATION.—Assistance under this subparagraph may not be attached to more than 25 percent of the units in a building. For purposes of this clause, a project consisting of single family structures shall be treated as 1 building if the single family structures are owned, and constructed, substantially rehabilitated, or acquired for preservation under a common plan.

''(v) RENT CALCULATION.—

''(I) IN GENERAL.—A housing assistance payment contract entered into under this subparagraph shall establish the gross rent for each unit assisted in an amount equal to the per unit operating cost of the property plus the applicable utility allowance of the public housing agency for tenant-paid utilities. An owner may accept a gross rent that is less than the per unit operating cost of the property plus the applicable utility allowance, if the gross rent exceeds the limitation under subclause (IV).

''(II) UNIT OPERATING COST.—As used in this subparagraph, the unit operating cost is the allocable share of the ordinary and customary expenses of the unit incurred to operate the property, including applicable owner- paid utilities, contribution to the replacement reserve, asset management fees, and a cash flow allowance equal to 15 percent of all other allocable operating costs. A public housing agency shall require an owner to demonstrate that the unit operating cost for units assisted under this subparagraph does not exceed the operating cost of other units in the property that are not assisted under this subparagraph, with appropriate adjustments for unit size, and shall establish policies to ensure that expenses included in the unit operating cost that are paid to the owner or a related entity are reasonable and consistent with prevailing costs in the community in which the property is located. Required verification shall be determined by the public housing agency.

''(III) ADJUSTMENT.—A public housing agency shall, upon request, make an appropriate annual adjustment in the rent established under this clause based on documented changes in unit operating costs and any increase in the applicable fair market rent or payment standard.

''(IV) LIMITATION.—Gross rent established under this paragraph shall not exceed the greater of—

''(aa) 75 percent of the payment standard used by the public housing agency for a dwelling unit of the same size; or

''(bb) 75 percent of the applicable fair market rental.

''(V) EXCEPTION.—The Secretary is authorized to approve an exception to the 75 percent limitation in subclause (IV) for not more than 2 percent of the total number of vouchers funded under this subsection, not to exceed 90 percent of the payment standard or applicable fair market rental, if the permitted maximum rent could not otherwise support the reasonable operating cost of rental housing, and the public housing agency can demonstrate a need for production or preservation of affordable housing.

''(vi) RENEWAL OF ASSISTANCE.—

''(I) IN GENERAL.—The Secretary shall increase the adjusted allocation baseline for renewal of funding under subsection (dd) for public housing agencies that attach assistance under this paragraph to a structure.

''(II) INCREASE EQUIVALENT.—An increase under subclause (I) shall equal the number of additional families that a public housing agency can assist as a result of the reduced payments permitted under this paragraph.

''(III) EXCEPTION TO LIMITATION ON PROJECT-BASED ASSISTANCE.—The additional units assisted as a result of the reduced payments permitted under this paragraph shall not be considered in determining the compliance of a public housing agency with the percentage limitation in subparagraph (B).

''(IV) APPLICABILITY.—This subparagraph shall not apply to incremental assistance initially issued under this paragraph.

''(vii) ALLOCATION OF INCREMENTAL ASSISTANCE FOR USE UNDER THIS PARAGRAPH.—

''(I) IN GENERAL.—Incremental assistance appropriated for use under this paragraph—

''(aa) shall be allocated for public housing agencies within each State, after reserving appropriate amounts for insular areas, in accordance with the formula established by the Secretary under section 217(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(b)); and

''(bb) the Secretary shall obligate amounts that are available for public housing agencies within each State, as determined under item (aa), to qualified public housing agencies within the State pursuant to specific criteria for the selection of recipients for assistance in a notice published in the Federal Register.

''(II) RECIPIENTS.—Subject to the allocation referred to in subclause (I) and any additional criteria that the Secretary may establish, the Secretary shall award such incremental assistance for use under this paragraph to a public housing agency that administers a program of tenant-based assistance under this subsection and—

''(aa) administers funds for the construction, preservation, or substantial rehabilitation of rental housing other than public housing; or

''(bb) has an agreement with an agency or entity that administers funds for the construction, preservation, or substantial rehabilitation of rental housing that will enable a prospective developer of such housing to submit a single application for both types of funds.

''(III) LIMITATION.—Incremental assistance for use under this paragraph shall not be considered in determining compliance by a public housing agency with the limitation in subparagraph (B).

''(IV) NATIONAL COMPETITION.—If the Secretary determines that sufficient funds for incremental assistance for use under this paragraph have not been appropriated for public housing agencies within each State in accordance with the formula established under section 217(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(b)), the Secretary may award such funds to qualified public housing agencies through a national competition.

''(viii) DEFINITIONS.—In this subparagraph—

''(I) the term 'substantial rehabilitation' means rehabilitation expenditures paid or incurred with respect to a unit, including its prorated share of work on common areas or systems, of at least $25,000, which amount shall be increased annually by the Secretary to reflect inflation, and such increased amount shall be published in the Federal Register; and

''(II) the term 'extremely low-income families' means persons and families (as that term is defined in section 3(b)(3)) whose incomes do not exceed—

''(aa) 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families and for unusually high or low family incomes; or

''(bb) 30 percent of the national nonmetropolitan median income, if it is higher than the area median income.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect upon the date of enactment of this Act.

(2) RULES.—The Secretary shall promulgate rules, as may be necessary, to carry out section 8(o)(13) of the United States Housing Act of 1937, as amended by this Act, and shall publish—

(A) either proposed rules or interim rules not later than 6 months after the date of enactment of this Act; and

(B) final rules not later than 1 year after the date of enactment of this Act.

SEC. 202. REALLOCATION OF VOUCHERS.

(a) IN GENERAL.—Section 8(dd) of the United States Housing Act of 1937 (42 U.S.C. 1437f(dd)) is amended—

(1) by striking ''Subject to'' and inserting the following: ''(1) IN GENERAL.—Subject to''; and

(2) by adding at the end the following: ''(2) REALLOCATION OF CHRONICALLY UNUTILIZED VOUCHERS.—

''(A) IN GENERAL.—The Secretary may reduce the allocation baseline, only to the extent that the reduction reflects the lesser of the unutilized portion of tenant-based subsidies or of budget authority provided under this section, of a public housing agency that—

''(i) fails, in a fiscal year, beginning in the fiscal year in which this Act is enacted, to utilize at least 90 percent of its allocated number of tenant-based subsidies or at least 90 percent of the budget authority provided under this section that has been under annual contributions contract for 12 months on the first day of the fiscal year, not taking into account, in the numerator, funds used for services and other activities under section 4; and

''(ii) fails, within 16 months after written notice by the Secretary of a failure described in clause (i), to utilize at least 95 percent of allocated vouchers for rental assistance provided under this section or contracted budget authority provided under this section with respect to vouchers that have been under annual contributions contract for 12 months on the first day of the fiscal year, not taking into account, in the numerator, funds used for services and other activities under section 4.

''(B) NOTICE TO TENANTS AND COMMUNITY.—When the Secretary provides written warning to a public housing agency of a failure described in subparagraph (A)(i), the Secretary shall also publish notice of such failure in the Federal Register and shall provide written notice of such failure to the chairman of the subject public housing agency's resident advisory board established pursuant to section 5A(e). Not later than 14 days after the date of receipt by the public housing agency of notice of a failure described in subparagraph (A)(i), that public housing agency shall provide a copy of such notice to all members of its resident advisory board or boards.

''(C) UTILIZATION RATE DETERMINATION.—

''(i) IN GENERAL.—At the request of a public housing agency, the Secretary shall determine the voucher utilization rate of the public housing agency for use under subparagraph (A), based on data regarding the utilization of vouchers from the period beginning 6 months prior to the request of the public housing agency.

''(ii) ELIGIBILITY OF A PHA TO REQUEST A NEW SURVEY OF FAIR MARKET RENTS.—If a public housing agency requests, within 60 days of receipt of the written notice by the Secretary of a failure described in subparagraph (A)(i), that the Secretary conduct a further survey of market rents in the area to determine the accuracy of the applicable fair market rent or the need for an exception payment standard, and the Secretary determines as a result of such survey to increase the fair market rent or payment standard,

the written notice shall be considered null and void. Whether a public housing agency complies with the standard under subparagraph (A)(i) shall be determined based on the first complete fiscal year in which the agency has the opportunity to use the increased fair market rent or approved exception payment standard. To be eligible to request a rent survey under this clause, a public housing agency must use the maximum allowable payment standard for that area for a period of not less than 6 months prior to such request.

''(D) DETERMINATION OF INEFFECTIVE PERFORMANCE.—A reallocation of chronically unutilized vouchers under this subsection shall be deemed to be a determination that the agency is not performing effectively under section 3(b)(6)(B)(iii).

''(3) REALLOCATION.—

''(A) IN GENERAL.—The Secretary shall allocate the contracts for the vouchers made available by the reduction in baseline authority authorized under paragraph (2) in a manner that ensures that applicants on the waiting list of the public housing agency from which vouchers are reallocated may continue to be served, consistent with this paragraph.

''(B) METROPOLITAN AREA.—

''(i) DESIGNATION OF METROPOLITAN ADMINISTRATOR.—If vouchers are reallocated from a public housing agency located in a metropolitan area, the Secretary shall, based on a public competitive process, designate a metropolitan administrator for all or a portion of the metropolitan statistical area in which that public housing agency is located, in a manner consistent with clause (iv).

''(ii) DISTRIBUTION OF VOUCHERS.—A metropolitan administrator designated under clause (i) shall receive all vouchers in that administrator's region made available pursuant to paragraph (2).

''(iii) ELIGIBLE ADMINISTRATORS.—The Secretary may select as a metropolitan administrator an agency—

''(I) that—

''(aa) currently administers a voucher program serving residents of the geographic area served by the agency whose voucher allocation has been reduced;

''(bb) has the legal ability to serve such area; or

''(cc) has an agreement with the Secretary to serve such area pursuant to section 3(b)(6)(B)(iii); and

''(II) that is—

''(aa) a public housing agency that administers a voucher program;

''(bb) a State or local agency that has experience in administering tenant-based assistance programs; or

''(cc) a nonprofit or for-profit agency that has experience in administering tenant-based assistance programs.

''(iv) SELECTION PROCESS.—

''(I) PREFERENCE FOR CERTAIN PUBLIC HOUSING AGENCIES.—The Secretary may give preference in a competitive selection to a public housing agency described in clause (iii)(II)(aa) over other eligible administrators described in items (bb) and (cc) of that clause (iii)(II), if the public housing agency—

''(aa) is a well-managed agency, based on objective indicators, including a high rate of utilization of allocated vouchers or contracted budget authority provided under this section, and a high rate of compliance with eligibility and rent determination requirements; and

''(bb) has demonstrated an ability to increase the number of voucher holders residing in low poverty areas.

''(II) SELECTION CRITERIA.—In selecting a metropolitan administrator, the Secretary shall take into account—

''(aa) whether the entity has operated tenant-based assistance programs in a manner that has not led to an overconcentration of tenant-based subsidy holders in certain areas;

''(bb) whether the entity has the administrative capacity to administer the number of additional vouchers it is likely to receive if it is selected as a metropolitan administrator and to serve the geographic area served by agencies from which vouchers are reallocated;

''(cc) the relative need for assistance under subsection (o) of the eligible population not receiving housing assistance in the area currently served by the entity; and

''(dd) any other criteria for choosing a metropolitan administrator that the Secretary determines to be appropriate.

''(C) NONMETROPOLITAN AREA.—

''(i) IN GENERAL.—If vouchers are reallocated pursuant to this subsection from a public housing agency that is located in a nonmetropolitan area, the Secretary shall reallocate such authority to a public housing agency or other eligible administrator as specified in subparagraph (B)(iii). The Secretary may designate an entity to receive vouchers reallocated from all or a portion of the nonmetropolitan area in a State.

''(ii) SELECTION.—In selecting an entity to receive vouchers reallocated from a nonmetropolitan area, the Secretary shall utilize the preferences and criteria in subparagraph (B)(iv), and shall consider the relative administrative costs likely to be incurred to serve families that reside in the geographic area of the agency from which the vouchers were reallocated.

''(D) DESIGNATION OF A NEW ADMINISTRATOR.—If, at any time, the Secretary determines that the criteria established under this paragraph for a metropolitan or nonmetropolitan administrator are not met, the Secretary shall designate another administrator.

''(E) ADDITIONAL VOUCHERS.—The Secretary shall ensure that certain criteria or benchmarks regarding voucher success rates and concentration of voucher holders are met each year before providing an administrator with additional vouchers.

''(F) LACK OF ELIGIBLE FAMILIES.—If the Secretary determines that the primary cause of voucher underutilization by a public housing agency under paragraph (2)(A) is a lack of eligible families in the area of operation of the public housing agency, the Secretary may establish criteria and procedures to reallocate vouchers from that agency to another public housing agency or another metropolitan or nonmetropolitan administrator outside of the area of operation of the public housing agency. First priority for vouchers reallocated under this subparagraph shall be given to an entity that has previously voluntarily relinquished to the Secretary a portion of its allocated voucher budget authority and has subsequently demonstrated a need for, and an ability to use, such budget authority under criteria established by the Secretary. Second priority shall be given to an entity that serves a jurisdiction in the same State as the agency from which vouchers are being reallocated.

''(4) SPECIAL POPULATIONS.—Vouchers that have been designated by the Secretary to be used by special populations shall—

''(A) retain such designation on reallocation; and

''(B) be reallocated, if there is an eligible applicant within the State or area that has experience administering a voucher program for a special population, in accordance with paragraphs (2) and (3).

''(5) PROMPT REALLOCATION.—Within 60 days of reducing a public housing agency's allocation of vouchers pursuant to paragraph (2) in an area for which the Secretary has designated an administrator to receive vouchers reallocated pursuant to this subsection, the Secretary shall enter into a contract with the designated administrator for the reallocated vouchers.''.

(b) RULES OF THE SECRETARY.—The Secretary shall promulgate rules to carry out this section not later than 6 months after the date of enactment of this Act.

SEC. 203. DISPOSITION OF HUD-HELD AND HUD-OWNED MULTIFAMILY PROJECTS.

Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall maintain any rental assistance payments attached to any dwelling units under section 8 of the United States Housing Act of 1937 for all multifamily properties owned by the Secretary and multifamily properties held by the Secretary for purposes of management and disposition of such properties. To the extent, the Secretary determines that a multifamily property owned by the Secretary or held by the Secretary is not feasible for continued rental assistance payments under section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties.

TITLE III—PUBLIC HOUSING LOAN GUARANTEE PROGRAM

SEC. 301. PUBLIC HOUSING LOAN GUARANTEE PROGRAM.

(a) Section 9 of the United States Housing Act of 1937 is amended by inserting at the end the following new subsection:

''(o) LOAN GUARANTEE DEVELOPMENT FUNDING.—(1) In order to facilitate the financing of the rehabilitation and development needs of public housing, the Secretary is authorized, upon such terms and conditions as the Secretary may prescribe, to guarantee and make commitments to guarantee, only to the extent or in such amounts as the provided in appropriations Acts, loans or other financial obligations entered between financial institutions and public housing agencies, for the purpose of financing the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced), provided that the number of public housing units developed off-site replaces no less than an equal number of on-site public housing units in a project. Loans or other obligations guaranteed pursuant to this subsection shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary.

''(2) Subject to the availability of appropriated funds, the Secretary may not object to making a loan guarantee under this subsection unless the rehabilitation or replacement housing proposed by a public housing agency is inconsistent with its Public Housing Agency Plan, as submitted under section 5A, or the proposed terms of the guaranteed loan constitutes an unacceptable financial risk to the public housing agency or for repayment of the loan under this subsection.

''(3) Notwithstanding any other provision of this title, funding allocated to a public housing agency under subsections (d)(2) and (e)(2) of this section for the capital and operating funds are authorized for use in the payment of the principal and interest due (including such servicing, underwriting or other costs as may be specified in the regulations of the secretary) on the loans or other obligations guaranteed pursuant to this subsection.

''(4) The amount of any loan or other obligation guaranteed under this subsection shall not exceed in total the pro-rata amount of funds that would be allocated over a period not to exceed 30 years under subsections

(d)(2) and (e)(2) of this section on a per unit basis as a percentage of the number of units that are designated to be rehabilitated or replaced under this subsection by a public housing agency as compared to the total number of units in the public housing development, as determined on the basis of funds made available under such subsections (d)(2) and (e)(2) in the previous year. Any reduction in the total amount of funds provided to a public housing agency under this section in subsequent years shall not reduce the amount of funds to be paid under a loan guaranteed under this subsection but instead shall reduce the capital and operating funds which are available for the other housing units in the public housing development in that fiscal year. Any additional income, including the receipt of rental income from tenants, generated by the rehabilitated or replaced units may be used to establish a loan loss reserve for the public housing agency to assist in the repayment of the guaranteed loans or other obligations under this subsection or to address any shortfall in the operating or capital needs of the public housing agency in any fiscal year. The Secretary may require the payment of guaranteed loan premiums by a public housing agency to support the creation of a loan loss reserve account within the Department of Housing and Urban Development to minimize the risk of loss associated with the repayment of these guaranteed loans.

''(5) Subject to appropriations, the Secretary may use funds from the Public Housing Capital Fund to (A) establish a loan loss reserve account within the Department of Housing and Urban Development to minimize the risk of loss associated with the repayment of guaranteed loans made under this subsection, or (B) make grants to a public housing agency for capital investment needs or for the creation of a loan loss reserve account to be used in conjunction with a loan guarantee made under this subsection for the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced).

''(6) To assure the repayment of loans or other obligations and charges incurred under this subsection and as a condition for receiving such guarantees, the Secretary shall require the public housing agency to enter into a contract, in a form acceptable to the Secretary, for the repayment of notes or other obligations guaranteed under this subsection and furnish, at the discretion of the Secretary, such security as may be deemed appropriate by the Secretary in making such guarantees.

''(7) The full faith and credit of the United States is pledged to the payment of all guarantees under this subsection. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of such guarantee so made shall be incontestable in the hand of the holder of the guaranteed obligations.

''(8) The Secretary may, to the extent approved in appropriations Acts, assist in the payment of all or a portion of the principal and interest amount due under the note or other obligation guaranteed under this subsection, if the Secretary determines that the public housing agency is unable to pay the amount it owes because of circumstances of extreme hardship beyond the control of the public housing agency.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect upon the date of enactment of this Act.

(2) RULES.—The Secretary shall promulgate rules, as may be necessary, to carry out section 8(o)(13) of the United States Housing Act of 1937, as amended by this Act, and shall publish—

(A) either proposed rules or interim rules not later than 6 months after the date of enactment of this Act; and

(B) final rules not later than 1 year after the date of enactment of this Act.

By Mr. SARBANES (for himself, Mr. JEFFORDS, and Mr. SESSIONS):

S. 2968. A bill to amend the American Battlefield Protection act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Madam President, today I am introducing legislation, together with my colleagues Senator JEFFORDS and Senator SESSIONS, which will help preserve significant sites associated with the Civil War. A similar companion bill has been introduced and has bipartisan support in the House of Representatives.

According to the Report on the Nation's Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, CWSAC, in July, 1993, of the 384 principal Civil War battlefields, less than 20 percent have been protected for posterity and 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites. To adequately address this problem, CWSAC recommended a federal investment of $10 million a year for seven years with a one-to-one Federal/non-Federal match.

While Congress has yet to fund Civil War battlefield preservation at the levels recommended in the 1993 report, in recent years it has taken important steps to preserve our Civil War heritage. In Fiscal Years 1999 and 2002, the Congress appropriated a total of $19 million in matching grants for battlefield protection. Thus far, these grants have preserved over 7,000 acres of key Civil War battlefields in 11 States.

The legislation I am introducing today seeks to build upon these successes by directing the Secretary of the Interior to establish the Civil War Battlefield Acquisition Grant Program. The bill authorizes Civil War battlefield acquisition matching grants of $10 million per year for Fiscal Years 2004 through 2008. The legislation requires a non-Federal share of at least 50 percent, thus leveraging $20 million annually. State and local governments and non-profit organizations will be eligible to receive grants under the program. All lands acquired by these grants must be identified in the 1993 report and may only be purchased from landowners who voluntarily sell their interests.

The legislation also directs the Secretary to update the Report on the Nation's Civil War Battlefields to reflect the activities carried out on the battlefields during the period between original publication of the report and the time of the update, including any changes or relevant developments relating to the battlefields during that period.

In my view, this legislation represents an important opportunity to maintain and preserve tangible links to our past so that future generations may experience firsthand this most critical period in our nation's history.

I ask unanimous consent that the text of the bill be printed in the RECORD. I urge my colleagues to join with me in supporting this important legislation.

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

S. 2968

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 ''Civil War Battlefield Preservation Act of 2002''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States; and

(2) according to the Report on the Nation's Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields—

(A) almost 20 percent are lost or fragmented;

(B) 17 percent are in poor condition; and

(C) 60 percent—

(i) have been lost; or

(ii) are in imminent danger of being—

(I) fragmented by development; and

(II) lost as coherent historic sites.

(b) PURPOSES.—The purposes of this Act are—

(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and

(2) to create partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields.

SEC. 3. BATTLEFIELD ACQUISITION GRANT PROGRAM.

The American Battlefield Protection Act of 1996 (16 U.S.C. 469k) is amended—

(1) by redesignating subsection (d) as paragraph (3) of subsection (c), and indenting appropriately;

(2) in paragraph (3) of subsection (c) (as redesignated by paragraph (1))—

(A) by striking ''APPROPRIATIONS'' and inserting ''appropriations''; and

(B) by striking ''section'' and inserting ''subsection'';

(3) by inserting after subsection (c) the following:

''(d) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) BATTLEFIELD REPORT.—The term 'Battlefield Report' means the document entitled 'Report on the Nation's Civil War Battlefields', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

''(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or local government.

''(C) ELIGIBLE SITE.—The term 'eligible site' means a site—

''(i) that is not within the exterior boundaries of a unit of the National Park System; and

''(ii) that is identified in the Battlefield Report.

''(D) SECRETARY.—The term 'Secretary' means the Secretary of the Interior, acting through the American Battlefield Protection Program.

''(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

''(3) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

''(4) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

''(5) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)).

''(6) REPORTS.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this subparagraph, the Secretary shall submit to Congress a report on the activities carried out under this subsection.

''(B) UPDATE OF BATTLEFIELD REPORT.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to Congress a report that updates the Battlefield Report to reflect—

''(i) preservation activities carried out at the 384 battlefields during the period between publication of the Battlefield Report and the update;

''(ii) changes in the condition of the battlefields during that period; and

''(iii) any other relevant developments relating to the battlefields during that period.

''(7) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to the Secretary from the Land and Water Conservation Fund to provide grants under this subsection $10,000,000 for each of fiscal years 2004 through 2008.

''(B) UPDATE OF BATTLEFIELD REPORT.—There is authorized to be appropriated to the Secretary to carry out paragraph (6)(B) $500,000.''; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ''as of'' and all that follows through the period and inserting ''on September 30, 2008.''; and

(B) in paragraph (2), by inserting ''and provide battlefields acquisition grants'' after ''studies''.

By Mr. FEINGOLD:

S. 2970. A bill to amend the XVIII of the Social Security act to assure fair and adequate payment for high-risk medicare beneficiaries and to establish payment incentives and to evaluate clinical methods for assuring quality services to people with serious and disabling chronic conditions; to the Committee on Finance.

Mr. FEINGOLD. Madam President, I rise today to introduce the Promoting Care for the Frail Elderly Act of 2002, which is of critical importance to the most vulnerable Medicare beneficiaries, disabled seniors and those with complex medical conditions.

A number of States have successfully chosen to serve seniors and the disabled by combining Medicare and Medicaid services through a waiver approved by the Department of Health and Human Services that integrates services under Medicare and Medicaid capitated financing arrangements. These programs provide beneficiaries with a comprehensive benefit package that combines the services traditionally provided by Medicare, Medicaid, and home and community based wavier programs.

In my home State of Wisconsin, the Wisconsin Partnership Program, WPP, is one such success, a community-based program that has improved the quality, access, and cost-effectiveness of the care delivered to its beneficiaries. Perhaps most important to the beneficiaries, these programs help the disabled and the frail elderly remain in their own community, and avoid institutionalized care. Wisconsin is lucky to have four such programs across our State: Elder Care and Community Living Alliance of Dane County, Community Care for the Elderly of Milwaukee County, and Community Health Partnership of Eau Claire, Dunn, and Chippewa Counties.

In order to qualify for these programs, a person must be Medicaid-eligible, have physical disabilities or frailties of aging, and require a level of care provided by nursing homes. Through programs such as the Wisconsin Partnership Program, these frail elderly and disabled beneficiaries are able to receive quality preventive care up front, which allows more beneficiaries to stay in their communities and reduces the rate of hospitalization.

In Wisconsin, about 26 percent of all Medicaid recipients age 65 or older are in nursing homes. This rate drops dramatically for those enrolled in the Wisconsin Partnership Program, where only 5.9 percent of recipients age 65 or older are in nursing homes.

While the Wisconsin Partnership Program is a success, we must ensure that the Federal Government continues to support these State-based solutions to our long-term care needs and other specialty managed care programs that focus on frail, chronically-ill seniors. The current formula used to cover those enrolled in Medicare managed care programs overpays for healthy beneficiaries and underpays for the frail elderly and disabled. This payment method creates a backwards incentive for plans to avoid serving the most vulnerable segment of the Medicare population, the very seniors who could benefit most from program such as the Wisconsin Partnership Program.

While a number of steps have been taken to improve these payment methods over the past four years, we must ensure that they meet the needs of Medicare beneficiaries with complex care needs.

This legislation will help develop an appropriate incentive for specialty managed care programs serving a disproportionate number of frail, medically complex beneficiaries. My legislation will take several steps toward meeting this goal. First it will require the Center for Medicare and Medicaid Services to evaluate alternative risk adjustment methods that account for the higher costs borne by plans with a disproportionate number of high cost beneficiaries.

During this study, it will also implement the recommendations of the Medicare Payment Advisory Commission by permitting these plans that currently operate under demonstration authority to maintain existing payment formulas until the Secretary devises a risk adjustment method that pays adequately for high risk enrollees. At the same time, it would also direct MedPAC to evaluate appropriate methods to adjust payment rates based on the makeup of the beneficiaries.

Finally, my legislation would also authorize the Secretary to conduct a demonstration to enhance care and improve outcomes for frail, vulnerable Medicare beneficiaries.

I would also like to make clear that this legislation uses existing funds to pay for these initiatives, and is thus budget neutral. It authorizes the demonstration program within existing dollars and would also provide additional funding for the frailty adjustment with existing Medicare+Choice dollars.

Fundamental long-term care reform is vital to any health care reform that Congress may consider. As part of these reforms, we must support state and local efforts to encourage care for the most vulnerable populations. We must provide our seniors and disabled with real choices. They are entitled to the opportunity to continue to live in the homes and communities that they helped build and sustain. I urge my colleagues to support this measure that will help provide a measure of support for the most frail elderly and disabled to allow them to stay in their own homes.

By Mr. BINGAMAN:

S. 2971. A bill to amend the Transportation Equity Act for the 21st Century to provide the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, I am very pleased today to introduce the Tribal Transportation Program Improvement Act of 2002. The goal of this legislation is to help provide safe and efficient transportation throughout Indian country. At the same time, this bill will help promote economic development, self-determination, and employment of Indians and Alaska Natives. I believe the Federal Government has an obligation to provide safe and efficient transportation for all tribes. Indians pay the same Federal gasoline, tire, and other taxes, as all other Americans and are entitled to the same quality of transportation.

This bill is a 6-year reauthorization and improvement of the Indian Reservation Roads program, which funds transportation programs for all tribes. Next year, Congress must reauthorize

the IRR program, along with all other transportation programs in TEA–21. I am introducing the bill today as a first step in that process.

Congress has long recognized the importance of improving transportation and access to tribal lands. The Indian Reservation Roads Program was established in 1928, and in 1946 the BIA and the FHWA executed the first memorandum of agreement for joint administration of the program. Since 1982, funding for tribal transportation programs as been provided from the Federal Highway Trust Fund. Major changes to the program were again made in 1998 as part of TEA–21.

Today, the Indian Reservation Roads program serves more than 560 federally recognized Indian tribes and Alaskan native villages in 33 States. The IRR system comprises 25,700 miles of BIA and tribally owned roads and another 25,600 miles of State, county, and local government public roads. There are also 4,115 bridges on the IRR system, and one ferryboat operation, the Inchelium-Gifford Ferry in Washington State.

Of the 25,700 miles of BIA and tribal roads on the IRR system, only about one quarter are paved. Only about 40 percent of the 25,600 miles of state, county, or local government IRR roads are paved. Together, over two-thirds of all IRR roads are unpaved. Many of these unpaved roads are not passable in bad weather. In addition, about 140 of the 753 bridges owned by the BIA are currently rated as deficient.

Some of the roads on tribal lands resemble roads in third-world countries. In some cases, the roads are little more than wheel tracks. Even though the IRR system perhaps the most rudimentary of any transportation network in the country, over 2 billion vehicle miles are annually traveled on the system.

According to the Federal Highway Administration's most recent assessment of the Nation's highways, bridges, and transit, only 34 percent of paved IRR roads are rated in good condition, 37 percent are rated only fair, and 29 percent are rated poor. Of course, these ratings apply only to the paved roads on the IRR system, not the 33,000 miles of dirt and gravel roads.

The poor road quality also has a serious impact on highway safety. According to FHWA, the highway fatality rate on Indian Reservation Roads is four times above the national average. Automobile accidents are the number one cause of death among young American Indians.

Reflecting the current poor state of roads throughout the Indian country, FHWA now estimates the backlog of improvement needs for IRR roads at a whopping $6.8 billion dollars.

This year, the authorized funding level for IRR is $275 million from the highway trust fund. As required in TEA–21, the BIA distributes highway funding to federally recognized tribes each year using a relative need formula. This formula reflects the cost to improve eligible roads, road usage, and population of each tribe. Some modifications to the formula are currently being made as part of a negotiated rule making.

I hope all Senators recognize the broad scope of the IRR program and its impact on 33 of the 50 States. I'd like to read a list of the fiscal year 2002 distribution of IRR funding in the States that have tribal roads and ask unanimous consent that the table be printed in the RECORD.

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

EXHIBIT 1.—APPROXIMATE DISTRIBUTION OF FISCAL YEAR 2002 INDIAN RESERVATION ROAD FUNDING

State	Funding to tribes
Arizona	$56,100,000
Oklahoma	34,000,000
New Mexico	31,900,000
Alaska	18,500,000
Montana	13,600,000
South Dakota	11,700,000
Washington	10,100,000
Wisconsin	6,600,000
North Dakota	6,500,000
Minnesota	5,780,000
California	5,100,000
Oregon	3,900,000
Utah	2,970,000
Idaho	2,850,000
Wyoming	2,070,000
Michigan	1,560,000
Nevada	1,290,000
North Carolina	1,190,000
Colorado	1,100,000
New York	949,000
Maine	890,000
Kansas	851,000
Mississippi	706,000
Nebraska	626,000
Florida	550,000
Texas	220,000
Louisiana	197,000
Rhode Island	162,000
Iowa	126,000
Alabama	100,000
South Carolina	89,000
Connecticut	83,000
Massachusetts	47,000

Source: BIA. Data are approximate because some reservations and roads extend into more than one state.

I know every senator is keenly aware of the importance of transportation to the basic quality of life and economic development of a region. Safe roads are essential for children to get to school, for sick and elderly to receive basic health and medical treatment, and for food and other necessities to move to shops and to consumers. Moreover, transportation is critical to any community's efforts to sustain robust economies and to attract new jobs and businesses.

Unfortunately, most tribes today lack the basic road systems that most of us take for granted. Indian communities continue to lag behind the rest of the Nation in quality of life and economic vitality. Unemployment rates in Indian country frequently top 50 percent and poverty rates often exceed 40 percent.

The limited availability of housing and jobs on the reservation forces people to commute long distances everyday for work, school, health care, basic government services, shopping, or even to obtain drinking water.

I'd now like to take a moment to discuss the impact of the Indian Reservation Roads Program on just one tribe, the Navajo Nation. I think most senators know that Navajo is the largest federally recognized Indian tribe. The current membership is about 280,000. By itself, Navajo represents about one quarter of the entire Indian Reservation Roads program.

The Navajo Reservation covers 17.1 million acres in the States of Arizona, New Mexico, and Utah. It is roughly the size of the State of West Virginia. The reservation includes the three satellite communities of Alamo, Ramah, and To'hajiilee in New Mexico.

According to BIA, the Navajo IRR system includes 9,800 miles of public roads, or about 20 percent of all IRR roads. However, 78 percent of the roads within Navajo are unpaved. Because of the nature of the soil and terrain, many of the unpaved roads are impassable after snow or rain. Navajo estimates a current backlog of road construction projects totaling $2 billion.

The safety of bridges is also a continuing concern on the Navajo reservation. Of the 173 bridges on Navajo, 51 are rated deficient. Of the deficient bridges, 27 must be completely replaced and the rest need major rehabilitation.

The Navajo Nation also operates a transit system with 14 buses and three vans. The system carries 75,000 passengers each year. The system serves both Navajo people as well as the nearby communities of Gallup, Farmington, Flagstaff, and Winslow.

Finally, the few roads that are being built on the Navajo Reservation are not being properly maintained. Funding for road maintenance is not part of the IRR program. Instead road maintenance is funded each year as part of the BIA's annual appropriation bill. Unfortunately, BIA's budget lags woefully behind the need for road maintenance. Each year the Navajo Region of BIA requests about $32 million to maintain about 6000 miles of roads, but receives only about $6 million, or about 20 percent of the funds needed just to maintain the existing roads.

The bill I am introducing today will begin to address this crushing need for road construction and transit programs throughout Indian Country. The bill will benefit all tribes, both large and small. I'd like to briefly summarize the major provisions of the bill.

First, the bill increases funding for the Indian Reservation Roads program to $2.775 billion for the six years from 2004 to 2009. Under TEA–21, the IRR program is currently authorized for $275 million per year. This level represents less than 1 percent of annual Federal funding for road construction and rehabilitation. However, the 50,000 miles of the IRR system represent about 5 percent of the nation's 957,000 miles of Federal-aid-highways. I do believe the substantial increase in IRR funding in my bill is fully justified based on the very poor condition of so many IRR roads as well as the importance of transportation to economic development in Indian country.

Second, the bill removes the obligation limitation from the Indian Reservation Roads program. This funding limitation was first applied to the IRR program in 1998 in TEA–21, and over the six years of TEA–21 the limitation will have cut about $31 million per year in much-needed funding out of IRR. The IRR was not subject to any obligation limitation from 1983 to 1997, and my bill restores the program to the status it had before 1998.

Third, the bill restores the Indian Reservation Bridge Program with separate funding of $90 million over six years. TEA–21 had eliminated separate funding for the Indian reservation bridge program in 1998. In addition, the bill streamlines the bridge program by expanding the allowable uses of bridge funding to include planning, design, engineering, construction, and inspection of Indian reservation road bridges.

Fourth, the bill increases the current limit for tribal transportation planning from 2 percent to 4 percent. These funds will be used by tribes to compile important transportation data and to forecast their future transportation needs and long-range plans. Many of the tribes have indicated they currently don't have funding for capacity building, and the additional planning funds in my bill would address this need.

Fifth, TEA–21 established a negotiated rule making for distribution of funds based on the relative needs of each tribe for transportation. To ensure the distribution is tied to actual needs, my bill requires the Secretary of Transportation to verify the existence of all roads that are part of the Indian reservation road system.

Sixth, I propose a new tribal transit program to provide direct funding to tribes from the Federal Transit Administration. The new program would parallel the existing Indian Reservation Roads program funded through FHWA. In general, while States may allocate to tribal areas some of their transit funding under the existing formula grant programs for transit for elderly and disabled, section 5210, and for nonurbanized areas, section 5311, they rarely do so. Because the tribes are at a disadvantage in having to compete for funding within the states, I believe we need a direct funding program to allow tribes to provide better transit services to young people, elderly, and others who lack access to private vehicles. The bill sets aside a very modest level of funding of $120 million over six years for the new tribal transit program.

Seventh, the bill states the sense of Congress that the BIA should have sufficient funding to maintain all roads on the Indian Reservation Roads System. Federal funding for road maintenance is provided through the BIA's annual appropriation bill. Road maintenance has typically been funded at about $25 million per year, about one-fifth of the level needed to protect the Federal investment in IRR roads.

Finally, the bill increases funding for the successful school bus route maintenance program for counties in Arizona, New Mexico, and Utah that maintain roads used by school buses on the Navajo Reservation. The funding over six years is $24 million. Without this funding many of the children on the reservation would often not be able to get to school. I ask unanimous consent that a letter from Gallup McKinley County Public Schools describing this program be printed in the RECORD.

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

GALLUP MCKINLEY COUNTY
PUBLIC SCHOOLS,
Gallup, NM.

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

DEAR SENATOR BINGAMAN: The Gallup McKinley County Schools serve over 14 thousand students, of which 10,040 are bussed daily. Our District's school buses travel 9,235 miles daily. Several miles of these roads are primitive dirt roads with poor or no drainage, no guard rails, and some not maintained. The inability to safely negotiate school buses over these roads during wet, muddy and snowy conditions, greatly restricts our ability to provide adequate services for families living along these particular roadways. Continuing, and expanding, funding for school bus route maintenance is vital to providing safe and efficient transportation for thousands of students throughout our County.

The School bus route maintenance programs have helped tremendously. Our County Roads Division (McKinley County) has been tremendous in maintaining hundreds of miles of bus route roads. The bus route improvements made in the Bread Springs area have benefited families immensely. Along with graveling, they constructed a bus turnaround. Improvements have also been made and maintained in other areas in our County such as Rock Springs. This bus route was graveled along with a graveled bus turnaround. In Rock Springs, Mexican Springs, Coyote Canyon, and County Road 1 areas, similar improvements were made, allowing us to provide safe and efficient services for hundreds of families.

The School bus route program is a very important program, one that should continue and expand. The McKinley County Roads Division has worked diligently to provide safe access and passage for our School District's 160 school buses. Without the school bus route program, it will be impossible to maintain safe conditions on these roads. To insure the safety of our school children and families, the program must continue.

Your help in sponsoring bills in the past which address the unique situations with respect to school bus route roads have been greatly appreciated. Your continuing support of the school bus route program will enable our County Roads Division to improve and maintain hundreds of miles of school bus routes.

It is through these cooperative efforts that we are able to provide safe and efficient transportation for thousands of school children daily. Thank you for your continued efforts.

Sincerely,

BEN CHAVEZ,
GMCS Support Services.

Mr. BINGAMAN. The IRR system doesn't just serve Indian communities, but also visitors, including tourists, recreational, commercial and industrial users of roads and transit throughout Indian country. For the tribes, transportation is an important contributor to economic development, self-determination, and employment for all Indian communities. This bill represents a very modest, but important step toward providing basic transportation services throughout Indian country.

The proposals in my bill are similar to many of the recommendations presented by Chairwoman Robyn Burdette of the Summit Lake Paiute Tribe of Nevada at the August 8 hearing of the Subcommittee on Transportation, Infrastructure, and Nuclear Safety of the Environment and Public Works Committee. In her testimony, Chairwoman Burdette specifically cited the need to remove the obligation limitation, increase funding for the IRR program, create new programs for transit and bridges, and increase funding for road maintenance in the Interior appropriations bill. All of these items are addressed in my bill.

In addition, my bill parallels most of the recommendations in the recent White Paper prepared by the National Congress of American Indians' TEA–21 Reauthorization Task Force.

I well appreciate that tribes in different regions of the country may have different views and proposals on how best to improve Indian transportation programs. I see my bill as just the first step in a yearlong process leading up to the reauthorization of the TEA–21. I do believe it is important that we start the process as soon as possible, and that is my goal in introducing this bill today. I hope that Chairman INOUYE and Senator CAMPBELL of the Committee on Indian Affairs will soon hold hearings on the reauthorization of the Indian Reservation Roads Program. I look forward to working with them an the other members of the committee on developing a consensus proposal that is fair to all tribes.

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. 2971

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 ''Tribal Transportation Program Improvement Act of 2002''.

SEC. 2. INDIAN RESERVATION ROADS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended by striking ''of such title'' and all that follows and inserting ''of that title—

''(i) $225,000,000 for fiscal year 1998;

''(ii) $275,000,000 for each of fiscal years 1999 through 2003;

''(iii) $350,000,000 for fiscal year 2004;

''(iv) $425,000,000 for fiscal year 2005; and

''(v) $500,000,000 for each of fiscal years 2006 through 2009.''.

(b) OBLIGATION CEILING.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116) is amended—

(1) by striking ''distribute obligation'' and inserting the following: ''distribute—

''(A) obligation'';

(2) by inserting ''and'' after the semicolon at the end; and

(3) by adding at the end the following:

''(B) for any fiscal year after fiscal year 2003, any amount of obligation authority made available for Indian reservation road bridges under section 202(d)(4), and for Indian reservation roads under section 204, of title 23, United States Code;''.

(c) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by inserting before the period at the end the following: '', $3,000,000 for each of fiscal years 2004 and 2005, $4,000,000 for each of fiscal years 2006 and 2007, and $5,000,000 for each of fiscal years 2008 and 2009''.

(d) INDIAN RESERVATION ROAD BRIDGES.—Section 202(d)(4) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking ''(B) RESERVATION.—Of the amounts'' and all that follows through ''to replace,'' and inserting the following:

''(B) FUNDING.—

''(i) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, there is authorized to be appropriated from the Highway Trust Fund $15,000,000 for each of fiscal years 2004 through 2009 to carry out planning, design, engineering, construction, and inspection of projects to replace,''; and

(B) by adding at the end the following:

''(ii) AVAILABILITY.—Funds made available to carry out this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.''; and

(2) in subparagraph (D)—

(A) by striking ''(D) APPROVAL REQUIREMENT.—'' and inserting the following:

''(D) APPROVAL AND NEED REQUIREMENTS.—''; and

(B) by striking ''only on approval of the plans, specifications, and estimates by the Secretary.'' and inserting ''only—

''(i) on approval by the Secretary of plans, specifications, and estimates relating to the projects; and

''(ii) in amounts directly proportional to the actual need of each Indian reservation, as determined by the Secretary based on the number of deficient bridges on each reservation and the projected cost of rehabilitation of those bridges.''.

(e) FAIR AND EQUITABLE DISTRIBUTION.—Section 202(d) of title 23, United States Code, is amended by adding at the end the following:

''(5) FAIR AND EQUITABLE DISTRIBUTION.—To ensure that the distribution of funds to an Indian tribe under this subsection is fair, equitable, and based on valid transportation needs of the Indian tribe, the Secretary shall—

''(A) verify the existence, as of the date of the distribution, of all roads that are part of the Indian reservation road system; and

''(B) distribute funds based only on those roads.''.

(f) INDIAN RESERVATION ROADS PLANNING.—Section 204(j) of title 23, United States Code, is amended in the first sentence by striking ''2 percent'' and inserting ''4 percent''.

SEC. 3. INDIAN RESERVATION RURAL TRANSIT PROGRAM.

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

''(k) INDIAN RESERVATION RURAL TRANSIT PROGRAM.—

''(1) DEFINITION OF INDIAN TRIBE.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(2) PROGRAM.—

''(A) IN GENERAL.—The Secretary of Transportation shall establish and carry out a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other land under the jurisdiction of the Indian tribes.

''(B) AMOUNT OF GRANTS.—The amount of a grant provided to an Indian tribe under subparagraph (A) shall be based on the need of the Indian tribe, as determined by the Secretary of Transportation.

''(3) FUNDING.—Notwithstanding any other provision of law, for each fiscal year, of the amount made available to carry out this section under section 5338 for the fiscal year, the Secretary of Transportation shall use $20,000,000 to carry out this subsection.''.

SEC. 4. SENSE OF CONGRESS REGARDING INDIAN RESERVATION ROADS.

(a) FINDINGS.—Congress finds that—

(1) the maintenance of roads on Indian reservations is a responsibility of the Bureau of Indian Affairs;

(2) amounts made available by the Federal Government as of the date of enactment of this Act for maintenance of roads on Indian reservations under section 204(c) of title 23, United States Code, comprise only 30 percent of the annual amount of funding needed for maintenance of roads on Indian reservations in the United States; and

(3) any amounts made available for construction of roads on Indian reservations will be wasted if those roads are not properly maintained.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should annually provide to the Bureau of Indian Affairs such funding as is necessary to carry out all maintenance of roads on Indian reservations in the United States.

By Mrs. SNOWE (for herself and Ms. COLLINS):

S. 2972. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for a cooperative research and management program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Madam President, I rise today to introduce a bill which would help restore credibility in the National Oceanic and Atmospheric Administration, NOAA, and the National Marine Fisheries Service's, NMFS, data collection programs and improve their cooperative research and management programs.

I am introducing this bill today because of recent events in New England in which a commercial fisherman noticed that the trawl warps on the NOAA research vessel, Albatross IV, were improperly marked. As a result of this mis-calibration, the groundfish stock assessment data gathered since February 2000 may be inaccurate and its usability for management purposes is questionable. This fish-counting error could not have come at a worse time for NMFS, which is under a federal judge's order to impose some of New England's strictest fishing restrictions by next August.

This revelation and the possibility of other discrepancies is severely eroding the credibility of NMFS's stock assessments. These stock assessments form the foundation for all of our fisheries regulations and determine how many fish our fishermen can harvest. When these stock assessments are flawed and lack credibility, the entire process is adversely affected. We must act now to restore this credibility in the process and ensure that our stock assessments are as accurate as possible.

My bill would require the National Research Council to conduct an independent review of NMFS' data collection techniques; its protocols through which stock assessment equipment is calibrated, operated, inspected, and maintained; the frequency and financial cost of these quality control checks; how the accuracy and validity of data collected with sampling equipment is verified; and how measurement error is accounted for in stock assessment modeling and analysis based on these data. The National Research Council completed a report on the Northeast Fishery stock assessment process in 1998, so this new study would build upon the previous one. This assessment will provide us with an independent baseline to determine the extent of NMFS' data collection discrepancies.

Additionally, my bill will require NMFS to implement a national cooperative research program to facilitate industry involvement in data collection and stock assessments. I have also included a section that authorizes $3 million to enable cooperative comparative trawl research between the NMFS and fishing industry participants in the Northeast multi-species groundfish fishery. The fishing industry has been calling for a commercial vessel to trawl alongside the NOAA's vessels and this provision would require it. Nothing will help restore NMFS's credibility more than having commercial fishermen verifying its data.

The third section of this bill would address a flexibility concern for fisheries management. Earlier this year NMFS came out with new biological targets for groundfish. In other words, NMFS increased how many fish there have to be in order for the fishery to be considered recovered. The law is not clear on whether or not a change in the biological targets means the time-line for recovery changes as well. NMFS has interpreted the law to mean that despite a change in the biological targets, the fish must be recovered in the same amount of time. Accordingly, I have drafted language which allows, but does not require, the Secretary to adjust the time allowed for recovery if the biological targets have changed in the middle of the rebuilding plan. This provision would clarify existing law and make Congress' intent clearer.

As Ranking Member of the Subcommittee on Oceans, Atmosphere, and Fisheries, I am dedicated to ensuring that our stock assessments are as accurate as possible and the process we use

is transparent to all the stakeholders. This bill will allow us to take a critical step forward in ensuring that we can restore credibility and faith in this important process. I urge my colleagues to join me and support this bill.

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

S. 2972

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 ''Fisheries Research Improvement Act''.

SEC. 2. INDEPENDENT PEER REVIEW OF DATA COLLECTION PROCEDURES.

The Magnuson-Stevens Fishery Conservation and Management Act is amended by adding at the end of Title IV the following:

''SEC. 408. PEER REVIEW.

''The National Academy of Sciences shall review and recommend measures for improving National Marine Fisheries Service's procedures for ensuring data quality in the data collection phase of the stock assessment program. In this review, they shall address the quality control protocols through which stock assessment equipment is calibrated, operated, inspected, and maintained; the frequency and financial cost of these quality control checks; how the accuracy and validity of data collected with sampling equipment is verified; and how measurement error is accounted for in stock assessment modeling and analysis based on these data. This review shall apply to all activities that affect stock assessment data quality, whether conducted by the National Marine Fisheries Service or by National Marine Fisheries Service contractors.''.

SEC. 3. COOPERATIVE RESEARCH AND MANAGEMENT.

The Magnuson-Stevens Fishery Conservation and Management Act is amended by adding at the end the following:

''TITLE V—COOPERATIVE RESEARCH AND MANAGEMENT

''SEC. 501. ESTABLISHMENT OF PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a national cooperative research and management program to be administered by the National Marine Fisheries Service, based on recommendations by the Councils. The program shall consist of cooperative research and management activities between fishing industry participants, the affected States, and the Service.

''(b) RESEARCH AWARDS.—Each research project under this program shall be awarded on a standard competitive basis established by the Service, in consultation with the Councils. Each Council shall establish a research steering committee to carry out this subsection.

''(c) GUIDELINES.—The Secretary, in consultation with the appropriate Council and the fishing industry, shall create guidelines so that participants in this program are not penalized for loss of catch history or unexpended days-at-sea as part of a limited entry system.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Marine Fisheries Service, in addition to amounts otherwise authorized by this Act, the following amounts, to remain available until expended, for the conduct of this program:

''(1) $25,000,000 for fiscal year 2003.
''(2) $30,000,000 for fiscal year 2004.
''(3) $35,000,000 for fiscal year 2005.
''(4) $40,000,000 for fiscal year 2006.
''(5) $45,000,000 for fiscal year 2007.

''(e) NEW ENGLAND TRAWL SURVEY.—Of the funds authorized in subsection (d) $3,000,000 shall be authorized for the purpose of cooperative comparative trawl research between the National Marine Fisheries Service and fishing industry participants for the Northeast multispecies groundfish fishery, which the Secretary shall design and administer with input from fishing industry participants and other interested stakeholders.''.

SEC. 4. REGULATORY FLEXIBILITY.

Section 304(e)(4)(A)(ii) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1854(e)(4)(A)(ii)) is amended to read as follows:

''(ii) not exceed 10 years, except in the case where a rebuilding target is changed during the rebuilding period, the Council or the Secretary may extend the time period for the rebuilding to accommodate the new target;''.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2973. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen Federal Building''; to the Committee on Environment and Public Works.

Mr. DOMENICI. Madam President, I rise today to introduce a bill to rename the Federal courthouse in Roswell, New Mexico for my longtime friend and ally, Representative JOE SKEEN.

I have had the highest honor of serving the State of New Mexico with this amazing man for more than 20 years. JOE was first elected to the House of Representatives in 1980 as a write-in candidate. He is only the third man in the history of this country to achieve this feat.

As great an accomplishment as this was, history will show that it was among the least of his great achievements. As I'm sure you can imagine, the litany of successes that JOE has had in his work for New Mexico is much too long to go into here today. Suffice it to say that New Mexico is infinitely better for having had JOE SKEEN representing us in Congress; this country is better for having had JOE participate in making decisions that affect the entire nation.

JOE will be the first to tell you that he has not done it on his own, however. He has had a partner in his great adventure who has walked beside him every step of the way. Mary, his wife of 57 years, has been a calming influence in the storm that is the life of a Congressman. She has made it possible for JOE to continue to be a ranching Representative, running the family ranch while JOE has served in Washington.

JOE has decided that it is time to return to that ranch to spend time with the family and the land that he loves so much. I know that Washington will go on without the Skeens but there is no way that it will be as a good a place.

It is only a small token of the appreciation New Mexico and this country have for his many years of service, but I believe that renaming the Federal Courthouse in Roswell, New Mexico is a fitting tribute to this exceptional public servant.

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

S. 2973

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

SECTION 1. DESIGNATION.

The Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, shall be known and designated as the ''Joe Skeen Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Joe Skeen Federal Building.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 1, 2003.

By Mr. BOND (for himself, Mr. DODD, Mr. FRIST, and Mr. KENNEDY):

S. 2980. A bill to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Madam President, I rise today to introduce the Birth Defects and Developmental Disabilities Prevention Act of 2002. It is a pleasure to work, once again, on this important issue with Senators DODD, KENNEDY and FRIST.

My interest in birth defects prevention began while I was Governor. As Governor I had secured dollars to fund the neonate care units at our hospitals in Missouri. These remarkable institutions and the dedicated men and women who serve there do a tremendous job of saving low birth weight babies and babies with severe birth defects.

As I visited those hospitals and held those tiny babies, the doctors and nurses who staffed these units asked me, ''Why don't we do something to reduce the incidents of birth defects and the problems that bring the tiniest of infants to these very high-tech, specialized care units.''

Since I became a Senator I have been working with colleagues on both sides of the aisle and with the March of Dimes to deal with this serious and compelling health problem facing America. Many people are not aware that birth defects affect over 3 percent of all births in America, and they are the leading cause of infant death.

This year alone, an estimated 150,000 babies will be born with a birth defect. Among the babies who survive, birth defects often result in lifelong disability. Medical care, special education, and many other services are often required into adulthood, costing families thousands of dollars each year.

In 1992, due to a terrible tradegy in Texas when at least 30 infants were born without or with little brain tissue over a short period of time, I introduced the Birth Defects Prevention Act.

Because at the time Texas did not have a birth defects surveillance system, and because our country did not have a comprehensive birth defects prevention and surveillance strategy, the severity of the problem was not

recognized until the incidence of birth defects was so high that it was difficult to miss.

In 1998, we passed the Birth Defects Prevention Act, which created a federal birth defects prevention and surveillance strategy. That was followed by the Children's Health Act of 2000, which established the National Center on Birth Defects and Developmental Disabilities at CDC. With these two important pieces of legislation Congress for the first time recognized that birth defect and developmental disabilities are major threats to children's health.

As a result, CDC, through eight regional Centers for Birth Defects Research and Prevention are collaborating on the largest study on the causes of birth defects ever undertaken, the National Birth Defects Prevention Study. CDC is also assisting 28 States by providing 3-year grants to improve their surveillance systems. We have come a long way in the past 5 years toward preventing certain birth defects, but we face many challenges ahead.

There is still much work to be done to improve the health of all Americans by preventing birth defects and developmental disabilities in children, promoting optimal child development and ensuring health and wellness among child and adults living with disabilities.

Today, with the introduction of this bill we have the opportunity to renew our commitment to birth defects prevention and to improve the quality of life of those living with disabilities. I look forward to working with my colleagues to ensure and enhance the well-being of our Nation's children.

Mr. FRIST. Madam President, I am pleased to join Senators BOND and DODD in re-introducing the ''Birth Defects and Developmental Disabilities Prevention Act of 2002''. This bill reauthorizes the National Center on Birth Defects and Developmental Disabilities (NCBDD) at the Centers for Disease Control and Prevention to promote optimal fetal, infant, and child development and prevent birth defects and childhood developmental disabilities.

Birth defects are the leading cause of infant mortality in the United States, accounting for more than 20% of all infant deaths. Of the 150,000 babies born with a birth defect in the United States each year, 8000 will die during their first year of life. In addition, birth defects are the fifth-leading cause of years of potential life lost and contribute substantially to childhood morbidity and long-term disability.

Congress passed the ''Birth Defects Prevention Act in 1998''—a bill to assist States in developing, implementing, or expanding community-based birth defects tracking systems, programs to prevent birth defects, and activities to improve access to health services for children with birth defects. The authorization for this important legislation for this important legislation expires at the end of this year, and the legislation we are introducing today will strengthen those important programs.

In order to educate health professionals and the general public, this legislation requires NCBDD to provide information on the incidence and prevalence of individuals living with birth defects and disabilities, any health disparities, experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals. The Clearinghouse will also contain a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida.

This legislation also clarifies advisory committees, already in existence, that have expertise in birth defects, developmental disabilities, and disabilities and health will be transferred to the National Center for Birth Defects.

This piece of legislation also supports a National Spina Bifida Program to prevent and reduce suffering from the nation's most common permanently disabiling birth defect.

I ask that this piece of important legislation be reauthorized. I want to thank my colleagues, Senators BOND, DODD, and others, for the introduction of this initial piece of legislation in 1998 and for their continued initiatives on birth defects and developmental disabilities.

By Mr. VOINOVICH:

S. 2981. A bill to exclude certain wire rods from the scope of any anti-dumping or countervailing duty order issued as a result of certain investigations relating to carbon and certain alloy steel rods; to the Committee on Finance.

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

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

S. 2981

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

SECTION 1. EXCLUSION OF CERTAIN WIRE RODS FROM ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any antidumping or countervailing duty order that is issued as a result of antidumping investigations A–351–832, A–122–840, A–428–832, A–560–815, A–201–830, A–841–805, A–274–804, and A–823–812, or countervailing duty investigations C–351–833, C–122–841, C–428–833, C–274–805, and C–489–809, relating to carbon and certain alloy steel rods, shall not include wire rods that meet the American Welding Society ER70S–6 classification and are used to produce Mig Wire.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. CORZINE (for himself, Mr. FITZTGERALD, Mr. SARBANES, and Mr. AKAKA):

S. 2982. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today with my colleagues, Senators FITZGERALD, SARBANES, and AKAKA to introduce the Education for Retirement Security Act of 2002. This bill will provide access to badly needed financial and retirement education for millions of mid-life and older Americans whose retirement security is at stake.

Improving financial literacy has been a top priority for me in Congress. I believe it is a critical and complex task for Americans of all ages, but it is especially crucial for Americans as they approach retirement. In fact, low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement. Although today's older Americans are generally thought to be doing well, nearly one-out-of five, 18 percent, were living below 125 percent of the poverty line in 1995, which was a year of tremendous economic prosperity in our nation. And, only 53 percent of working Americans have any form of pension coverage. In addition, financial exploitation is the largest single category of abuse against older individuals, and this population comprises more than one-half of all telemarketing victims in the United States.

While education alone cannot solve our Nation's retirement woes, financial education is vital to enabling individuals to avoid scams and bad investment, mortgage, and pension decisions, and to ensuring that they have access to the tools they need to make sound financial decisions and prepare appropriately for a secure future. Indeed, the more limited time frame that mid-life and older Americans have in which to assess the realities of their individual circumstances, recover from bad economic choices, and to benefit from more informed financial practices make this education all the more critical. Financial literacy is also particularly important for older women, who are more likely to live in poverty and be dependent upon Social Security.

The Education for Retirement Security Act would create a competitive grant program that would provide resources to State and area agencies on aging and nonprofit community based organizations to provide financial education programs to mid-life and older Americans. The goal of these programs is to enhance these individuals' financial and retirement knowledge and reduce their vulnerability to financial abuse and fraud, including telemarketing, mortgage, and pension fraud.

My legislation also authorizes the creation of a national technical assistance program that would designate at least one national nonprofit organization that has substantial experience in

the field of financial education to provide training and make available instructional materials and information that promotes financial education.

Over the next thirty years, the percentage of Americans aged 65 and older is expected to double, from 35 million to nearly 75 million. Ensuring that these individuals are better prepared for retirement and are more informed about the economic decisions they face during retirement will have an important impact on the long term economic and social well-being of our nation.

I hope that as the Senate moves to address pension reform, my colleagues will work to address the issues outlined in this legislation. The recent rash of corporate and accounting scandals and the declining stock market have jeopardized the retirement savings of millions of Americans, making the need for financial literacy even more clear.

In closing, I would like to acknowledge the expertise and assistance that AARP, the Older Women's League, OWL, and the Women's Institute for a Secure Economic Retirement, WISER, offered to me in drafting this legislation.

I also ask unanimous consent that the text of my legislation be printed in the RECORD.

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

S. 2982

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 ''Education for Retirement Security Act of 2002''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Improving financial literacy is a critical and complex task for Americans of all ages.

(2) Low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement.

(3) Only 53 percent of working Americans have any form of pension coverage. Three out of four women aged 65 or over receive no income from employer-provided pensions.

(4) The more limited timeframe that mid-life and older individuals and families have to assess the realities of their individual circumstances, to recover from counter-productive choices and decisionmaking processes, and to benefit from more informed financial practices, has immediate impact and near term consequences for Americans nearing or of retirement age.

(5) Research indicates that there are now 4 basic sources of retirement income security. Those sources are social security benefits, pensions and savings, healthcare insurance coverage, and, for an increasing number of older individuals, necessary earnings from working during one's ''retirement'' years.

(6) The $5,000,000,000,000 loss in stock market equity values since 2000 has had a significantly negative effect on mid-life and older individuals and on their pension plans and retirement accounts, affecting both individuals with plans to retire and those who are already in retirement.

(7) Although today's older individuals are generally thought to be doing well, nearly ⅕ (18 percent) of such individuals were living below 125 percent of the poverty line during a year of national prosperity, 1995.

(8) Over the next 30 years, the number of older individuals in the United States is expected to double, from 35,000,000 to nearly 75,000,000, and long-term care costs are expected to skyrocket.

(9) Financial exploitation is the largest single category of abuse against older individuals and this population comprises more than ½ of all telemarketing victims in the United States.

(10) The Federal Trade Commission (FTC) Identity Theft Data Clearinghouse has reported that incidents of identity theft targeting individuals over the age of 60 increased from 1,821 victims in 2000 to 5,802 victims in 2001, a threefold increase.

SEC. 3. GRANT PROGRAM TO ENHANCE FINANCIAL AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MID-LIFE AND OLDER AMERICANS.

(a) AUTHORITY.—The Secretary is authorized to award grants to eligible entities to provide financial education programs to mid-life and older individuals who reside in local communities in order to—

(1) enhance financial and retirement knowledge among such individuals; and

(2) reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud, among such individuals.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is—

(1) a State agency or area agency on aging; or

(2) a nonprofit organization with a proven record of providing—

(A) services to mid-life and older individuals;

(B) consumer awareness programs; or

(C) supportive services to low-income families.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require, including a plan for continuing the programs provided with grant funds under this section after the grant expires.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 4 percent of the total amount of the grant in each fiscal year for the administrative costs of carrying out the programs provided with grant funds under this section.

(e) EVALUATION AND REPORT.—

(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—The Secretary shall develop measures to evaluate the programs provided with grant funds under this section.

(2) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under paragraph (1), the Secretary shall evaluate the programs provided with grant funds under this section in order to—

(A) judge the performance and effectiveness of such programs;

(B) identify which programs represent the best practices of entities developing such programs for mid-life and older individuals; and

(C) identify which programs may be replicated.

(3) ANNUAL REPORTS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the status of the grant program under this section, a description of the programs provided with grant funds under this section, and the results of the evaluation of such programs under paragraph (2).

SEC. 4. NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY.—The Secretary is authorized to award a grant to 1 or more eligible entities to—

(1) create and make available instructional materials and information that promote financial education; and

(2) provide training and other related assistance regarding the establishment of financial education programs to eligible entities awarded a grant under section 3.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is a national nonprofit organization with substantial experience in the field of financial education.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(d) BASIS AND TERM.—The Secretary shall award a grant under this section on a competitive, merit basis for a term of 5 years.

SEC. 5. DEFINITIONS.

In this Act:

(1) FINANCIAL EDUCATION.—The term ''financial education'' means education that promotes an understanding of consumer, economic, and personal finance concepts, including saving for retirement, long-term care, and estate planning and education on predatory lending and financial abuse schemes.

(2) MID-LIFE INDIVIDUAL.—The term ''mid-life individual'' means an individual aged 45 to 64 years.

(3) OLDER INDIVIDUAL.—The term ''older individual'' means an individual aged 65 or older.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act, $100,000,000 for each of the fiscal years 2003 through 2007.

(b) LIMITATION ON FUNDS FOR EVALUATION AND REPORT.—The Secretary may not use more than $200,000 of the amounts appropriated under subsection (a) for each fiscal year to carry out section 3(e).

(c) LIMITATION ON FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may not use less than 5 percent or more than 10 percent of amounts appropriated under subsection (a) for each fiscal year to carry out section 4.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 328—DESIGNATING THE WEEK ON SEPTEMBER 22 THROUGH SEPTEMBER 28, 2002, AS ''NATIONAL PARENTS WEEK''

Mr. DEWINE (for himself and Mr. VOINOVICH) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 328

Whereas parents play an indispensable role in the rearing of their children;

Whereas good parenting is a time consuming, emotionally demanding task that is essential not only to the health of a household but to the well-being of our Nation;

Whereas without question, the future of our Nation depends largely upon the willingness of mothers and fathers, however busy or