2001'' received on February 1, 2003; to the Committee on Governmental Affairs.

EC–1019. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense Fiscal Year (FY) 2002 Performance and Accountability Report, received on January 31, 2003; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, without amendment and with a preamble:

S. Res. 49. A resolution designating February 11, 2003, as ''National Inventors' Day.''

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH for the Committee on the Judiciary.

John R. Adams, of Ohio, to be United States District Judge for the Northern District of Ohio.

S. James Otero, of California, to be United States District Judge for the Central District of California.

Robert A. Junell, of Texas, to be United States District Judge for the Western District of Texas.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself, Ms. STABENOW, and Mr. SCHUMER):

S. 324. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for certain trails in the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 325. A bill to amend the Agricultural Marketing Act of 1946 to increase competition and transparency among packers that purchase livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida:

S. 326. A bill to amend the Uniform Code of Military Justice to apply to prosecutions of child abuse cases in courts-martial an extended statute of limitations applicable to prosecutions of child abuse cases in United States District Courts, and for other purposes; to the Committee on Armed Services.

By Mr. LEVIN (for himself and Mr. JEFFORDS):

S. 327. A bill to amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program; to the Committee on Finance.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 328. A bill to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreation Area,'' and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EDWARDS:

S. 329. A bill to assist the Neighborhood Watch program to empower communities and citizens to enhance awareness about threats from terrorism and weapons of mass destruction, and encourage local communities to better prepare to respond to terrorist attacks; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. COCHRAN, Mr. MILLER, Mr. JOHNSON, Mr. INOUYE, Mr. CONRAD, Mr. BINGAMAN, Mr. LEAHY, Mr. BUNNING, Mr. DOMENICI, Ms. MURKOWSKI, and Mr. CRAIG):

S. 330. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. MCCAIN, Mr. INOUYE, Mr. BAUCUS, Mr. JOHNSON, Mr. DOMENICI, Mr. BINGAMAN, Mr. COCHRAN, and Ms. STABENOW):

S. 331. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. LEVIN, Mr. BAUCUS, and Mr. CONRAD):

S. 332. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 113

At the request of Mr. KYL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 113, a bill to exclude United States persons from the definition of ''foreign power'' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.

S. 150

At the request of Mr. ALLEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 196

At the request of Mr. ALLEN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 205

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 205, a bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs.

S. 207

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 207, a bill to amend the Internal Revenue Code of 1986 to provide a 10-year extension of the credit for producing electricity from wind.

S. 245

At the request of Mrs. DOLE, her name was added as a cosponsor of S. 245, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 250

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 250, a bill to address the international HIV/AIDS pandemic.

S. 287

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 287, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 300

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 303

At the request of Mr. HATCH, the names of the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 303, a bill to prohibit human cloning and protect stem cell research.

S. RES. 48

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 48, A resolution designating April 2003 as ''Financial Literacy for Youth Month''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Ms. STABENOW, and Mr. SCHUMER):

S. 324. A bill acquisition from willing sellers for certain trails in the National Trails System; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Willing Seller bill be printed in the RECORD.

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

S. 324

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

SECTION 1. NATIONAL TRAILS SYSTEM.

(a) ACQUISITION OF LAND FROM WILLING SELLERS.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) in paragraph (8), by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail without the consent of the owner of the land or interest.'';

(2) in paragraph (10), by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail without the consent of the owner of the land or interest.''; and

(3) in the fourth sentence of paragraph (11)—

(A) by striking ''No lands or interests therein outside the exterior'' and inserting ''No land or interest in land outside the exterior''; and

(B) by inserting before the period at the end the following: ''without the consent of the owner of the land or interest''.

(b) CONFORMING AMENDMENT.—Section 10(c)(1) of the National Trails System Act (16 U.S.C. 1249(c)(1)) is amended by striking ''the North Country National Scenic Trail, The Ice Age National Scenic Trail,''.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 325. A bill to amend the Agricultural Marketing Act of 1946 to increase competition and transparency among packers that purchase livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, during the last Congress Senator FEINGOLD and I sponsored the Transparency for Independent Livestock Producers Act, or what we have generally referred to as the ''Transparency Act''. Today we are once again working together in a bipartisan fashion to re-introduce this important legislation.

As everyone knows, I introduced the packer ban this Congress because I want more competition in the marketplace. While I don't think packers should be in the same business as independent livestock producers, it's not the fact that the packers own the livestock that bothers me as much as the fact that the packers' livestock competes for shackle space and adversely impacts the price independent producers receive.

My sponsorship of the packer ban is based on the belief that independent producers should have the opportunity to receive a fair price for their livestock. The last few years have led to widespread consolidation and concentration in the packing industry. Add on the trend toward vertical integration among packers and there is no question why independent producers are losing the opportunity to market their own livestock during profitable cycles in the live meat markets.

The past CEO of IBP in 1994 explained that the reason packers own livestock is that when the price is high the packers use their own livestock for the lines and when the price is low the packers buy livestock. This means that independent producers are most likely being limited from participating in the most profitable ranges of the live market. This is not good for the survival of the independent producer.

This bipartisan legislation would guarantee that independent producers have a share in the market place while assisting the Mandatory Price Reporting system. The proposal would require that 25 percent of a packer's daily kill comes from the spot market. By requiring a 25 percent spot market purchase daily, the mandatory price reporting system, which has been criticized due to reporting and accuracy problems, would have consistent, reliable numbers being purchased from the spot market, improving the accuracy and transparency of daily prices. In addition, independent livestock producers would be guaranteed a competitive position due to the packers need to fill the daily 25 percent spot/cash market requirement.

The packs required to comply would be the same packs required to report under the Mandatory Price Reporting system. Those are packs that kill either 125,000 head of cattle, 100,000 head of hogs, or 75,000 lambs annually, over a 5 year average.

Packers are arguing that this will hurt their ability to offer contracts to producers, but the fact of the matter is that the majority of livestock contracts pay out on a calculation incorporating Mandatory Price Reporting data. If the Mandatory Price Reporting data is not accurate, or open to possible manipulation because of low numbers on the spot market, contracts are not beneficial tools for producers to manage their risk. This legislative proposal will hopefully give confidence to independent livestock producers by improving the accuracy and viability of the Mandatory Price reporting system and secure fair prices for contracts based on that data.

It's just common sense, when there aren't a lot of cattle and pigs being purchased on the cash market, it's easier for the Mandatory Price reporting data to be inaccurate or manipulated. The majority of livestock production contracts are based on that data, so if that information is wrong the contract producers suffer.

This legislation will guarantee independent livestock producers market access and a fair price. It will accomplish these goals by making it more difficult for the Mandatory Price Reporting System to be manipulated because of low numbers being reported by the packs. The Transparency Act is crucial legislation to guarantee livestock producers receive a fair shake at the farm gate and I am looking forward to working on this legislation in a bipartisan fashion.

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. 325

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

SECTION 1. SPOT MARKET PURCHASES OF LIVESTOCK BY PACKERS.

Chapter 5 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636 et seq.) is amended by adding at the end the following:

''SEC. 260. SPOT MARKET PURCHASES OF LIVESTOCK BY PACKERS.

''(a) DEFINITIONS.—In this section:

''(1) COOPERATIVE ASSOCIATION OF PRODUCERS.—The term 'cooperative association of producers' has the meaning given the term in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(2) COVERED PACKER.—

''(A) IN GENERAL.—The term 'covered packer' means a packer that is required under this subtitle to report to the Secretary each reporting day information on the price and quantity of livestock purchased by the packer.

''(B) EXCLUSION.—The term 'covered packer' does not include a packer that owns only 1 livestock processing plant.

''(3) NONAFFILIATED PRODUCER.—The term 'nonaffiliated producer' means a producer of livestock—

''(A) that sells livestock to a packer;

''(B) that has less than 1 percent equity interest in the packer, which packer has less than 1 percent equity interest in the producer;

''(C) that has no officers, directors, employees, or owners that are officers, directors, employees, or owners of the packer;

''(D) that has no fiduciary responsibility to the packer; and

''(E) in which the packer has no equity interest.

''(4) SPOT MARKET SALE.—

''(A) IN GENERAL.—The term 'spot market sale' means a purchase and sale of livestock by a packer from a producer—

''(i) under an agreement that specifies a firm base price that may be equated with a fixed dollar amount on the date the agreement is entered into;

''(ii) under which the livestock are slaughtered not more than 7 days after the date on which the agreement is entered into; and

''(iii) under circumstances in which a reasonable competitive bidding opportunity exists on the date on which the agreement is entered into.

''(B) REASONABLE COMPETITIVE BIDDING OPPORTUNITY.—For the purposes of subparagraph (A)(iii), circumstances in which a reasonable competitive bidding opportunity shall be considered to exist if—

''(i) no written or oral agreement precludes the producer from soliciting or receiving bids from other packers; and

''(ii) no circumstance, custom, or practice exists that—

''(I) establishes the existence of an implied contract (as determined in accordance with the Uniform Commercial Code); and

''(II) precludes the producer from soliciting or receiving bids from other packers.

''(b) GENERAL RULE.—Of the quantity of livestock that is slaughtered by a covered packer during each reporting day in each plant, the covered packer shall slaughter not less than the applicable percentage specified in subsection (c) of the quantity through spot market sales from nonaffiliated producers.

''(c) APPLICABLE PERCENTAGES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the applicable percentage shall be—

''(A) in the case of a covered packer that is not a cooperative association, 25 percent; and

''(B) in the case of a covered packer that is a cooperative association, 12.5 percent.

''(2) EXCEPTIONS.—

''(A) COVERED PACKERS WITH A HIGH PERCENTAGE OF CAPTIVE SUPPLY CATTLE.—In the case of a covered packer (other than a covered packer described in subparagraph (B)) that reported to the Secretary in the 2001 annual report that more than 75 percent of the cattle of the covered packer were captive supply cattle, the applicable percentage shall be the greater of—

''(i) the difference between the percentage of captive supply so reported and 100 percent; and

''(ii)(I) during each of calendar years 2004 and 2005, 5 percent;

''(II) during each of calendar years 2006 and 2007, 15 percent; and

''(III) during calendar year 2008 and each calendar year thereafter, 25 percent.

''(B) COOPERATIVE ASSOCIATIONS WITH HIGH PERCENTAGE OF CAPTIVE SUPPLY CATTLE.—In the case of a covered packer that is a cooperative association and that reported to the Secretary in the 2001 annual report that more than 87.5 percent of the cattle of the covered packer were captive supply cattle, the applicable percentage shall be the greater of—

''(i) the difference between the percentage of captive supply so reported and 100 percent; and

''(ii)(I) during each of calendar years of 2004 and 2005, 5 percent;

''(II) during each of calendar years of 2006 and 2007, 7.5 percent; and

''(III) during calendar year 2008 and each calendar year thereafter, 12.5 percent.

''(d) NONPREEMPTION.—Notwithstanding section 259, this section does not preempt any requirement of a State or political subdivision of a State that requires a covered packer to purchase on the spot market a greater percentage of the livestock purchased by the covered packer than is required under this section.

''(e) RELATIONSHIP TO OTHER PROVISIONS.—Nothing in this section affects the interpretation of any other provision of this Act, including section 202.''.

By Mr. NELSON of Florida:

S. 326. A bill to amend the Uniform Code of Military Justice to apply to prosecutions of child abuse cases in courts-martial an extended statute of limitations applicable to prosecutions of child abuse cases in United States District Courts, and for other purposes; to the Committee on Armed Forces.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation to close a gaping loophole in the Victims of Child Abuse Act that currently ties the hands of military prosecutors.

Congress passed the Victims of Child Abuse Act to extend the statute of limitations for prosecuting offenses involving the sexual or physical abuse of minor children. But the military's highest court recently said the VCCA's extended statute of limitations doesn't apply to courts martial.

Because Congress did not expressly address the relationship of this provision to the Uniform Code of Military Justice serious crimes against children are now out of military prosecutors' reach.

This loophole became tragically apparent to me after I was contacted by the father of a young girl who was sexually abused by a member of the military. The victim's father called my office to express his frustration that the Air Force couldn't properly prosecute the man for molesting his daughter over a 7-year period. The military couldn't convict the offender on the worst counts levied against him because of the insufficient 5-year statute of limitations provided by the Uniform Code of Military Justice.

Air Force prosecutors originally used the extended statute of limitations provided by the Victims of Child Abuse Act to convict the defendant of several crimes, but the most serious convictions were overturned by the U.S. Court of Appeals for the Armed Forces which determined that the shorter statute of limitations provided by the UCMJ applied to the case instead of the extended prosecution period provided by the VCAA.

The Court's narrow interpretation of the VCAA means this sex offender will do a very short sentence at best, even though he abused this young girl for years.

The bill I introduce today is designed to ensure that kids aren't denied justice just because the defendant happens to be a member of the military. Military prosecutors need the power to put these criminals away for a long time.

The statute of limitations provided by the VCAA allows prosecutions until the victim's 25th birthday. My bill clarifies that the VCAA's statute of limitations applies to courts martial whenever a case arises involving the sexual or physical abuse of a child.

Child victims of sexual crimes sometimes struggle to come to terms with the crimes committed against them and often are not willing, or able, to bring the crime to the attention of authorities until they are much older. Applying the longer statute of limitations provided by the VCAA to courts martial will allow military prosecutors to throw the book at sexual predators.

I strongly urge my colleagues to support this simple, but very important, change to the law. Our kids deserve this protection and we should give it to them without delay.

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. 326

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

SECTION 1. EXTENDED LIMITATION PERIOD FOR PROSECUTION OF CHILD ABUSE CASES IN COURTS-MARTIAL.

Section 843(b) of title 10, United States Code (article 43 of the Uniform Code of Military Justice, is amended by adding at the end the following new paragraph:

''(3) Section 3283 of title 18, relating to an extension of a period of limitation for prosecution of an offense involving sexual or physical abuse of a child under the age of 18 years, shall apply to liability of a person for trial for such an offense by a court-martial and liability of a person for punishment for such an offense under section 815 of this title (article 15).''.

By Mr. LEVIN (for himself and Mr. JEFFORDS):

S. 327. A bill to amend part A of title IV of the Social Security Act to allow up to 2 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program; to the Committee on Finance.

Mr. LEVIN. Mr. President, I am pleased to be joined by the Senator JEFFORDS in reintroducing legislation that seeks to add an important measure of flexibility to a provision of the Temporary Assistance for Needy Families program, TANF, under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The legislation we are introducing increases from 12 to 24 months the limit on the amount of vocational education training that a State can count towards meeting its work participation rate.

Under the pre-1996 Aid to Families with Dependent Children program, welfare recipients could participate in post-secondary vocational training or community college programs for up to 24 months while receiving assistance. While I support TANF's emphasis on moving welfare recipients into jobs, I am troubled by the restriction on post-secondary education training, limiting it to 12 months. Only one year of vocational education counts as an approved work activity. The second year of post-secondary education study does not.

The limitation on post-secondary education and training raises a number of concerns, not the least of which is whether individuals may be forced into low-paying, short-term employment that will lead them back onto public assistance because they are unable to support themselves or their families. According to recent studies, this is exactly what has happened in far too many cases.

A March 13, 2001, report of the Congressional Research Service, indicates that the average hourly wage for these former welfare recipients ranged from $5.50 to $8.80 per hour. According to the U.S. Census Bureau, the mean earnings of adults with an associate degree are 20 percent higher than adults who have not achieved such a degree.

A majority of the Senate has previously voted to make 24 months of post-secondary education a permissible work activity under TANF. The Levin-Jeffords amendment to the 1997 Reconciliation bill, permitting up to 24 months of post-secondary education, received 55 votes—falling five vote short of the required procedural vote of 60. I must note the efforts of our dear friend and colleague Senator Paul

Wellstone who was committed to this issue and who subsequently, in 1998, offered similar legislation as an amendment to the Higher Education Act reauthorization, which I cosponsored. The Senate adopted his amendment, however, the amendment was dropped during conference negotiations.

In June of last year, Senator JEFFORDS and I were very pleased that our proposal was included in the Senate Finance Committee reported bill reauthorizing TANF. It is our hope that the Senate will again act favorably and expeditiously on this legislation and that the House will support this much-needed state flexibility. We must do what is necessary to achieve TANF's intended goal of getting families permanently off of welfare and onto self-sufficiency.

Finally, I would like to share with my colleagues some examples of the difference that completion of two years of vocational or community college can make. The following are jobs that an individual could prepare for in a structured two-year training or community college program, including the average starting salary, as provided by the Bureau of Labor Statistics.

AVERAGE STARTING SALARY NATIONWIDE

Respiratory Therapist	$29,700
Occupational Therapy Assistant	25,220
Electrician	24,230
Physical Therapy Assistant	23,590
Computer Support Specialist	22,710
Interior Designer	21,490
Legal Secretary	22,360
Food Service Manager	20,370

We must ensure that all citizens have the opportunity to become productive and successful members of the workforce. Again, I urge my colleagues to act with haste on this legislation. This modification will give the states the flexibility they need to improve the economic status of families across America.

I ask unanimous consent that the text of the legislation Senator JEFFORDS and I are introducing be printed in the RECORD.

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

S. 327

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

SECTION 1. INCREASE IN NUMBER OF MONTHS OF VOCATIONAL EDUCATIONAL TRAINING COUNTED AS A WORK ACTIVITY UNDER THE TANF PROGRAM.

Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended by striking ''12'' and inserting ''24''.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 328. A bill to designate Catoctin Mountain Park in the State of Maryland as the Catoctin Mountain National Recreation Area,'' and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Mr. President, today I am re-introducing legislation, together with my colleague Senator MIKULSKI, to re-designate Catoctin Mountain Park as the Catoctin Mountain National Recreation Area. I first introduced this measure in October 2002, but unfortunately it was not acted upon during the closing days of the 107th Congress. It is my hope that the legislation will receive full and prompt consideration this year.

I spoke last year about the need for this legislation and would like to underscore the principal arguments today. Catoctin Mountain Park is a hidden gem in our National Park System. Home to Camp David, the Presidential retreat, it has been aptly described as ''America's most famous unknown park.'' Comprising nearly 6000 acres of the eastern reach of the Appalachian Mountains in Maryland, the park is rich in history as well as outdoor recreation opportunities. Visitors can enjoy camping, picnicking, cross-country skiing, fishing, as well as the solitude and beauty of the woodland mountain and streams in the park.

Catoctin Mountain Park had its origins during the Great Depression as one of 46 Recreational Demonstration Areas, RDA, established under the authority of the National Industrial Recovery Act. The Federal Government purchased more than 10,000 acres of mountain land that had been heavily logged and was no longer productive to demonstrate how sub-marginal land could be turned into a productive recreational area and help put people back to work. From 1936 through 1941, hundreds of workers under the Works Progress Administration and later the Civilian Conservation Corps were employed in reforestation activities and in the construction of a number of camps, roads and other facilities, including the camp now known as Camp David, and one of the earliest—if not the oldest—camp for disabled individuals. In November 1936, administrative authority for the Catoctin RDA was transferred to the National Park Service by Executive Order.

In 1942, concern about President Roosevelt's health and safety led to the selection of Catoctin Mountain, and specifically Camp Hi-Catoctin as the location for the President's new retreat. Subsequently approximately 5,000 acres of the area was transferred to the State of Maryland, becoming Cunningham Falls State Park in 1954. The remaining 5,770 acres of the Catoctin Recreation Demonstration Area was renamed Catoctin Mountain Park by the Director of the National Park Service in 1954. Unfortunately, the Director failed to include the term ''National'' in the title and the park today remains one of 17 units in the entire National Park System and one of 9 units in the National Capital Region that does not have this designation. Those units include four parkways, four wild and scenic rivers, the White House and Wolf Trap Farm Park for the Performing Arts.

The proximity of Catoctin Mountain Park, Camp David, and Cunningham Falls State Park, and the differences between national and state park management, has caused longstanding confusion for visitors to the area. Catoctin Mountain Park is continually misidentified by the public as containing lake and beach areas associated with Cunningham Falls State Park, being operated by the State of Maryland, or being closed to the public because of the presence of Camp David. National Park employees spend countless hours explaining, assisting and redirecting visitors to their desired destinations.

My legislation would help to address this situation and clearly identify this park as a unit of the National Park System by renaming it the Catoctin Mountain National Recreation Area. The mission and characteristics of this park—which include the preservation of significant historic resources and important natural areas in locations that provide outdoor recreation for large numbers of people—make this designation appropriate. This measure would not change access requirements or current recreational uses occurring within the park. But it would assist the visiting public in distinguishing between the many units of the State and Federal systems. It will also, in my judgment, help promote tourism by enhancing public awareness of the National Park unit.

The legislation is supported by the Board of County Commissioners and Tourism Council of Frederick County. I urge approval of this legislation.

By Mr. CAMPBELL (for himself, Mr. COCHRAN, Mr. MILLER, Mr. JOHNSON, Mr. INOUYE, Mr. CONRAD, Mr. BINGAMAN, Mr. LEAHY, Mr. BUNNING, Mr. DOMENICI, Ms. MURKOWSKI, and Mr. CRAIG):

S. 330. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today I introduce legislation that would recognize and protect the sanctity of veterans' memorials standing tributes to the brave American men and women who have fought for our enduring freedom. I am pleased to be joined by eleven of my colleagues, who are original cosponsors of this bill, the ''Veterans' Memorial Preservation and Recognition Act of 2003.''

This bill is based on legislation which passed the Senate in the 107th Congress, S.1644. When I introduced S.1644, it was four days before Veterans' Day—an appropriate marker to honor those who so admirably served our country. Under my bill, someone who willfully destroys any type of monument commemorating those in the Armed Services on Federal property would be fined or put in jail. The violator would be subject to a civil penalty in addition to a fine, equal to the cost of repairing the damage.

The second part of this bill would permit states to place supplemental

guide signs for veterans' cemeteries on Federal-aid highways. By allowing signs to be posted on well-traveled roads, these sites will gain the recognition they deserve. It is my goal to make cemeteries easily accessible to those who want to pay their respect there. Many Americans do stop and recognize the sacrifice so many have made for our freedom, and I am convinced many more would if they were aware of where our memorials are located.

Our veterans, living and lost, are reminders of our national unity. Those who have served in our Armed Services remind us of freedom and justice in the midst of conflict and during times of peace. We are losing thousands of them forever, each year, as the veteran population ages. We have to honor their sacrifices by protecting those sites that recognize them. There are hundreds of veterans' memorials, on Federal property, where we go to heal and to remember. As a veteran myself, I am committed to seeing that not a single one is stripped of its dignity.

I learned that approximately one month before introducing my bill, vandals in Mead, CO, had stolen four headstones and shattered another at a local cemetery. One of those headstones belonged to a Civil War veteran. I commend the Weld County Sheriff's office for their work on the ongoing investigation into the crime, as well as local residents who have volunteered their time to rebuild the site.

This was a local cemetery, which received overwhelming local support. Unfortunately, when heartbreaking incidents like this happen on Federal land, there currently is no comprehensive law to protect the site nor to punish the perpetrators.

I encourage my colleagues to work together for swift consideration of this important legislation. It doesn't cost the taxpayers a thing, but it could save the American people from the injustices of thoughtless vandalism. I have the support of several veterans' organizations who have offered words of encouragement for this bill. These Americans know, first hand, the concept of service. Let's honor what they and thousands of others have done so bravely to preserve our freedom.

I ask unanimous consent that the bill and letters of support be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 330

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 ''Veterans' Memorial Preservation and Recognition Act of 2003''.

SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS' MEMORIALS.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

''§ 1369. Destruction of veterans' memorials

''(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) A circumstance described in this subsection is that—

''(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

''(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

''1369. Destruction of veterans' memorials.''.

SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.

(a) IN GENERAL.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) APPLICABILITY.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

THE AMERICAN LEGION,
Washington, DC, January 27, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the 2.9 million members of The American Legion, I would like to express full support for the Veterans' Memorial Preservation and Recognition Act. We applaud your effort to prohibit the desecration of veterans' memorials, and to permit guide signs to veterans cemeteries on federal highways.

The American Legion recognizes the need to preserve the sanctity and solemnity of veterans' memorials. these historic monuments serve not only to honor the men and women of the Nation's armed services, but to educate future generations of the sacrifices endured to preserve the freedoms and liberties enjoyed by all Americans.

Once again, The American Legion fully supports the Veterans' Memorial Preservation and Recognition Act. We appreciate your continued leadership in addressing the issues that are important to veterans and their families.

Sincerely,

STEVE A. ROBERTSON,
Director, National Legislative Commission.

AMVETS,
Lanham, MD, January 14, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of AMVETS, I am writing to commend your introduction of legislation to ban desecration of veterans' memorials, provide for timely repair of memorials, and ensure appropriate placement of guide signs to veterans' cemeteries along federal highways.

Our nation's veterans' memorials are national shrines to the bravery and dedication of the men and women who have served in our Armed Forces. It is hard to believe that certain individuals within our communities would even consider the desecration of a memorial to those who defended freedom. Yet, it unfortunately occurs.

AMVETS strongly supports the goals of your legislative proposal and endorses your effort to do more to protect our veterans' memorials and honor the memory of their military service. We also give strong backing to the provision in your proposal that identifies the need and importance of providing information to travelers on our Nation's highways about the location of these beautiful memorials.

We appreciate your steadfast support on issues important to the men and women who have served in our Armed Forces. And, again, thank you for the leadership on veterans' issues.

Sincerely,

RICHARD ''RICK'' JONES,
National Legislative Director.

PARALYZED VETERANS OF AMERICA,
Washington, DC, January 8, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the Paralyzed Veterans of America (PVA) I am writing to offer our support of the ''Veterans' Memorial Preservation and Recognition Act of 2003.''

Memorials to the men and women who have served this Nation, in times of war and in times of peace, are tokens of our gratitude for this service, and their sacrifice. They are tangible reminders of our past, and an inspiration for our future. For this reason they are well worth protecting and preserving. This legislation addresses both of these goals.

Again, thank you for introducing the ''Veterans' Memorial Preservation and Recognition Act of 2003.''

Sincerely,

RICHARD B. FULLER,
National Legislative Director.

ROLLING THUNDER®, INC,
NATIONAL CHAPTER 1,
Neshanic Station, NJ, January 8, 2003.

Senator BEN ''NIGHTHORSE'' CAMPBELL,
Russell Senate Office Building,
Washington, DC.

HONORABLE BEN CAMPBELL: I am sending this letter in support of Bill, ''Veterans Memorial Preservation and Recognition Act of 2003.

Rolling Thunder National and our members are in full support of this bill. Those who destroy and deface any Veterans Memorial should be punished and made to pay full restitution for the damages they have caused. Many Americans have fought and died for the Freedom of all Americans and their Memorials should be honored and respected by all.

I thank you for all your help and support to all American Veterans.

Sincerely,

SGT. ARTIE MULLER,
National President.

By Mr. DASCHLE (for himself, Mr. MCCAIN, Mr. INOUYE, Mr. BAUCUS, Mr. JOHNSON, Mr. DOMENICI, Mr. BINGAMAN, Mr. COCHRAN, and Ms. STABENOW):

S. 331. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Finance.

Mr. DASCHLE. Mr. President, today I am reintroducing legislation to correct an inequity in the laws affecting many Native American children. I am joined by Senators MCCAIN, INOUYE, BAUCUS, JOHNSON, DOMENICI, BINGAMAN, COCHRAN and STABENOW, in sponsoring this important piece of legislation. This effort is also supported by the National Indian Child Welfare Association, the American Public Human Services Association, and the National Congress of American Indians.

Every year, for a variety of often tragic reasons, thousands of children across the country are placed in foster care. To assist with the cost of food, shelter, clothing, daily supervision and school supplies, foster parents of children who have come to their homes through state court placement receive financial assistance through Title IV–E of the Social Security Act. Additionally, States receive funding for administrative training and data collection to support this program. Unfortunately, because of a legislative oversight, many Native American children who are placed in foster care by tribal courts do not receive foster care and adoptive services and assistance to which all other income-eligible children are entitled.

Not only are otherwise eligible Native children denied foster care maintenance payments, but this inequity also extends to children who are adopted through tribal placements. Currently, the IV–E program offers limited assistance for expenses associated with adoption and the training of professional staff and parents involved in the adoption. These circumstances, sadly, have made it even harder for Indian children to attain the permanency they need and deserve.

In many instances, these children face insurmountable odds. Many come from abusive homes. Foster parents who open their doors to care for these special children deserve our help. These generous people should not have to worry about whether they have the resources to provide nourishing food or a warm coat, or even adequate shelter for these children. This legislation will go a long way to ease their concerns.

Currntly, some tribes and states have entered into IV–E agreements, but these arrangements are the exception. They also, by and large, do not include funds to train tribal social workers and foster and adoptive parents. This bill would make it clear that tribes would be treated like a state when they choose to run their own programs under the IV–E program.

The bill we are introducing today would: extend the Title IV–E entitlement programs to children placed by tribal agencies in foster and adoptive homes; authorize tribal governments to receive direct funding from the Department of Health and Human Services for administration of IV–E programs (tribes must have HHS-approved programs); allow the Secretary flexibility to modify the requirements of the IV–E law for tribes if those requirements are not in the best interest of Native children; and allow continuation of tribal-State IV–E agreements.

In a 1994 report, HHS found that the best way to serve this underfunded group is to provide direct assistance to tribal governments qualified tribal families. This bill would not result in reduced funding for the States, as they would continue to be reimbursed for their expenses under the law.

I strongly believe Congress should address this oversight and provide equitable benefits to native American children who are under the jurisdiction of their tribal governments, and I urge my colleagues to support this bill.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. LEVIN, Mr. BAUCUS, and Mr. CONRAD):

S. 332. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Today I am introducing legislation to correct a longstanding inequity that has caused hardship for American farmers. That inequity is the pricing of agricultural pesticides for American producers in relationship to Canadian pesticide pricing. My bill would solve this inequity by allowing individual States to label Canadian pesticides that have the same formula as those used in the U.S. for use by American farmers.

Farmers combine land, water, commercial inputs, labor, and their management skills into practices and systems to produce food and fiber. To sustain production over time, farmers must make a profit and preserve their resource and financial assets. Society wants food and fiber products that are low-cost, safe to consume, and aesthetically pleasing, and wants production systems that preserve or enhance the environment. These often competing goals and pressures are reflected not only in the inputs made available for production, but also in how the inputs are selected, combined, and managed at the farm level.

Time and time again I have come to Senate floor to point out the stark realities of free trade. I have talked at length about the flood of imported grain that streams across our border. Come to my State of North Dakota. Every day truckload after truckload of Canadian commodities, wheat, barley, durum, come across our border to compete with commodities grown here at home. These Canadian imports are grown with the aid of pesticides, pesticides of the same makeup and composition as those purchased in the United States. Yet Canadian producers have the luxury of buying those same chemicals at prices substantially lower than those American farmers have to pay.

Why? The answer is simple; pesticide manufacturers charge American farmers more because they can. In agricultural policy, benefits from the North American Free Trade Agreement flow the same direction as the Red River of my State, north. This is especially true of pesticide pricing.

A recent survey completed by North Dakota State University surveyed 15 different pesticides commonly used in both Canada and North Dakota. All would qualify for registration in North Dakota under this bill. Of the 15, not one, not one, had a price differential in favor of the American farmer. When you totaled it all out, those 15 chemicals cost, in North Dakota alone, $23.7 million more, in 1 year, for the American producer. That's just not right.

If we're going to have free trade, let's make it fair trade. If we are going to open our borders to Canadian grain grown with Canadian pesticides, we ought to open our borders to similar pesticides for U.S. producers at the same cost. It's time to level the playing field for American farmers, we must give them the same advantages that Canadian producers have enjoyed for years. If we're going to have a free trade agreement with Canada, let's all sing from the same page, using the same music. Because putting American farmers at a disadvantage in the world marketplace over pesticide prices that are not in harmony with our competitors is a practice that must be stopped. It must be stopped now.

Nothing in this legislation harms the environment, unless you're in the environment of profits. This legislation would create a procedure whereby individual states could apply and receive an Environmental Protection Agency label for agricultural chemicals sold in Canada that are identical or substantially similar to agricultural chemicals used in the United States. Thus, U.S. producers and suppliers could purchase such chemicals in Canada for use in the United States.

The new labels for the chemicals would still be under the strict scrutiny of the Environmental Protection Agency as would their use. This would continue to insure safety in the food supply. Food safety is a number one priority for all of us. Chemical safety is a number one priority for all of us. This bill keeps those priorities intact.

It is impossible to defend chemical price imbalance. You can't defend it to the growers, you can't defend it to the chemical distributor, and you can't defend it to the chemical retailer. Most importantly, you can't defend it to the American consumer, who ultimately pays the tab.

Let's be clear, this is not the end of the journey but the beginning. We have a long way to go to cure the imbalances of trade between our nations. If we don't begin the journey, we can't end it. This bill is a step in the right direction.

I request 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. 332

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

SECTION 1. REGISTRATION OF CANADIAN PESTICIDES BY STATES.

(a) IN GENERAL.—Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v) is amended by adding at the end the following:

''(d) REGISTRATION OF CANADIAN PESTICIDES BY STATES.—

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

''(A) CANADIAN PESTICIDE.—The term 'Canadian pesticide' means a pesticide that—

''(i) is registered for use as a pesticide in Canada;

''(ii) is identical or substantially similar in its composition to a comparable domestic pesticide registered under section 3; and

''(iii) is registered in Canada by the registrant of the comparable domestic pesticide or by an affiliated entity of the registrant.

''(B) COMPARABLE DOMESTIC PESTICIDE.—The term 'comparable domestic pesticide' means a pesticide—

''(i) that is registered under section 3;

''(ii) the registration of which is not under suspension;

''(iii) that is not subject to—

''(I) a notice of intent to cancel or suspend under any provision of this Act;

''(II) a notice for voluntary cancellation under section 6(f); or

''(III) an enforcement action under any provision of this Act;

''(iv) that is used as the basis for comparison for the determinations required under paragraph (4);

''(v) that is registered for use on each site of application for which registration is sought under this subsection;

''(vi) for which no use is the subject of a pending interim administrative review under section 3(c)(8);

''(vii) that is not subject to any limitation on production or sale agreed to by the Administrator and the registrant or imposed by the Administrator for risk mitigation purposes; and

''(viii) that is not classified as a restricted use pesticide under section 3(d).

''(2) AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—A State may register a Canadian pesticide for distribution and use in the State if the registration—

''(i) complies with this subsection;

''(ii) is consistent with this Act; and

''(iii) has not previously been disapproved by the Administrator.

''(B) PRODUCTION OF ANOTHER PESTICIDE.—A pesticide registered under this subsection shall not be used to produce a pesticide registered under section 3 or subsection (c).

''(C) EFFECT OF REGISTRATION.—A registration of a Canadian pesticide by a State under this subsection—

''(i) shall be deemed to be a registration under section 3 for all purposes of this Act; and

''(ii) shall authorize distribution and use only within that State.

''(D) REGISTRANT.—

''(i) IN GENERAL.—A State may register a Canadian pesticide under this subsection on its own motion or on application of any person.

''(ii) STATE OR APPLICANT AS REGISTRANT.—

''(I) STATE.—If a State registers a Canadian pesticide under this subsection on its own motion, the State shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

''(II) APPLICANT.—If a State registers a Canadian pesticide under this subsection on application of any person, the person shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

''(3) REQUIREMENTS FOR REGISTRATION SOUGHT BY PERSON.—A person seeking registration by a State of a Canadian pesticide in a State under this subsection shall—

''(A) demonstrate to the State that the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide; and

''(B) submit to the State a copy of—

''(i) the label approved by the Pesticide Management Regulatory Agency for the Canadian pesticide; and

''(ii) the label approved by the Administrator for the comparable domestic pesticide.

''(4) STATE REQUIREMENTS FOR REGISTRATION.—A State may register a Canadian pesticide under this subsection if the State—

''(A) obtains the confidential statement of formula for the Canadian pesticide;

''(B) determines that the Canadian pesticide is identical or substantially similar in composition to a comparable domestic pesticide;

''(C) for each food or feed use authorized by the registration—

''(i) determines that there exists an adequate tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that permits the residues of the pesticide on the food or feed; and

''(ii) identifies the tolerances or exemptions in the notification submitted under subparagraph (E);

''(D) obtains a label approved by the Administrator that—

''(i)(I) includes all statements, other than the establishment number, from the approved labeling of the comparable domestic pesticide that are relevant to the uses registered by the State; and

''(II) excludes all labeling statements relating to uses that are not registered by the State;

''(ii) identifies the State in which the product may be used;

''(iii) prohibits sale and use outside the State identified under clause (ii);

''(iv) includes a statement indicating that it is unlawful to use the Canadian pesticide in the State in a manner that is inconsistent with the labeling approved by the Administrator under this subsection; and

''(v) identifies the establishment number of the establishment in which the labeling approved by the Administrator will be affixed to each container of the Canadian pesticide; and

''(E) not later than 10 business days after the issuance by the State of the registration, submit to the Administrator a written notification of the action of the State that includes—

''(i) a description of the determination made under this paragraph;

''(ii) a statement of the effective date of the registration;

''(iii) a confidential statement of the formula of the registered pesticide; and

''(iv) a final printed copy of the labeling approved by the Administrator.

''(5) DISAPPROVAL OF REGISTRATION BY ADMINISTRATOR.—

''(A) IN GENERAL.—The Administrator may disapprove the registration of a Canadian pesticide by a State under this subsection if the Administrator determines that the registration of the Canadian pesticide by the State—

''(i) does not comply with this subsection or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

''(ii) is inconsistent with this Act.

''(B) EFFECTIVE PERIOD.—If the Administrator disapproves a registration by a State under this subsection by the date that is 90 days after the date on which the State issues the registration, the registration shall be ineffective after the 90th day.

''(6) LABELING OF CANADIAN PESTICIDES.—

''(A) IN GENERAL.—Each container containing a Canadian pesticide registered by a State shall bear the label that is approved by the Administrator under this subsection.

''(B) DISPLAY OF LABEL.—The label shall be securely attached to the container and shall be the only label visible on the container.

''(C) ORIGINAL CANADIAN LABEL.—The original Canadian label on the container shall be preserved underneath the label approved by the Administrator.

''(D) PREPARATION AND USE OF LABELS.—After a Canadian pesticide is registered under this subsection, the registrant shall—

''(i) prepare labels approved by the Administrator for the Canadian pesticide; and

''(ii) conduct or supervise all labeling of the Canadian pesticide with the approved labeling.

''(E) REGISTERED ESTABLISHMENTS.—Labeling of a Canadian pesticide under this subsection shall be conducted at an establishment registered by the registrant under section 7.

''(7) REVOCATION.—

''(A) IN GENERAL.—After the registration of a Canadian pesticide, if the Administrator finds that the Canadian pesticide is not identical or substantially similar in composition to a comparable domestic pesticide, the Administrator may issue an emergency order revoking the registration of the Canadian pesticide.

''(B) TERMS OF ORDER.—The order—

''(i) shall be effective immediately;

''(ii) may prohibit the sale, distribution, and use of the Canadian pesticide; and

''(iii) may require the registrant of the Canadian pesticide to purchase and dispose of any unopened product subject to the order.

''(C) REQUEST FOR HEARING.—Not later than 10 days after issuance of the order, the registrant of the Canadian pesticide subject to the order may request a hearing on the order.

''(D) FINAL ORDER.—If a hearing is not requested in accordance with subparagraph (C), the order shall become final and shall not be subject to judicial review.

''(E) JUDICIAL REVIEW.—If a hearing is requested on the order, judicial review may be sought only at the conclusion of the hearing on the order and following the issuance by the Administrator of a final revocation order.

''(F) PROCEDURE.—A final revocation order issued following a hearing shall be reviewable in accordance with section 16.

''(8) SUSPENSION OF STATE AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—If the Administrator finds that a State that has registered 1 or more Canadian pesticides under this subsection is not capable of exercising adequate controls to ensure that registration under this subsection is consistent with this subsection, other provisions of this Act, or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or has failed to exercise adequate controls of 1 or more Canadian pesticides registered under this subsection, the Administrator may suspend the authority of the State to register Canadian pesticides under this subsection until such time as the Administrator determines that the State can and will exercise adequate control of the Canadian pesticides.

''(B) NOTICE AND OPPORTUNITY TO RESPOND.—Before suspending the authority of a State to register a Canadian pesticide, the Administrator shall—

''(i) notify the State that the Administrator proposes to suspend the authority and the reasons for the proposed suspension; and

''(ii) before taking final action to suspend authority under this subsection, provide the State an opportunity to respond to the proposal to suspend within 30 calendar days after the State receives notice under clause (i).

''(9) LIMITS ON LIABILITY.—No action for monetary damages may be heard in any Federal court against—

''(A) a State acting as a registering agency under the authority of and consistent with this subsection for injury or damage resulting from the use of a product registered by the State under this subsection; or

''(B) a registrant for damages resulting from adulteration or compositional alteration of a Canadian pesticide registered under this subsection if the registrant did not have and could not reasonably have obtained knowledge of the adulteration or compositional alteration.

''(10) DISCLOSURE OF INFORMATION BY ADMINISTRATOR TO THE STATE.—The Administrator may disclose to a State that is seeking to register a Canadian pesticide in the State information that is necessary for the State to make the determinations required by paragraph (4) if the State certifies to the Administrator that the State can and will maintain the confidentiality of any trade secrets and commercial or financial information provided by the Administrator to the State under this subsection to the same extent as is required under section 10.

''(11) PROVISION OF INFORMATION BY REGISTRANTS OF COMPARABLE DOMESTIC PESTICIDES.—

''(A) IN GENERAL.—On request by a State, the registrant of a comparable domestic pesticide shall provide to the State that is seeking to register a Canadian pesticide in the State under this subsection information that is necessary for the State to make the determinations required by paragraph (4) if the State certifies to the registrant that the State can and will maintain the confidentiality of any trade secrets and commercial and financial information provided by the registrant to the State under this subsection to the same extent as is required under section 10.

''(B) PENALTY FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If the registrant of a comparable domestic pesticide fails to provide to the State, not later than 15 days after receipt of a written request by the State, information possessed by or reasonably accessible to the registrant that is necessary to make the determinations required by paragraph (4), the Administrator may assess a penalty against the registrant of the comparable pesticide.

''(ii) AMOUNT.—The amount of the penalty shall be equal to the product obtained by multiplying—

''(I) the difference between the per-acre cost of the application of the comparable domestic pesticide and the application of the Canadian pesticide, as determined by the Administrator; and

''(II) the number of acres in the State devoted to the commodity for which the State registration is sought.

''(C) NOTICE AND OPPORTUNITY FOR HEARING.—No penalty under this paragraph shall be assessed unless the registrant is given notice and opportunity for a hearing in accordance with section 14(a)(3).

''(D) ISSUES AT HEARING.—The only issues for resolution at the hearing shall be—

''(i) whether the registrant of the comparable domestic pesticide failed to timely provide to the State the information possessed by or reasonably accessible to the registrant that was necessary to make the determinations required by paragraph (4); and

''(ii) the amount of the penalty.

''(12) PENALTY FOR DISCLOSURE BY STATE.—

''(A) IN GENERAL.—The State shall not make public information obtained under paragraph (10) or (11) that is privileged and confidential and contains or relates to trade secrets or commercial or financial information.

''(B) DISCLOSURE.—Any State employee who willfully discloses information described in subparagraph (A) shall be subject to penalties described in section 10(f).

''(13) DATA COMPENSATION.—A State or person registering a Canadian pesticide under this subsection shall not be liable for compensation for data supporting the registration if the registration of the Canadian pesticide in Canada and the registration of the comparable domestic pesticide are held by the same registrant or by affiliated entities.

''(14) FORMULATION CHANGES.—

''(A) IN GENERAL.—The registrant of a comparable domestic pesticide shall notify the Administrator of any change in the formulation of a comparable domestic pesticide or a Canadian pesticide registered by the registrant or an affiliated entity not later than 30 days before any sale or distribution of the pesticide containing the new formulation.

''(B) STATEMENT OF FORMULA.—The registrant of the comparable domestic pesticide shall submit, with the notice required under subparagraph (A), a confidential statement of the formula for the new formulation if the registrant has possession of or reasonable access to the information.

''(C) SUSPENSION OF REGISTRATION FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If the registrant fails to provide notice or submit a confidential statement of formula as required by this paragraph, the Administrator may issue a notice of intent to suspend the registration of the comparable domestic pesticide for a period of not less than 1 year.

''(ii) EFFECTIVE DATE.—The suspension shall become final not later than the end of the 30-day period beginning on the date of the issuance by the Administrator of the notice of intent to suspend the registration, unless during the period the registrant requests a hearing.

''(iii) HEARING PROCEDURE.—If a hearing is requested, the hearing shall be conducted in accordance with section 6(d).

''(iv) ISSUES.—The only issues for resolution at the hearing shall be whether the registrant has failed to provide notice or submit a confidential statement of formula as required by this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v(c)) is amended—

(A) in paragraph (1), by inserting ''IN GENERAL.—'' after ''(1)'';

(B) in paragraph (2), by inserting ''DISAPPROVAL.—'' after ''(2)'';

(C) in paragraph (3), by inserting ''CONSISTENCY WITH FEDERAL FOOD, DRUG, AND COSMETIC ACT.—'' after ''(3)''; and

(D) by striking ''(4) If the Administrator'' and inserting the following:

''(4) SUSPENSION OF AUTHORITY TO REGISTER PESTICIDES.—Except as provided in subsection (d)(8), if the Administrator''.

(2) The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the item relating to section 24(c) and inserting the following:

''(c) Additional uses.
''(1) In general.
''(2) Disapproval.
''(3) Consistency with Federal Food, Drug, and Cosmetic Act.
''(4) Suspension of authority to register pesticides.
''(d) Registration of Canadian pesticides by States.
''(1) Definitions.
''(2) Authority to register Canadian pesticides.
''(3) Requirements for registration sought by person.
''(4) State requirements for registration.
''(5) Disapproval of registration by Administrator.
''(6) Labeling of Canadian pesticides.
''(7) Revocation.
''(8) Suspension of State authority to register Canadian pesticides.
''(9) Limits on liability.
''(10) Disclosure of information by Administrator to the State.
''(11) Provision of information by registrants of comparable domestic pesticides.
''(12) Penalty for disclosure by State.
''(13) Data compensation.
''(14) Formulation changes.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 180 days after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 6, 2003, at 9:30 a.m., to hold a hearing on the foreign affairs budget.

Witness: The Honorable Colin L. Powell, Secretary, Department of State, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 6, 2003, at 11:30 a.m., in Dirksen Room 226.

(Tentative) Agenda

I. Nominations

Deborah Cook to be U.S. Court of Appeals Judge for the Sixth Circuit; John Roberts to be U.S. Court of Appeals Judge for the D.C. Circuit; Jeffrey Sutton to be U.S. Court of Appeals Judge for the Sixth Circuit; John Adams to be U.S. District Court Judge for the Northern District of Ohio; Robert Junell to be U.S. District Court Judge for the Western District of Texas; and S. James Otero to be U.S. District Court Judge for the Central District of California.