

from Colorado (Mr. CAMPBELL) were added as cosponsors of S. Con. Res. 143, A concurrent resolution designating October 6, 2002, through October 12, 2002, as "National 4-H Youth Development Program Week".

S. CON. RES. 146

At the request of Mrs. LINCOLN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Con. Res. 146, A concurrent resolution supporting the goals and ideas of National Take Your Kids to Vote Day.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3015. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse"; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator DOMENICI to introduce a bill to designate the United States Courthouse in Santa Fe, NM, as the "Honorable Santiago E. Campos United States Courthouse." Santiago Campos was appointed to the Federal Bench in 1978 by President Jimmy Carter and was the first Hispanic Federal judge in New Mexico. He held the title of Chief U.S. District Judge from February 5, 1987 to December 31, 1989, and took senior status in 1992. Judge Campos had his chambers in the courthouse in Santa Fe for over 22 years. He was also the prime mover in reestablishing Federal court judicial activity in Santa Fe and in renovating the courthouse there.

Sadly, Judge Campos passed away January 20, 2001 after a long battle with cancer. Judge Campos was not only a great man, but also a dedicated and passionate public servant who spent most of his life committed to working for the people of New Mexico and our Nation. Judge Campos was an extraordinary jurist and served as a role model and mentor to others in New Mexico. He was admired and respected by all that knew him. I believe that it would be an appropriate tribute to Judge Campos to have the courthouse in Santa Fe bear his name.

By Mr. DASCHLE:

S. 3016. A bill to amend the Farm Security and Rural Investment act of 2002 to require the Secretary of Agriculture to establish research, extension, and educational programs to implement biobased energy technologies, products, and economic diversification in rural areas of the United States; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DASCHLE. Mr. President, today, I am introducing the Sun Grant Initiative for Renewable Energy and Biobased Products Act. The Sun Grant Initiative, or SGI, reflects a dynamic vision for the future of agriculture and rural America—a vision that can re-

duce our dependence on foreign energy, provide environmentally-friendly biobased alternative products, and infuse needed economic development for our nation's rural communities. SGI will build upon what our nation does best by using the power of innovation to open up new avenues of opportunity.

Specifically, SGI would identify new methods of converting various crop varieties and biobased natural resources into energy and other value-added products and provide a technology transfer of those products by:

Establishing a national consortium of land-grant universities to lead the SGI effort in coordination with the U.S. Departments of Agriculture and Energy.

The mission of the consortium would be to make significant advances—not only in technological developments, but also in making sure those new technologies make it to market, therefore providing income alternatives to farmers and ranchers and providing opportunities for economic diversification to rural communities.

Increasing our nation's investment in renewable fuels and other products like pharmaceuticals, building materials including bio-plastics, textiles, lubricants, solvents, and adhesives.

Providing a framework for new investments in necessary research, and for ensuring that producers, communities, and our nation as a whole benefit from the results of that research.

I am hopeful that Senators will review the legislation and consider cosponsoring this exciting effort to help build a biobased economy that can assist our nation in so many important ways.

By Mr. LEVIN:

S. 3017. A bill to amend title 18, United States Code, to provide retroactive effect to a sentencing safety valve provision; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, I am pleased to introduce the Safety Valve Fairness Act. This bill addresses inequities in sentencing that were created by the passage of "safety valve" provisions contained in the 1994 crime bill.

Mandatory minimum sentencing laws allow judges little or no discretion in making sentencing determinations. An unfortunate byproduct of this lack of discretion has been the imposition of disproportionately long sentences for some relatively low-level nonviolent offenders.

Congress acknowledged this in enacting so-called "safety valve" provisions as part of the 1994 crime bill. These provisions allowed a narrow class of offenders, that is individuals with no criminal history, who committed a nonviolent crime, were not leaders or organizers of the crime, and who cooperated fully with the government, to petition the court for a review of their sentence. However, the safety valve provisions did not apply to offenders sentenced before the bill became law in 1994. As a result, individuals who have arguably been most impacted by the

mandatory minimum sentencing laws that the safety valve provisions sought to remedy, have been unable to benefit from their passage. This bill would rectify this situation by making the safety valve provisions retroactive to allow first-time nonviolent drug offenders convicted prior to the passage of the 1994 crime bill to petition the court for a reconsideration of their sentence.

The existing safety valve law is not a "get out of jail free" card. It simply allows prisoners to petition the courts for reconsideration. In order to have the mandatory minimum sentenced modified, offenders must first demonstrate to the court that they meet the criteria I mentioned earlier. It is up to the court to determine whether an individual is eligible to have their sentence modified and that a modification is appropriate in each case. I believe the original safety valve provisions appropriately restored discretion to the courts and it's only fair that the law be changed so it applies equally to all individuals without regard to when they were convicted.

Making the safety valve provisions retroactive would impact only an extremely small number of cases. According to the United States Sentencing Commission, only 25 to 40 currently incarcerated federal offenders would be eligible to petition the court to reconsider their sentences. All of these individuals have served at least eight years in prison and many have served significantly longer. Mr. President, I request unanimous consent to print a letter from the Sentencing Commission in the RECORD.

The same considerations that motivated the Senate's original passage of the safety valve legislation apply to those offenders who were sentenced before 1994. Fairness dictates that all those offenders who meet the criteria set out in the safety valve law should have their cases heard and I urge my colleagues to support this bill.

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

U.S. SENTENCING COMMISSION,  
Washington, DC, June 24, 2002.

Hon. CARL LEVIN,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR LEVIN: Thank you for your June 14, 2002, letter inquiring about the number of federal offenders who would be affected if the "safety valve" provision enacted on September 13, 1994, were made retroactive. We estimate that 25 to 40 federal offenders currently incarcerated would benefit if the safety valve provision of the 1994 Crime Bill were made retroactive to cases sentenced prior to September 13, 1994.

We cannot provide a more exact figure because of a number of data limitations. In order for the safety valve to apply, the sentencing judge must find that the offender meets certain criteria defined by Congress. For example, one such criterion is whether the defendant truthfully provided to the Government all information and evidence the defendant had concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan. Because this criterion was not relevant to sentencing prior to the enactment of the safety valve provision, presentence reports for cases sentenced prior to September 13, 1994, do not

necessarily address this factor. As a result, to respond to your inquiry we had to use receipt of a sentencing reduction for acceptance of responsibility as a rough proxy for this particular safety valve criterion, which may overstate or understate the actual number of offenders who would meet this criterion if the safety value were made retroactive. Proxies for certain other safety valve criterion also had to be used. In addition, the Commission does not have complete data with respect to release dates for offenders.

I hope you find this information helpful.

Sincerely,

DIANA E. MURPHY.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 331—RELATIVE TO THE DEATH OF REPRESENTATIVE PATSY T. MINK OF HAWAII

Mr. DASCHLE (for himself, Mr. LOTT, Mr. INOUE, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 331

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Patsy T. Mink, late a Representative from the State of Hawaii.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4839. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4840. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4841. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4842. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4843. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4844. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4845. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4846. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 4839. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 338, insert between lines 2 and 3 the following:

#### SEC. 2205. ADJUSTED DIFFERENTIALS.

(a) IN GENERAL.—Paragraph (1) of section 404(b) of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5305 note) is amended by striking the matter after “follows:” and inserting the following:

“Area	Differential
Atlanta Consolidated Metropolitan Statistical Area .....	17.21%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area .....	24.43%
Chicago-Gary-Kenosha, IL-IN-WI Consolidated Metropolitan Statistical Area .....	25.34%
Cincinnati-Hamilton, OH-KY-IN Consolidated Metropolitan Statistical Area .....	21.21%
Cleveland Consolidated Metropolitan Statistical Area .....	18.46%
Columbus Consolidated Metropolitan Statistical Area .....	17.75%
Dallas Consolidated Metropolitan Statistical Area .....	19.06%
Dayton Consolidated Metropolitan Statistical Area .....	16.50%
Denver-Boulder-Greeley, CO Consolidated Metropolitan Statistical Area .....	23.08%
Detroit-Ann Arbor-Flint, MI Consolidated Metropolitan Statistical Area .....	25.28%
Hartford, CT Consolidated Metropolitan Statistical Area .....	23.78%
Houston-Galveston-Brazoria, TX Consolidated Metropolitan Statistical Area .....	31.55%
Los Angeles-Riverside-Orange County, CA Consolidated Metropolitan Statistical Area .....	27.19%
Miami-Fort Lauderdale, FL Consolidated Metropolitan Statistical Area .....	21.79%
Milwaukee Consolidated Metropolitan Statistical Area .....	18.03%
Minneapolis-St. Paul, MN-WI Consolidated Metropolitan Statistical Area .....	20.21%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA Consolidated Metropolitan Statistical Area .....	26.44%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area .....	21.14%

“Area	Differential
Pittsburgh Consolidated Metropolitan Statistical Area .....	15.97%
Portland-Salem, OR-WA Consolidated Metropolitan Statistical Area .....	20.90%
Richmond Consolidated Metropolitan Statistical Area .....	17.05%
RUS Consolidated Metropolitan Statistical Area .....	15.28%
Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area .....	20.41%
San Diego, CA Consolidated Metropolitan Statistical Area .....	22.28%
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area .....	33.06%
Seattle-Tacoma-Bremerton, WA Consolidated Metropolitan Statistical Area .....	20.99%
St. Louis Consolidated Metropolitan Statistical Area .....	15.65%
Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area .....	20.01%”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect as if included in the Federal Law Enforcement Pay Reform Act of 1990 on the date of the enactment of such Act; and

(2) shall be effective only with respect to pay for service performed in pay periods beginning on or after the date of enactment of this Act.

SA 4840. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. —. MODIFICATIONS TO AVIATION AND TRANSPORTATION SECURITY ACT.

(a) SECURITY SCREENING OPT-OUT PROGRAM.—Section 44919(d) of title 49, United States Code, is amended—

(1) by striking “not more than 1 airport from each of the 5 airport security risk categories” and inserting “up to 40 airports equally distributed among the 5 airport security risk categories”; and

(2) by adding at the end the following: “The Under Secretary shall encourage large and medium hub airports to participate in the program”.

(b) EXTENSION OF DEADLINE.—Section 110(c)(2) of the Aviation and Transportation Security Act is amended by striking “1 year after the date of enactment of this Act” and inserting “December 31, 2002”.

SA 4841. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

#### SEC. 1. REQUIREMENT TO BUY CERTAIN ARTICLES FROM AMERICAN SOURCES.

(a) REQUIREMENT.—Except as provided in subsections (c) through (g), funds appropriated or otherwise available to the Department of Homeland Security may not be used