



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, TUESDAY, APRIL 16, 2002

No. 42

## Senate

The Senate met at 11 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Our dear God, who persistently seeks to make America both great and good, we praise You for the privilege of living in this land You have blessed so bountifully. With awe and wonder we realize anew that You have called our Nation to be a providential demonstration of the freedom and opportunity, righteousness and justice You desire for all nations. Help us to be faithful to our destiny. May our response to Your love be spelled out in dedication to serve. Enable us to grasp the greatness of the blessing of being Americans.

We thank You for the strategic role of this Senate in Your unfolding plans for our beloved land. In this quiet moment, we affirm who we are and why You have called us to be servant leaders in such a time as this. Our ultimate goal is to please You and to serve You.

Inspire the men and women who represent our Nation in the high calling of being Senators. Give them divine wisdom, penetrating analysis, and solutions to problems, but most of all, indomitable courage and inspiring boldness to declare Your best for our Nation. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 16, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

### SCHEDULE

Mr. REID. Mr. President, in a moment, the Chair will put the Senate into a period of morning business until 12:30 today. The Senate will recess from 12:30 to 2:15 for the weekly party conferences.

At 2:15, we are going to resume consideration of the energy reform bill. It was determined yesterday, in speaking to the two Senators from Alaska here in the Chamber, that they would be ready this afternoon to offer the long-anticipated ANWR amendment. So we expect to get that this afternoon and be back on the energy bill.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. LOTT. Mr. President, I understand that perhaps progress has been made on getting a final agreement on

the border security bill, that it may be ready today, and that it might just be a matter of getting a vote on final passage. Is that correct information?

Mr. REID. Yes. In the information that I received last night in speaking to Senators KENNEDY and BYRD, Senator BYRD had three amendments. It appears they can work those out. There may be a requirement for a vote on one of them. Speaking to Senator BROWNBACK yesterday, it appeared that there were no Republican amendments. So I think the matter should be resolved today and maybe this evening or tomorrow we can finish the bill very quickly.

Mr. LOTT. That would be good. I hope we can seal that deal and get it done.

Mr. REID. Yes.

### PRAYERS FOR CHAPLAIN OGILVIE'S WIFE, MARY JANE

Mr. LOTT. Mr. President, while the Chaplain is still here, I want to make sure that all of our colleagues are aware that his wonderful helpmate, Mary Jane, has been having some difficulty and is spending some time at Washington Hospital Center. We all know the saying that behind every successful man is a strong and supportive woman.

Mary Jane has been a wonderful part of the Senate family for the past 7 years that Lloyd John Ogilvie has been our Chaplain. He comes to minister and to the aid of all of us in our Senate family. I wanted my colleagues and our staffs to know that he, too, sometimes needs our help, our support, and our prayers.

So I say to the Chaplain, we certainly are thinking about you and we are going to be saying a prayer for Mary Jane and her speedy recovery and her ability to come back to help the Chaplain in his very important work.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S2689

## BUDGET RESOLUTION

Mr. LOTT. Mr. President, I am deeply concerned about reports that I have been hearing that indicate that perhaps the Senate may not even consider a budget resolution this year. It is not clear whether we will or we won't, but in the discussions I have had with Senator DASCHLE, his only response has been: Well, that decision has not been made yet.

I must say that is very troubling, and I hope the decision is not made to just defer action completely on the budget resolution this year.

If we don't have a budget resolution, I predict that it will lead to legislative chaos for the remainder of the year. When you look at the budget resolution, you see page after page of numbers. I realize it is not very exciting, it is difficult to read, and the debate on the budget resolution, while it is under expedited procedures, leads to highly arcane descriptions of such things as reserve funds, reconciliation procedures, and references to points of order. But, clearly, it is a process that you can go through and you can usually do it in about a week. Yes, it leads to a number of votes, quite often even the very unattractive carousel-type procedure where you vote on amendment after amendment.

I wish we could find a way to limit that. Maybe this is the year we can come to some sort of agreement to not have 20 or 30 votes, one right after the other. It makes it very difficult to legislate properly and difficult for Senators to even understand the ramifications of those votes. But that is the way it has been done.

I think that in spite of the messy procedure, it will determine whether or not we are able to really govern this year. The budget resolution is not really about numbers in the final analysis; it is about setting priorities and making choices. What will be the position of the Senate on spending for the year? What is the position of the Senate on tax policy? What is the position of the Senate in terms of defense and improving education and health care? Everything sort of depends on having this statement of policy in the budget resolution.

Now, in the years we have had the Budget Empowerment Act, since about 1974, the Senate has never failed to act. Two or 3 years ago, we did have a situation where the Senate passed a resolution, the House passed a resolution, and we could not get a conference agreement. But the two bodies agreed on the numbers that would be followed by the Appropriations Committee and we went forward. I was not proud of that. I thought that was an abdication of our responsibility. At least we agreed on numbers and we went forward.

The idea we would not even make an effort this year sends a fairly bad signal. I realize there is a time problem here. We have about 5 weeks before the Memorial Day recess. We need to finish

the energy bill, and we need to do trade promotion authority and bills associated with that, at least indirectly, such as the Andean trade authority and the Trade Adjustment Assistance Act. We still have to do supplemental appropriations. We need to do the Defense authorization bill and a budget resolution, and we need to do all that before the Memorial Day recess. The law requires that we do a budget resolution by April 15.

More years than not, we do not meet that deadline, but at least we go forward and have a budget resolution. If we do not do this by Memorial Day, then it will be very difficult for the Appropriations Committee to proceed. When we look at the fact we have June, July, and September basically remaining in this legislative year, we will have to get going with Defense—well, with all the appropriations bills. Hopefully, Defense appropriations will be first. We need to make sure we fund that program before anything else because our men and women are so dependent on it.

I am very worried about what the situation will be if we do not have a budget resolution. I have been looking at what it could lead to, and I have to say it is going to be a wild-west-type approach. If appropriations bills come up, there are no limits, no points of order to limit spending beyond what a subcommittee may have designated as its numbers. The 60-vote point of order will not apply. The bills could very well collapse of their own weight because there will be so many brilliant ideas of how spending can be added.

If I were a subcommittee chairman, regardless of on which aisle I sat, that would be a very difficult situation to manage.

The argument might be: It will be hard; we will have to vote on all those amendments. That is true, but we do it year after year.

The argument can be made: We are closely divided. Last year we got a budget resolution, and we were divided 50–50. Here are the budget resolutions we passed over the past 6½ years, including last year when it was 50–50. By the way, when we got to a final vote, it was passed by a wide bipartisan vote. In fact, the Senate passed the budget resolution on April 6, before the April 15 date that is included in the budget law, and it was by a bipartisan vote of 65 to 35. It can be done, it should be done, and every year I served as majority leader, we got it done. Here are the budget resolutions. The evidence is there.

I think perhaps what is going on here is just a desire to not have Senators cast these tough votes. That is an abdication of our responsibility.

Perhaps the Senate majority leader and the budget chairmen have something different in mind. Maybe they are saying they prefer to just operate under last year's budget resolution. By choosing not to vote on their own, they are, in effect, choosing to continue

under the budget resolution we passed last year. Obviously, that would create a number of problems.

I support the President's budget. The President came up with a good budget. He does provide a significant increase in the priorities that need to have increases. There is an increase for defense funding. We need a supplemental for defense to pay for what we have already spent, and we need to make sure our military men and women have a decent quality of life, have the weapons they need to do the job, the most modern technology possible, which has saved a lot of lives.

We need to move forward on national security. Of course, we realized last year after September 11 that we were vulnerable and we needed to do more with respect to homeland security. There are a lot of hearings occurring now in the Appropriations Committee and other committees of jurisdiction about exactly where this additional spending in homeland security should go. We know we need to do more for port security, airport security, first responders, law enforcement, firemen.

Clearly, we are going to have to add significant increases in funds for homeland security. That has been acknowledged and called for on both sides of the aisle. So national defense, homeland security, and economic security are priorities.

We need to make sure we are doing the right thing with fiscal policy at the Federal Government level so that the economy will grow. We see positive signs, but it is not universal. It is uneven, and it varies from sector to sector, and there are even some regional differences.

This year maybe more than ever we need to have a budget resolution that sets some priorities so that we can do what we need to do but not lose control of it when it gets to this Chamber.

Let me speak a minute about one of the specifics in the budget resolution that came out of the Senate Budget Committee. I commend Senator CONRAD, the chairman of the committee. He could have just said it is not worth the effort, we are not even going to try to get it out of committee. He did make the effort, and they reported out a budget resolution. That signaled to me we were going to be ready to go to the floor with the resolution that came out of the committee.

Now you see it, now you don't. I do not quite understand why that change occurred, even after the Budget Committee stepped up, and while it did not pass on a bipartisan vote, it went through within 2 or 3 days of consideration and is now ready for full Senate consideration.

My concern is specifically in the defense area. I am worried that the budget that came out of the Budget Committee is soft on defense. While it fully funds the President's defense request for next year, it shortchanges the President's request by \$225 billion over the next succeeding 9 years. It is \$225

billion short. That means the troops will not get the supplies and armaments they need to prosecute the war on terrorism, and this, we all know, is not a short-term issue; this is something that is going to take months and years as we try to root out terrorism and make sure we can be safe around the world at our embassies and at home.

It means that operations and maintenance will suffer. Pilots will not be able to fly the missions they need for training, and upkeep on ships will slow down. It means Secretary Rumsfeld and the Joint Chiefs will have fewer resources in place to plan for the next step. It will mean we will not have the resources to take action against Saddam Hussein and the "axis of evil."

The President has established our priorities, and national defense is tops. The President has called on us to act on the defense bill first.

Why in the world would this decision be made not to fully fund the war? I think the response we are going to hear is: We do fully fund the President's request next year, but then we are going to create a reserve fund for defense spending for the future. Unfortunately, the reserve fund is nothing more than a gimmick.

If one looks elsewhere in the budget, specifically in the section titled "Functional Totals," one will see that the defense money in the reserve fund is not there for defense. It would be used supposedly to reduce the debt. That certainly is a worthwhile objective, and we should continue to try to find ways to live within a budget and reduce the debt, as we had been doing for the previous 4 years.

We have to make some choices now. We should fund defense first, and we should not set up a mechanism that would short the Defense Department by \$225 billion.

Our world changed on September 11. We know national security and homeland security is going to be important. We are going to have to act on it. We have to be prepared to defend ourselves against attacks internationally and at home. We have to provide support for our allies and friends, such as NATO and Israel. We must repel and deter and, in some instances, take preemptive action to prevent attacks on American citizens. No one in the Senate disagrees we are going to have to do more in national security and it is going to take more than 1 year. This is a long-term commitment.

I do want to particularly point out to my colleagues that there is a huge problem in the budget resolution reported by the committee in the defense area. We need to stand shoulder to shoulder with the President, and we have in the war on terrorism. We did it repeatedly and courageously after the events of September 11. But slowly we have slipped back into our normal sniping.

We will always have legitimate debate. It is about democracy. That is

the great thing about America. We can disagree without undermining what needs to be done for our country. When it comes to defense, we cannot short-fund it, and we cannot allow it to slip off into partisan debate.

Here is what we need to do in the Senate, and we need to do it before the Memorial Day recess: Pass a budget resolution. What other form of discipline can we possibly have? What more important indicator is there about whether or not we are prepared to govern and make tough choices? Pass a budget resolution, fully fund the President's budget request in both the short and long term, add the \$225 billion for defense back into the budget resolution, and eliminate the reserve fund. Pass the defense resolution first.

That, Mr. President, is how we stand shoulder to shoulder with the President in this war on terrorism.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business not to extend beyond the hour of 12:30 with Senators permitted to speak therein for up to 10 minutes each, and with the time to be equally divided between the two leaders, or their designees.

The Senator from Kentucky.

Mr. MCCONNELL. Thank you, Mr. President.

#### VACANCY CRISIS IN THE SIXTH CIRCUIT

Mr. MCCONNELL. Mr. President, as the Senate is aware, we are facing a vacancy crisis in the Federal courts with over 11 of the Federal judgeships open.

This crisis is even worse at the appellate level where almost 19 percent of the appellate court judgeships are vacant. That means that one out of every five seats is empty.

Nowhere is the problem felt more acutely than in my home circuit, the Sixth Circuit Court of Appeals, which consists of Michigan, Ohio, Kentucky, and Tennessee. We have an astonishing 50-percent vacancy rate. Half of the seats of my home circuit are empty.

I would like to take a little time to discuss what that means to the people

who live in Michigan, Ohio, Kentucky, and Tennessee—the people who make up the Sixth Circuit.

We have a chart of the Sixth Circuit—Michigan, Ohio, Kentucky, and Tennessee. There are 16 total seats on the Sixth Circuit. There are eight sitting judges representing, of course, a 50-percent vacancy. The President has sent up seven nominees for the eight vacancies. To date, there have been no hearings on any of those nominees.

The practical effect of that is each judge is having to dispose of many more cases. As the chart shows, according to the Administrative Office of the Courts, the average number of cases that active-status judges on the Sixth Circuit are having to dispose of has increased by 46 percent in the last 5 years.

As a result of this vacancy rate, the dispositions per active judge have gone up 46 percent since 1996—a 46-percent increase—to 535 matters per judge.

From just 1996 to 2001, the average number of cases each Sixth Circuit judge is deciding has increased by almost half—50 percent.

Let us take a look at this chart and the dramatic increase in decision time.

Why this matters is that with Sixth Circuit judges having to dispose of many more cases, this results in a dramatic increase in the length of time for an appellate decision to be rendered. In fact, according to the Administrative Office of the Courts, the Sixth Circuit is ranked next to last among all Federal circuits in median time for disposition of an appeal.

The national average is 10.9 percent. In Sixth Circuit, it is 15.3 percent, which is 40 percent as a result of the eight vacancies that we have.

It is not just the Sixth Circuit is next to last—someone has to be next to last—but that the deviation from the national average is so great.

Specifically, as my third chart shows, in 1994, when there were no vacancies, the Sixth Circuit was about 1 month slower in processing appeals than the national average, about 10 percent slower.

By the time of the first vacancy in the following year, 1995, the Sixth Circuit was a little over 2 months slower than the national average, or about 17 percent slower than the national average.

But by last year when there were eight vacancies, the Sixth Circuit was almost 4½ months slower than the national average, which translates into a full 40 percent below average.

There is no question that the significant number of vacancies has had an impact on litigants in the Sixth Circuit.

What that means is that in other circuits, if you file your appeal at the beginning of the New Year, you get your decision by about Halloween. But in the Sixth Circuit, if you file your appeal at the same time, you are forced to wait until Easter of the following year to get your case resolved.

These are alarming statistics. To put a human face on it, let me read some comments from judges and practitioners.

Ohio Attorney General Betty Montgomery has said that numerous death penalty appeals before the Sixth Circuit are experiencing prolonged delays. For example, the appeal of Michael Beuke has not been acted on in more than 2 years, and Clarence Carter has had a motion pending before the Sixth Circuit for 3 years.

These are death penalty appeals.

Federal district Judge Robert Holmes Bell described the Sixth Circuit as in a "crisis" because of the vacancies. He added, "We're having to backfill with judges from other circuits who are basically substitutes. You don't get the same sense of purpose and continuity you get with full-fledged court of appeals judges." Even with "backfilling," the Sixth Circuit still takes more than 40 percent longer than the national average to resolve cases.

Cincinnati Attorney Elizabeth McCord, as of the end of last year, had been waiting 15 months just to have oral argument scheduled for her client's appeal in a job discrimination suit. In the interim, her client died. According to the Cincinnati Post, delays like this have become "commonplace" because vacancies have left the court "at half-strength and have created a serious backlog of cases."

Mary Jane Trapp, president of the Ohio Bar Association, said "Colleagues of mine who do a lot of Federal work are continuing to complain (about the delays). When you don't have judges appointed to hear cases, you really are back to the adage of 'justice delayed is justice denied.'"

The purpose of my discussion is not to point fingers or to lay blame. My friend, the chairman—and he is my friend—knows how warmly I feel about the way he handled the district court vacancies in my State. I have repeatedly said how much I appreciate his actions in this regard, and I will continue to do so.

The point of my discussion is simply to underscore the problem facing my constituents in Kentucky and the citizens in the other States in the Sixth Circuit. I also feel compelled to discuss this problem because I don't see any indication of progress.

The President has nominated outstanding individuals to fill seven of the eight vacancies on the Sixth Circuit. And I am hopeful that he will soon fill that last vacancy. Yet, unfortunately, no hearings have been scheduled—not a single one—for any of these seven nominees, even though two of those nominees—Jeffrey Sutton and Deborah Cook, both from Ohio—have been before the Senate for almost a full year, and have not even had a hearing.

We are talking about a substantial amount of time:

John Rogers, from the Commonwealth of Kentucky, has been waiting for 119 days.

Henry Saad, Susan Neilson, and David McKeage from Michigan have now been waiting 160 days.

Julia Gibbons from Tennessee has been waiting for 190 days. And both Jeffrey Sutton and Deborah Cook from Ohio have now been waiting 343 days.

We are talking about well-qualified nominees. For example, Jeffrey Sutton graduated first in his law school class, has served as solicitor for the State of Ohio, and has argued over 20 cases before the U.S. and State Supreme Courts. Deborah Cook has been a well-respected justice on the Ohio Supreme Court for 8 years.

But the nominee, obviously, I know best—in fact, the only one I really know—is Professor John Rogers from my own State of Kentucky. He has taught law for almost a quarter of a century at the University of Kentucky College of Law. He has twice served in the Appellate Division of the Department of Justice, once as a visiting professor.

He has served his country as a lieutenant colonel in the U.S. Army Reserves. He was elected to Phi Beta Kappa at Stanford University during his junior year. He graduated magna cum laude from the law school at the University of Michigan, where he was elected to the Order of the Coif. He is clearly an outstanding selection by the President of the United States.

The Sixth Circuit is in dire need of the services of the fine lawyers such as Professor Rogers whom President Bush has nominated. I hope the Senate can make some reasonable progress on accommodating the court's urgent needs because it is important to remember when you have a circuit that is 50 percent vacant, this has a direct impact on litigants. Justice is being delayed and, therefore, denied in the Sixth Circuit. That has a direct bearing on the people who live in Michigan, in Ohio, in Kentucky, and in Tennessee.

It is still not too late for us to address this problem. I hope we will do it in the coming months because we genuinely have a crisis in the courts, and, particularly, we have a crisis in the Sixth Circuit.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Wisconsin.

#### THE REPORT OF THE ILLINOIS GOVERNOR'S COMMISSION ON CAPITAL PUNISHMENT

Mr. FEINGOLD. Madam President, I rise today to talk about another significant milestone in our Nation's debate on the death penalty. Last week, our Nation witnessed the 100th innocent person to be freed from death row in the modern death penalty era—that is, since the Supreme Court found the death penalty unconstitutional in 1972. Number 100 is Ray Krone. Krone spent 10 years in the Arizona prisons for a murder he did not commit.

Yesterday, our Nation reached another milestone. The Illinois Gov-

ernor's Commission on Capital Punishment released its report on the Illinois death penalty system. This report details problems with the administration of the death penalty in Illinois and makes dozens of recommendations for reform. This is actually the first comprehensive analysis of a death penalty system undertaken by a Federal or State government in the modern death penalty era.

Governor George Ryan of Illinois first made history 2 years ago when he was the first Governor in the Nation to step forward and place a moratorium on executions. He recognized that the death penalty system is plagued with errors and the risk of executing the innocent. Governor Ryan, who had supported the death penalty as a State legislator, realized that the death penalty system was so broken that justice could no longer be assured. Since reinstatement of capital punishment in Illinois in 1977, Illinois had put 12 people to death. But during this same period, 13 people were exonerated and removed from death row.

What led to this alarming ratio of 13 exonerations to 12 executions? It was a number of problems—from incompetent counsel, to convictions based on unreliable testimony of jailhouse informants, to mistaken eyewitness testimony, and, in some cases, police misconduct.

As Governor Ryan said when he suspended executions:

I cannot support a system, which . . . has proven to be so fraught with error and has come so close to the ultimate nightmare, the State's taking of innocent life.

But we know that it is not just Illinois that has come so close to this ultimate nightmare. One hundred innocent people nationwide have been released from death row. Thirteen are in Illinois, but the remaining 87 innocent individuals were convicted and sent to death row by justice systems in States such as Arizona, California, Florida, Maryland, and Texas.

Governor Ryan did the right thing. Before signing off on another execution warrant, he wanted to be sure with moral certainty that no innocent man or woman would face a lethal injection. But as he suspended executions, he also created an independent commission to review the death penalty in Illinois. This 14-member, blue ribbon commission includes our former colleague, and dear friend Senator Paul Simon; Judge Frank McGarr; Thomas Sullivan, a former U.S. Attorney; and Bill Martin, a former Cook County prosecutor. Judge William Webster, who has served our Nation with distinction as the former Director of the CIA and the FBI, was a special advisor to the commission.

Two years after its creation, I am pleased to report that the Governor's Commission on Capital Punishment has completed its work. Both death penalty supporters and opponents came together to review the problems in Illinois and have made numerous recommendations for reform. The people

of Illinois will not determine how to respond to the commission's recommendations.

I want to commend Governor Ryan for his leadership and the members of the commission for their dedication throughout this long process. Their work is a credit to Illinois and is a model for the Nation.

While Illinois is the only State that has suspended executions, it is not the only State whose death penalty system is fraught with error. In fact, according to a Columbia University study, the overall rate of serious error in the Illinois death penalty system is 2 percent lower than the national average, which is 68 percent. In other words, from 1973 to 1995, over two-thirds of death penalty convictions nationwide were reversed on appeal based on serious, reversible error. That is not just every once in a while. The experts found that almost 7 out of 10 death penalty verdicts will be reversed on appeal, and not for technical reasons, but for substantive, serious reasons.

In the vast majority of these cases reversed on appeal, defendants were found to deserve a sentence less than death when the errors were cured on retrial. And 7 percent were found to be innocent of the crime altogether.

These data show that the same kinds of grave errors that Governor Ryan saw in Illinois exist in death penalty systems across the United States. Incompetent counsel, flimsy or unreliable evidence, and sometimes even prosecutorial or police misconduct—all of these have led to convicting the innocent or, at a minimum, unfair proceedings. We also know that whether you live or die sometimes depends on the color of your skin or where you live. For example, according to a study that reviewed capital prosecutions in Philadelphia from 1983 to 1993, Black defendants were nearly four times as likely to receive a death sentence than non-Black defendants who had committed similar murders. These errors and bias in the system are simply wrong and unjust.

Fortunately, it is not just Governor Ryan and I who are saying there is something terribly amiss. A growing chorus of Americans have come forward to say the death penalty system is fraught with error.

One of those Americans is Justice Sandra Day O'Connor. Last summer, Justice O'Connor expressed her concern about the risk of executing the innocent. She said:

Unfortunately, as the rate of executions has increased, problems in the way [in] which the death penalty has been administered have become more apparent.

She also said:

Perhaps most alarming among these is the fact that if statistics are any indication, the system may well be allowing some innocent defendants to be executed.

Madam President, I call on Congress to heed Justice O'Connor's warning and follow the example of the State of Illinois. My bill—a bill that I am working

with the Senator from New Jersey, Mr. CORZINE on—is the National Death Penalty Moratorium Act, and it applies the Illinois model to the rest of the Nation. My bill would suspend Federal executions and urge the States to do the same, while a National Commission on the Death Penalty reviews the death penalty systems at the State and Federal levels. The national commission would study whether the administration of the death penalty is consistent with constitutional principles of fairness, justice, equality, and due process.

So, Madam President, I again commend Governor Ryan and the people of Illinois for their leadership. I recently had the chance to speak to a gathering of pro-moratorium supporters in Illinois, the "Land of Lincoln." I told them that I believe they are carrying the mantle of Lincoln. They have given their full devotion to Lincoln's call for freedom and justice throughout the land. In fact, some might say that the struggle for fairness in our Nation's criminal justice system today is, in some ways, an unfinished chapter of the struggle for freedom from slavery earlier in our Nation's history.

Madam President, we should follow the lead of our fellow Americans in the "Land of Lincoln." Let us continue their effort with a nationwide moratorium and a reexamination of the administration of the death penalty. To continue the status quo and risk the execution of another innocent person is truly unjust and just unconscionable.

I urge my colleagues to join me in supporting the National Death Penalty Moratorium Act.

At this point, I yield the floor because I am pleased to see my colleague and tremendously ally in this issue, Senator CORZINE.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. Madam President, let me begin by saying how pleased I am to stand with Senator FEINGOLD, who is a man of conscience, who has spoken out for the need for our Nation to examine the practice and application of the death penalty. His call for a moratorium, as was recently provided in the State of Illinois by their Governor, I think is an act of courage and one that is responsible if we all believe in justice, the rule of law, and fairness, which is defining to America.

As I know Senator FEINGOLD outlined, yesterday a commission in the State of Illinois on capital punishment, appointed by Governor George Ryan, released its report on the death penalty. The report raises serious concerns about the fairness of the application of the death penalty and about whether justice is being fairly applied. That commission came back with a number of very important recommendations and movement for reform.

In light of that report, I wish to take this opportunity to truly underscore the effort Senator FEINGOLD has made to raise the level of discussion about

the state of the death penalty as it is applied nationally. It is critical that we make sure that the system protects innocent victims and provides for the true application of justice as we know it, making sure fairness and the rule of law are practiced.

Last week a man named Ray Krone was released from prison. Mr. Krone had been convicted of murder. He had already served 10 years behind bars and had been sentenced to die. But Mr. Krone is, and always had been, an innocent man. New DNA evidence proved that conclusively. He was convicted for a crime he did not commit. Prosecutors now admit it. I think the local county attorney put it: He deserves an apology from us. That is for sure. To put it mildly, that is an understatement.

How would any of us feel if we had been charged, tried, and convicted by a jury of our peers for a crime we didn't commit and then, to top it off, sentenced to die? Ray Krone knows what that feels like and, unfortunately, he is not alone. In fact, he was the one-hundredth person, since we reinstated the practice of the death penalty in this Nation, to be released from death row in the United States, with post-trial proof of the individual's innocence. These 100 innocent people have experienced nothing short of living hell. And the outrageous injustice of their convictions and their sentences should be a wake-up call for all of us.

I take second place to no one in my determination to fight the scourge of crime. As part of that effort, I believe we need to be very tough on violent criminals, including imposing long sentences and the potential for no opportunity for parole. But while we get tough on crime, we also need to recognize that our criminal justice system makes mistakes—sometimes very serious mistakes. Until recently, it was virtually impossible to know when innocent people were wrongfully convicted. But today, with the advent of DNA technology, it is far less likely to occur if we let the evidence come to light.

Why are innocent people convicted and sentenced to death? To a large extent, it is because our criminal justice system has some systemic flaws and, frankly, some biases as well, in how it is applied.

Capital defendants are more likely in some parts of our country to be subject to the death penalty than others, and they certainly would give at least the appearance of some racial prejudice administered there.

Capital defendants often have lawyers who do a terrible job. Frankly, there are instances where people have shown up inebriated and unable to carry out their functions in court. Sometimes their failures are simply as a result of carelessness, or lack of preparation, or inexperience, or a failure to find and interview key witnesses, a failure to thoroughly read the case law, and a failure to object to unreliable evidence. They make a variety of mistakes.

I don't say this to criticize all defense attorneys. We accept that most of them try to do a good job. But in many cases where people do not have the economic resources to access the kind of talent necessary to defend them, they may be outgunned in a court of law. Even if they worked 24 hours a day, 7 days a week, they may just be overwhelmed by the resources they are fighting against.

Ineffective assistance of counsel is just one reason why innocent people find themselves on death row. Sometimes eyewitnesses make honest mistakes. Sometimes witnesses give false testimony to protect their own hide, such as jailhouse informants seeking reduced sentences. Sometimes prosecutors engage in misconduct by withholding evidence that could help the defendant's case and not following the rule of law, which is what we are all expected to do. Any of these factors can lead to a wrongful conviction. And now we have 100 examples of the circumstances that can provide for that reality.

A system that wrongly sends 100 people to death row can be called a lot of things, but "fair" and "equitable" and "just" are not among them. In fact, our criminal justice system is badly broken, in my view. Before we send any more innocent people to death row, we need to fix it. That was clearly the conclusion reached by the commission of distinguished experts appointed by Governor Ryan. The Ryan commission was in charge of examining how the death penalty system is working in Illinois. But its conclusions, no doubt, are applicable to the Nation as a whole.

The commissioners were unanimous in agreeing that the death penalty had been applied too often and that the system is in need of reform. I think there were 13 overturned death penalty convictions in Illinois out of the total of 25 before the commission went to work. Clearly, there were problems in Illinois and the Governor should be commended for recognizing that and moving forward.

Now we need to do that as a nation. That commission called for a broad range of specific changes. These include video taping the questioning of capital suspects in a police facility, barring capital punishment based exclusively on the testimony of single witnesses—particularly witnesses who are jailhouse convicts—eliminating the death penalty for people who are mentally retarded, and requiring trial judges to agree with the jury about the imposition of a death sentence.

I hope all of my colleagues will take a look at the Ryan commission's report and think hard about the need to reform our criminal justice system, to think about the fairness that is fundamental to what America is about. Make no mistake, it is an enormous injustice when the death penalty is imposed based on false information.

Innocent people have been sent to death row and there will be more if we

don't actually take up this charge of reviewing how we got to this conclusion. We have a moral obligation to do something about this.

I have joined with Senator FEINGOLD—and I am proud to do so—in cosponsoring legislation to establish a moratorium on all Federal executions until a commission, much similar to the Ryan commission, can be established to review the death penalty for our Nation and impose meaningful reforms that give the public a greater sense that we have a fair and just system being applied to all Americans.

This would not lead to the release of any convicted criminals or threaten public safety in any way. It would simply ensure innocent people are not put to death and that the principles we believe in—fairness and rule of law—apply.

I urge my colleagues to support this legislation. Again, I express my sincere appreciation for the leadership of Senator FEINGOLD in this critically important matter.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I commend my colleague from New Jersey and my colleague from Wisconsin for raising this very important issue. It deserves the attention of every American, not just those who serve in this body.

#### ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT

Mrs. CLINTON. Madam President, today I rise to address the importance of another critical issue, and that is the Enhanced Border Security and Visa Entry Reform Act of 2001. I believe this measure needs to be passed as soon as possible.

Why? Perhaps I speak from a somewhat parochial perspective, but representing New York, which is one of our border States, gives me a firsthand view and understanding of the challenges we face in trying to make our northern border as safe and secure as possible.

The nearly 4,000-mile-long U.S. border with Canada is about twice the length of the U.S. border with Mexico, but until very recently it has received but a fraction of the resources available for border security.

According to a July 2001 report from the Justice Department's Bureau of Justice Statistics, fewer than 4 percent of all the Border Patrol agents work along the northern border.

Of course, until recently, we did not have to worry too much about our northern border. It has historically been the longest, most peaceful border in the entire world. Certainly, New York has a great stake in having a peaceful border, one that goods and people can cross easily because there is so much traffic between our two countries that goes through our heavily trafficked crossings, places particu-

larly like Plattsburgh and Buffalo, but also other places—Niagara Falls, Messina—and all of the communities along New York's Canadian border are deeply concerned about how that border is protected and managed.

For too long, that has not been a concern, but now we know it is, and the Federal Government has to step up to provide permanent, long-term protection.

Homeland security begins with border security. That is why I strongly support this bill and am an original cosponsor. It is also why last October, after the terrible attacks of September 11, I wrote to Director Ridge asking that he create a position within the Office of Homeland Security devoted to our northern border and all the issues with Canada about which we are concerned to centralize those issues so there would be one person to whom we could go to deal with our various concerns. This legislation attempts to begin to address these concerns.

What does it do? First, it authorizes funding for this year and the next 4 years for an additional 200 INS inspectors and 200 INS investigators over the amount already authorized in the terrorism bill for the next 5 years. Increased funding is also authorized for training facilities and security-related technologies for INS agents.

Second, it enhances information sharing. It contains provisions that concern how we get information that is critical to law enforcement available to all the Federal agencies and State and local law enforcement personnel who need to know what should be done to protect us and apprehend any violators. The INS, the Border Patrol, the Customs agents, the FBI—all of us need to have better cooperation.

In October of last year, I also introduced a bill, along with my colleagues, Senators SCHUMER, LEAHY, and HATCH, that authorizes and encourages Federal intelligence agencies to share relevant information with State and local officials whenever appropriate. It is important, if something is known in one Federal agency that could affect residents of Niagara Falls, that information be shared in a timely manner.

This reform act directs Federal law enforcement and intelligence agencies to share information with the INS and the State Department about the admissibility and deportation of non-U.S. citizens.

It also calls upon the President to report regarding admission- and deportation-related law enforcement and intelligence information needed by the INS and the Department of State to develop a formal information sharing plan.

Third, it addresses the issue of what is called "interoperability" of the INS systems. That is a long word which describes that sometimes the right hand of INS does not know what the left hand or the left foot is doing. That is why we ended up with this absurd situation in which the INS issued a visa for Mohamed Atta months after he piloted

one of those planes into the World Trade Center Towers. It was a terrible mistake that never should have happened.

The problem is the databases and data systems do not talk to each other; they are not up to speed. They would not even pass muster in most businesses in America today. This bill calls upon the President to develop and implement an interoperable law enforcement and data system for visa admissibility and deportation determination purposes. The INS must integrate their systems. They have antiquated systems that do not do the job, that cannot even talk to each other.

It also requires the State Department, upon issuing a visa, to provide the INS with an electronic version of the alien's visa file before the alien enters the United States. In addition to addressing this issue of interoperability, the bill also requires relevant Federal agencies to work toward implementing an integrated entry and exit system and to move toward developing and using tamper-resistant, machine-readable documents containing biometric identifiers.

If we are able to put into the sky robot-controlled, predator aircraft to track down and take out enemy artillery installations, we ought to be able to figure out how to have a decent data system for the INS that can provide information to us and uses biometric identifiers right here on the ground to track down, deport, or arrest wherever necessary anyone who intends to do us harm.

Next, we have to have the assurance that citizens of countries that sponsor terrorism will not be allowed to enter this country unless the Secretary of State determines that the person seeking entry does not pose a security threat to the United States.

We have made it very easy for people to come back and forth. That is the American tradition. Unfortunately, what we learned on 9-11 is that some people in some countries take advantage of our hospitality and our welcome to the United States. We have to support this provision which starts from the premise that if you are coming from a state-sponsored terrorism base, even if you are totally innocent—you have nothing to do with the intelligence services, you have nothing to do with terrorism—the burden is on you. We need to shift that presumption to make sure we are not letting in people who are part of a terrorist network.

Finally, with respect to foreign student visas and exchange visitors, the bill requires the Justice Department to develop an electronic means of verifying and monitoring the Foreign Student and Exchange Visitor Information Program, including aspects of documentation and visa issuance, U.S. admission, institution notification, documentation transmittal, registration, and enrollment.

All educational institutions at which foreign students are registered must

notify the INS of the failure of such a student or an exchange visitor to enroll within 30 days of the registration deadline.

Education is a privilege, and we are very pleased that in our country we offer so many first-rate educational institutions to students from around the world, but again we have to be smart about this. We cannot let anyone take advantage of our openness. We have to have a system so if someone says he or she is coming to study at one of our universities, that is not the end; that is the beginning of the process to determine whether that actually is the fact or whether, as we unfortunately learned post-9-11, there are people who claim to be coming to this country to be students and that is not their intention whatsoever.

These are a few of the many provisions in this bill that I believe would make us a safer nation by securing our borders. There are probably no people in our country more committed to passing this legislation than the Families of September 11. I have heard from a number of the widows and parents of victims who have made it very clear this is their top priority. MaryEllen Salamone, whose husband John was killed by the terrorists on September 11 at the World Trade Center, was in Washington this past Friday representing Families of September 11 to urge us to act. She appeared before the Immigration Subcommittee of the Judiciary Committee and said that all of us need to heed the warnings we now know were flashing but no one could see them, read them, understand or apply them, so that we must now act to make sure nothing like this can happen again.

The legislation is long overdue. It is much needed, and I call upon all of our colleagues to support it as soon as possible.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m. today.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

The PRESIDING OFFICER. In my capacity as a Senator from the State of North Carolina, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### THE ANWR AMENDMENT

Mr. REID. Mr. President, it is my understanding today is finally the day,

after 18 days, that we are going to have the great amendment on ANWR. After all this time and all the promises, I think it is finally coming up. We are looking with anticipation to this amendment and this debate because this is really what we have been waiting for on the bill. We have been told that if we focus on what the Republicans want on this bill, we will finally get the opportunity to debate it.

The reason I say that—and the Chair recognizes I am being a little facetious—is that I have been out here many different days asking, When? Today? If you don't offer it, we are going to offer it—and all of these different things we have tried to do to get something moving forward on this legislation. But I do say I am glad it is finally going to be offered. It is my understanding it will be offered momentarily.

I say that because even though the Alaska wilderness is far removed from the State of Nevada where I was born and raised, the two climates are much alike in the sense that they are both delicate. People think that Nevada deserts can be easily disturbed and that it doesn't matter. In the past, our beautiful deserts have been treated that way in many respects. Right near Searchlight where I was born and raised, during the Second World War when we had the South African campaign, the troops who were going overseas trained right below Searchlight. You can still see today the tank tracks through some parts of that country. Even though it is very arid, disturbance takes a long time to get rid of in the desert.

We have in the desert what was called Camp Ibis. In that whole area, there were about 2 million men training for the Second World War and for campaigns around the world. We had, of course, the gunnery range. It was called the Las Vegas Gunnery Range, which is now Nellis Air Force Base. We had Indian Springs Air Force Base, Stead Air Force Base, the Fallon Naval Training Center, and the Hawthorne Ammunition Depot. Then of course in the high desert in Nevada, we had the Nevada Test Site where, to this point, almost 1,000 nuclear devices have been set off above ground and underground.

People have come to recognize that the desert is not a place you can easily disturb without having a long-lasting impact.

Outside the home I have in Searchlight, there are old Joshua trees and yucca trees. We also have creosote bushes, or greasewood trees. They are especially beautiful when it rains because of the smell. The aroma that comes off those bushes is interesting. You have bushes of all sizes, and those that are high off the ground are more than 100 years old. Sometimes they are older than that. They grow little by little because there is no water in the desert.

My point in comparing the Alaska wilderness to what we have in Nevada



is that we have to be very careful how we handle and protect it. A majority of the people in America do not want the ANWR disturbed because they believe there are areas that we should leave pristine and untouched. People thought that in Nevada it didn't matter that the desert tortoise needs lots of open space. We call them turtles, but the proper name is desert tortoise. There was a time when they were placed on the endangered list. To protect these turtles, we have had to really do lots of things differently. Because of the press of population, we are killing these animals. And extinction is forever. That is what we have to recognize.

I will say what I have said here on a number of occasions. Out of 100 percent of the total oil reserves in the world, America, including ANWR, has 3 percent of the oil reserves; 97 percent of the oil reserves are elsewhere. Kuwait and Saudi Arabia have about 47 percent. As you know, not only do they have large quantities of oil, but it is very easy to get out of the ground.

My point is that we must maintain some of our pristine wilderness areas. One of those we are going to protect is ANWR.

Eighty-seven percent of the land in the State of Nevada is owned by the Federal Government. We are a very densely populated State. People do not understand that. Most say that we are the most densely populated State in America. Why? Because 90 percent of the people live in two metropolitan areas—Reno and Las Vegas.

Eighty-seven percent of Nevada is owned by the Federal Government. What does that mean? It means that 87 percent is as much yours as it is mine. I think we should do what we can to get more of that land into the private sector. But I recognize that federal lands are as much yours as they are mine. That is the same as the ANWR wilderness. That land is as much mine as it is the Senator from Alaska.

I am going to do everything I can to protect that pristine wilderness because we don't have many areas in the whole world that are pristine, let alone in the United States.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

#### NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and part-

nerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Landrieu/Kyl amendment No. 3050 (to amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment.

Graham amendment No. 3070 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard. Schumer/Clinton amendment No. 3093 (to amendment No. 2917), to prohibit oil and gas drilling activity in Finger Lakes National Forest, New York.

Dayton amendment No. 3097 (to amendment No. 2917), to require additional findings for FERC approval of an electric utility merger.

Schumer amendment No. 3030 (to amendment No. 2917), to strike the section establishing a renewable fuel content requirement for motor vehicle fuel.

Feinstein/Boxer amendment No. 3115 (to amendment No. 2917), to modify the provision relating to the renewable content of motor vehicle fuel to eliminate the required volume of renewable fuel for calendar year 2004.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3132 TO AMENDMENT NO. 2917

(Purpose: To create jobs for Americans, to reduce dependence on foreign sources of crude oil and energy, to strengthen the economic self-determination of the Inupiat Eskimos and to promote national security)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself and Mr. BREAUX, proposes an amendment numbered 3132 to amendment No. 2917.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3133 TO AMENDMENT NO. 3132

(Purpose: To create jobs for Americans, to strengthen the United States steel industry, to reduce dependence on foreign sources of crude oil and energy, and to promote national security)

Mr. STEVENS. I send to the desk an amendment to the Murkowski amendment No. 3132.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 3133 to amendment No. 3132.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. The underlying amendment was introduced by Senator STEVENS, myself, and Senator BREAUX and, as a consequence, I think deserves some explanation relative to the specifics that are in the underlying amendment.

The items for consideration, some of which were in H.R. 4, include specifically a 2,000-acre limitation on surface disturbance. Specifically, an export ban of any oil from the refuge cannot under any circumstances be exported, with the provision of authority for exports to Israel. Further, we would extend the U.S./Israeli oil supply arrangement, which is due to expire in the year 2004, to the year 2014.

We would further have a wilderness increase designation, adding a million and a half acres of wilderness from the current refuge management in the southern portion of the refuge.

Finally, there would be a Presidential finding—and this Presidential finding is quite specific that the refuge would not be open until the President makes a finding it is in the national security interest of this Nation.

There would also be a triggering mechanism such as energy supply, threat to strategic reserves not sufficient to cover.

I encourage my colleagues to reflect a little bit on how the underlying amendment was constructed. A great deal of time went into this effort by Members of both parties. I know there has been some frustration about the manner in which this amendment has been brought before the body, and I know there is a question of why we simply do not introduce the House-passed bill, H.R. 4.

The reason is very simple. We have taken a radically different approach because, as I have indicated in my opening remarks, the amendment we offer today does not open ANWR, per se. Let me repeat, the amendment does not give the authority to open ANWR. Rather, the amendment grants the President the authority to open the area for safe exploration only if he makes a determination it is in the national security interest of this country. Obviously, the President has the power, given to him in the Constitution, for extraordinary responsibilities associated with the decisionmaking process, and it is clearly appropriate in this time of crisis that the President be given that authority.



I think it is fair to say for far too long Congress has proved itself incapable of dealing with extreme and difficult issues that have difficult political consequences, and this clearly is one of those issues. However, at this time in our Nation's history we can no longer afford, for our national security, to be held hostage to the massive disinformation campaigns of some of the extreme environmental groups. So we must move on. That is the responsibility of each Member of this body.

Some who oppose opening ANWR are perhaps on autopilot right now and are gearing up for their rebuttals, but I ask them to stop for a few moments and listen to what conditions must be met should the President decide this action is in the national interest of the Nation because many of those who will be opposed to this amendment do not know what they are fighting about.

If development is moved forward, the following conditions must be met: As I indicated, only 2,000 acres of surface disturbance on the Coastal Plain can occur. We have a chart that shows what the footprint is. It shows the entire area of ANWR, which is roughly 19 million acres, which equates to the size of the State of South Carolina. It also recognizes there is within that 19 million acres both wilderness and refuge. We are proposing to add to the wilderness. We are going to increase it from 8 million acres to 9.5 million acres, and we are going to reduce the refuge by that amount. So we are increasing the wilderness.

What does 1.5 million acres equate to? The green area is the 1002 ANWR Coastal Plain. We are adding wilderness equal to that amount. That is the significance of what we believe is a responsible proposal that addresses the concerns of many who say in this area where you are proposing drilling in 1.5 million acres there should be some consideration to more wilderness.

The authorization of the footprint in the 1.5 million acres is limited by the House bill, limited in this Senate bill, to 2,000 acres, roughly 3.13 square miles. The area proposed is the little red dot. It would be similar to a postage stamp being dropped on the floor of the Senate Chamber. That is what we are looking at.

For those under the misunderstanding that this area of ANWR is untouched, let me show a few pictures of the actual footprint. There is the village of Kaktovik. There are roughly 3,000 people in that village. They are American citizens, Alaskans. They have dreams for a better lifestyle, job opportunities, running water, things we take for granted. That is their community. It is in ANWR. They feel very strongly about supporting this because it improves their lives and improves opportunities for their children, including educational opportunities.

This is a picture of the village meeting house in Kaktovik. Those are real people, real kids. We have pictures of real kids going to school. Nobody shov-

els the snow off the sidewalks in that community. Those are happy Eskimo kids who dream about a better life. They dream about having running water and sewer lines.

Let me show you a honey bucket. Many Members dismiss this, suggesting this is a Third World situation, not something that occurs in the United States. It does occur. It occurs in my State of Alaska. I will share it. It is not the most pleasant sight in the world, but it represents a reality, the reality of a people who want a better lifestyle and jobs and opportunities associated with oil development. That is a honey bucket. We don't have to look at it too long. It is not too pleasant.

This area is permafrost. That means the ground is frozen year-round. Water and sewer lines can only be obtained at great costs. We have that in Barrow, AK.

It is important to see the contrasts in the Arctic. Contrast the development of the responsible residents of the Arctic Eskimos and primarily those in Barrow, Wainwright, and other villages. You cannot go further north than Barrow, without falling off the top. The significance is that community has a tax base, revenues. They have jobs. They have running water and sewer lines, things we take for granted.

In this debate, few Members are going to get down into the earthy issues of what the people of my State want. That is a little beneath the echelon around here, but it should not be. These are American citizens. Their dreams are like yours and mine.

This map shows a small footprint in a very large area. We need to recognize the arguments of today as opposed to the arguments of the late 1960s. We built an 800-mile pipeline, from Prudhoe Bay to Valdez. It is 800 miles long. It is one of the construction wonders of the world at a cost of \$7.5 to \$8 billion. It was supposed to come in at under \$1 billion. The pipeline has moved 20 to 25 percent of the total crude oil produced in this country in the last 27 years. It has been bombed; it has survived earthquakes.

It has accommodated some of the animals. I will show Members what the bears think of the pipeline. They are going for a walk. Why are they walking on the pipeline? It is easier than walking in the snow. There is a compatibility there because no one is shooting those bears. They blend in with the modest amount of activity.

I point out that the infrastructure is already in place. The 800-mile pipeline is operating at half capacity. The prospects for finding a major discovery of oil in the 1002 area, according to the geologists, range somewhere between 5.6 and 16 billion barrels. That is a lot of oil.

But it is nothing if you don't compare it to something. What can you compare it to? Let's try Prudhoe Bay. Prudhoe Bay is the largest oilfield in North America. That is the harsh re-

ality. It is almost 30-year-old technology. If we have an opportunity to develop ANWR, we can make that footprint much smaller because we went in 30 years to another field called Endicott, which was 56 acres and produced 100,000 barrels a day, coming on as the 10th largest producing field in North America and now is the 7th largest.

Getting back to a meaningful comparison, if indeed the estimated reserves are somewhere between 5.6 and 16 billion barrels, if it is half, that is roughly 10, and what was Prudhoe Bay supposed to be? It was supposed to be 10 and it is now supplying its 13th billion barrel. When people say it is insignificant, is 25 percent of the total crude oil produced insignificant?

There is more oil in ANWR than there is in all of Texas. I don't know what that means to my Texas friends, but it is a reality.

This is a jobs issue. This is a jobs issue associated with project labor agreements. This pipeline simply cannot be built without the very important labor unions and their members. We don't have the skills. Only organized labor has the skill. It is a very significant jobs issue. That is why virtually every union supports this effort.

There is another issue that has clouded a lot of the debate. That is the issue of oil exports. I have heard time and time again: You will develop this area and export the oil to Japan. That is a fallacy. We have not exported one drop of oil to Japan or any other nation since 2 years ago last June. We provide Hawaii with oil.

Where does our oil go? From Valdez, AK, down the west coast of the United States, about half of it goes into Puget Sound. Some of it goes into Oregon indirectly because Oregon doesn't have refineries. The rest of it goes down to San Francisco and Los Angeles where it is refined. That is where the oil goes.

We also have an exclusion for Israel from the export ban, and we would extend the U.S. oil supply arrangement with Israel for 10 more years. The expiration date is 2004; we will extend it to 2014.

Let me talk about environment protections, export, labor agreements, and so forth because the amendment included almost 20 pages of carefully drafted environmental standards that I suspect all 100 Senators should favor. These came in from environmental groups, from the Department of the Interior, from the State of Alaska, the Governor, and many others. Among them are the imposition of seasonal limitations to protect denning and migration.

Let me show the area in the winter-time so you have an idea of what it is like about 10 to 10 ½ months a year. It is a very harsh environment. Very harsh. There are no trees. There is ice, snow, and occasionally when there is a whiteout, it looks like the other side of the chart. One cannot see the difference between the sky and the land. As a consequence, it is very hazardous

to fly in unless you are an experienced instrument pilot.

The point is, the limited activity associated with ANWR is primarily in the very short spring when there is a migration through the area. There is not going to be any development. There is not going to be any activity. That is why the imposition by the Secretary of seasonal limitations is so important. It is prudent management.

Further, there is a requirement of the lessees to reclaim the leased land. If oil is developed there, it is going to have to all be reclaimed. It further requires the use of the best commercially available technology. That means the industry has to go out and get the very best.

It requires the use of ice roads, ice pads, and ice airstrips for exploration. Let me show you what an ice road looks like. That is an ice road. It is going to a well in the Arctic, in the Prudhoe Bay area. For those who suggest there is something unique about the Prudhoe Bay area vis-a-vis the Kaktovik area—it pretty much looks the same.

The interesting thing here is this is new technology. We did not use that in Prudhoe Bay because we did not have it. Now it is ice roads. You make your roads out of ice—very limited activity.

One of the provisions is to prohibit public use on all pipeline access or service roads. So you are not going to have visitors, hunters, fishermen, and so forth.

I think we have another chart that shows what the same area looks like in the summertime. That is roughly 2.5 months of the year. That is all we really have, free of ice and snow. You can see the small lake—there is a little well there. That is a pretty small footprint. I have heard people say you are going to have jet airports, you are going to have cities. That is absolutely preposterous.

Further, it requires there be no significant adverse effect on fish and wildlife, which is referred to many times throughout this amendment, and it requires consolidation of facility siting. It requires the Secretary of the Interior to close certain special areas of unique character and maybe close additional areas after consultation with local communities.

Finally, surface disturbance of 2,000 acres of the Coastal Plain—2,000 acres out of 1.5 million acres in the Coastal Plain. And we are adding 1.5 million acres of wilderness. That footprint is the size of a postage stamp on this floor.

Let me chat a little bit about national security because I think that is germane to our consideration. This amendment is a matter of national security. I do not think we really reflect on the fact that this Nation is at war. Just 7 months ago, our Nation was under attack. Regarding our dependence on foreign oil, that attack has brought forth more and more awareness of what the merits of reducing our

dependence are and the recognition that this is probably more important now than ever, as we look at the chaos in the Mideast. Within the last few days, more than 30 percent of our oil imports are currently threatened with the self-imposed Iraqi embargo, and God knows what the political upheaval in Venezuela will lead to, plus what is going on in Colombia with threats to the pipeline. Those countries export a large amount of crude oil to the United States. The point is, we can no longer rely on a stable supply of imported oil.

I would like to refer to artwork painted by a famous artist who hailed from New England, the State of Vermont. It was painted by Norman Rockwell for the U.S. Office of War in 1943, entitled "Mining America's Coal." There is the coal miner. It is a picture of a coal miner, and you notice his blue star pin, which shows he had two sons in the war. This type of poster was displayed in America's places of work—the shipyards, the factories—specifically to encourage war-related industries to increase output.

We are at war now. Where are the posters? Developing our own resources is just as important as it was in World War II. We need oil to transport our families, but we also need it to transport our troops, and we are going to need it in the future. The reality is that air power and naval power cannot function without oil. In spite of what we create around here, you do not fly out of Washington, DC, on hot air. The Navy no longer uses sails; it is oil.

While the public can generalize about alternative energy sources, the world—and the United States—moves on oil. We wish we had another alternative, but we do not. In the meantime, the Third World developing countries are going to require more oil, and so this Nation becomes more vulnerable unless we are committed to reduce our dependence on imported oil.

Some would hint that wind power is viable as an alternative to oil. As I said before, you are not going to be able to move troops on wind power or solar power. You are going to need oil.

As we look at our relationship with Iraq, opening ANWR will certainly make us less dependent on countries such as Iraq.

Let me show you a picture of our friend Saddam Hussein. There he is. I do not know how much attention is going to have to be given by America and its elected leadership to recognize what this means. Saddam Hussein is saying: Oil as a weapon.

What was the last experience we had with a weapon? It was three aircraft used as weapons. What happened? Catastrophe for America. America will never be the same: The two trade towers are gone; the Pentagon; the heroic effort to try to take over the control of the aircraft that crashed in Pennsylvania. Aircraft are now weapons of war. Oil is a weapon of war.

On the first day of April, Iraq's ruling Baath Party confirmed our worst

fears when it issued a statement saying "use oil as a weapon in the battle with the enemy." Of course they meant Israel. Outrageous statements such as these confirm what we have been saying all along: We simply must not rely on Iraq. We must reduce our dependence on foreign oil.

What is the estimate? USGS, the Department of the Interior, suggest that we could, by opening ANWR, reduce our current dependence, which is 1 million barrels a day from Iraq. That would provide this Nation with a 40-year supply, equal to what we import from Iraq. Last year we sent Iraq over \$4 billion.

Here are the crude oil imports from Iraq to the United States in 2001: 283 million barrels. It has gone up each month. In December it was 1.1 million a day.

Look at the irony of what happened in September. In September we had an all-time high of almost 1.2 million barrels a day from Iraq. We all know what happened in September.

We have a photo of our friend Saddam Hussein up here. Here he is: American families count on Saddam Hussein for energy.

Every time you go to the gas station, you are in effect funding Iraq, and Iraq is funding terrorism. Is there a connection there? Members say: Senator MURKOWSKI, this is not going to replace our dependence on foreign oil. I certainly acknowledge that. But it is going to reduce it. It is going to send a very strong message to the cartels of OPEC, and the other nations upon which we depend, that we mean business about reducing our dependence on imported oil.

In 2001, America imported a total of 287.3 million barrels of oil from Iraq. Looking at a map of imports, according to the Energy Information Administration, you ought to know who gets some of their oil. There are different States. I will identify some of the States because it causes a little reflection. That is just what it should cause.

Mr. President, 48.1 million barrels of Iraqi oil were imported into California; 4.9 billion barrels of Iraqi oil were imported into New Jersey; 1½ million barrels into Minnesota; Washington; and the list goes on. Don't think somebody else is getting the oil. It is going into all of the States in red—New Jersey, Ohio, Indiana, Illinois, Kentucky, Missouri, Minnesota, Arkansas, Mississippi, Louisiana, and Texas. That is where it is going.

To make matters even worse, Saddam Hussein recently announced that he is increasing money relative to the suicide bombers from \$10,000 to \$25,000. We revolt at even the thought of that. But you have to recognize that is an incentive, and it is still going on. Since the prices have been raised in the last month, we have had at least 12 suicide bombers who have been successful in their acts of terrorism in Israel. Saddam Hussein is rewarding the acts of murderers who are spreading terrorism

throughout the free world. One wonders if it will come to the shores of the United States.

As Defense Secretary Donald Rumsfeld said:

Saddam's payments promote a culture of political murder.

That is a pretty harsh statement. It comes from our Defense Secretary. I couldn't agree more. With facts such as these, it is impossible for me to imagine why we would want to send one more American dollar to this man.

I just looked at an article that appeared today, April 16, in the Wall Street Journal. It is entitled "Iraqi President Saddam Hussein Praises Suicide Bombers, Urges Iran Oil Halt."

It said:

Iraq's President Saddam Hussein who sends cash to the families of Palestinian suicide bombers reiterated his support for the attacks, Iraqi media reported Tuesday. The Iraqi leader during a meeting with military officers and engineers on Monday night—today is Tuesday, Mr. President—said, "Suicide attacks were legitimate means used by people whose land is being occupied."

Moslems have been divided over suicide bombings, with some saying Islam forbids any suicide, others condemning bombers for attacking civilians, and others, such as Saddam, supporting them without reservation. Saddam has made payments up to \$10,000 to families of Palestinian suicide bombers since the Israeli-Palestinian clashes began in September 2000.

In his comments on Monday, Saddam also urged Iran to follow Iraq in cutting off oil exports for 1 month to support the Palestinians and to return 140 Iraqi warplanes and civilian planes that escaped to Iran during the 1991 gulf war. Iran claims only 22 Iraqi planes. He urged the Arab governments not to yield to "U.S.-Zionist blackmail" in which Zionism and those from that area are using Hitler's deeds against Jews in addition to the September 11 order to subdue the world.

Those are the comments of one who obviously is unstable.

Saddam gets roughly \$25,000 from us, this Nation, for oil every 90 seconds that pass. That is one homicide bombing every 90 seconds. Think about it.

What are we going to do about it? We are talking about it, but we would like to ignore it because it is very unpleasant. He is rewarding the acts of murderers who are spreading terrorism. As I have indicated, our Secretary of Defense called it a "culture of political murder."

There are a lot of tensions in the Mideast. They are rising exponentially each day and each hour. Why some of my colleagues would be interested in continuing our reliance on oil from that part of the world is simply beyond me, especially at this time when we can make a commitment to reduce it.

I, for one, would find it very difficult to go back to my home State of Alaska and defend that position, especially if I had to look into the eyes of a mother or father such as the American depicted in this Rockwell work who, as we speak, had a son or daughter overseas fighting for America's freedoms.

I have stood on this floor and made the comparison time and time again

that as we import oil from Iraq, we are also enforcing an aerial blockade and the no-fly zone over Iraq. We have bombed them three times already this year. We take his oil, put it into our airplanes, and go bombing. That may be an oversimplification with which the State Department would argue.

But, by the same token, what does Saddam Hussein do with his money? He keeps his Republican Guard well fed, and they keep him alive. He develops weapons of mass destruction, and aims it at whom? We know he has a missile delivery system capable of going to Israel. We know he is developing biological weapons. We suspect he might be developing nuclear weapons.

When are we going to address that threat? That is a real responsibility for our President because, as we have seen with the tragedies associated with September 11, had we known, we would have taken action to prevent that. The same set of circumstances apply to Saddam Hussein. There have not been U.N. inspectors in Iraq for over 2 years. He is in violation of his agreement with the U.N. He is a threat to the world, and we are still depending on him.

Wake up, America. It is time.

In addition to the amendment being about national security, it is also about the economic security of this country. It is projected to create jobs—real jobs. We just came from a rally outside. We had organized labor in support of this issue. We have had the veterans saying they would much rather see us open ANWR than send American men and women to foreign soil to fight a war over oil. A former Senator in this body, Mark Hatfield, made that statement several times. He said: I will vote for opening ANWR any day rather than sending another American soldier overseas to fight a war over oil on foreign soil.

One of the interesting things about that particular study—jobs in the area of 250,000—was it was conducted by a Massachusetts firm, McGraw-Hill. The capability of that firm I will leave to those more qualified than I and who reside in the State of Massachusetts. Some have quibbled about the numbers, but it is a step in the right direction. Every single new job created is important, especially in these times, and especially for those who are in the unfortunate position of being unemployed. These aren't service jobs working at McDonald's; these are high-paying jobs associated with responsible development of our resources—jobs created throughout America, not just my State of Alaska.

One thing about the movement of oil, as I indicated, is that it goes from Alaska and down to the west coast of the United States where it is consumed. But it has to go in U.S. ships that are built in U.S. yards with U.S. crews and which carry the U.S. flag because the Jones Act mandates that the carriage of any goods between two American ports has to be in a U.S.-

flagged vessel. There are as many as 19 new double-hull tankers to be constructed. That means jobs in America's shipyards—big jobs, good-paying jobs. This is the largest contribution of tonnage to the American merchant marine.

Mr. KERRY. Mr. President, could I just ask a strictly procedural question of my colleague?

Mr. MURKOWSKI. Please, without losing my right to the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask my colleague—so we can try to get a sense of planning how we will proceed—what he would anticipate in terms of how long he thinks he may be presenting the amendment. Then we can get a sense of how we might go forward.

Mr. MURKOWSKI. Mr. President, I will probably be talking for another 20 minutes or thereabouts. There is a second degree pending, and Senator STEVENS is anticipating recognition to talk about his second degree so I am guessing probably an hour.

Mr. KERRY. Mr. President, I thank the Senator from Alaska very much. And I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, let me again make reference to the creation of what this would do for America's merchant marine.

It would result in some 19 new double-hull tankers to be constructed in U.S. shipyards, primarily in the gulf and the State of California and, I would hope, in the State of Maine.

It is estimated that these tankers will pump about \$4 billion into the U.S. economy. That will create about 2,000 to 5,000 jobs in our shipyards. And this isn't going to require a Government subsidy. These are private funds that will build these ships to haul U.S. oil from my State of Alaska to Washington, Oregon, and California.

Somebody did a little calculation and figured that is equivalent to 90,000 job-years just for the construction of the tankers alone. Also, the equivalent in infrastructure to be used in ANWR will be constructed not in my State but in the other States of this Nation—not in the Arctic of Alaska. Therefore, Americans from all over the country will be put to work in this effort.

The other alternative is to simply send the dollars overseas, which affects the balance of payments and does not keep the jobs or the dollars here.

Some opponents note that oil will not be flowing the day after the ANWR amendment is passed. But what they forget is jobs certainly can be flowing the day after. Americans could go to work constructing everything that will be needed.

If you wonder about the numbers, listen to those who are in the business, the unions. They will benefit from new ANWR jobs, and they have been behind

this effort 110 percent. And why not? These are American jobs. These are American unions. They have already had almost 30 years of experience in the Arctic in Prudhoe Bay, and they know, firsthand, the kind of jobs ANWR will create and they know how to do it right. So let's put America to work.

The things we have to talk about, as well, are projections because we really do not know how much oil is in ANWR. There has only been one well ever drilled, and it has been on the Native land at Kaktovik shown up there at the top of the map I have in the Chamber. But there is one well. The results of that well have been kept confidential by the Native community, the State of Alaska, and the two companies, the joint venture.

But geologists, based on 2-D seismic, prior to 1980, had some access in the area. They have gone back and reviewed their analysis, and they have come to the conclusion that, indeed, this area could contain the largest amount of oil in North America.

Some are going to downplay the amount of oil in ANWR, but even numbers from the Clinton administration, the U.S. Geological Survey showed that the Arctic Coastal Plain clearly was North America's best bet for a major oilfield. The Clinton administration's U.S. Geological Survey estimated, in 1998, that there was a 5-percent chance of finding 16 billion barrels, a 50-percent chance of finding 10.3 billion barrels, and a 95-percent chance of finding 5.7 billion barrels.

I want to put this in context. Texas has proven reserves of 5.3 billion barrels. So the projections indicate that ANWR, indeed, has more oil than all of Texas. Is that significant to this body? Is that significant to Members other than those from the State of Texas?

Even if the most conservative effort of 5.7 billion barrels proves to be correct, it would still be the second largest oilfield ever discovered in the 100-year history of the U.S. oil industry, and it would be second only to what? Second only to Prudhoe Bay. If the 5-percent estimate proves right—16 billion barrels—ANWR would be the largest field ever found in North America. To anyone who knows anything about oil and gas in this country, these numbers are truly staggering.

Some Members have come to this Chamber and have argued that there is only a 6-month supply there. But I would hope all Members have enlightened themselves on that argument because it is so misleading it hardly bears a response. But for the benefit of those who might not have come to grips with it, a 6-month supply assumes that there would be no other source of oil, no other source imported, no production in this country of any kind other than ANWR—no imports, no domestic supply.

This is a bogus argument. We are going to produce oil. We are going to continue to import oil. So it would

only be a 6-month supply of oil if there was no other oil produced domestically and none imported. So that is a fallacious argument.

It is also important to look at how ANWR will impact our domestic production. Along these lines, it is fair to recognize the Energy Information Administration—which, by the way, provides impartial energy assessment—recently provided an analysis of ANWR's effect on domestic oil production.

This is what it said about the project: Assuming the USGS mean case for oil in ANWR, there would be an increase of domestic production by 13.9 percent.

That is the answer to those who say the increase is of no consequence—13.9 percent. They say: Assuming USGS's higher case for ANWR, that would be an increase of 25.4 percent of domestic production. An increase of domestic production by 25 percent is certainly significant.

Let's put some of the ANWR projections into perspective.

If ANWR yields the Clinton administration's medium estimate of 10.4 billion barrels of oil, ANWR would then provide—and I want to go to some States because it is important that States get some comprehension of how much that would provide—it would provide Massachusetts with 87 years of its oil needs. That is based on the 117 million barrels used in Massachusetts in 1999. It would provide Connecticut with 132 years of Connecticut's oil needs; for South Dakota, roughly 479 years, based on 21 million barrels it used in 1999.

How can Members from those States argue that ANWR is not projected to have a lot of oil, with those numbers? It is a lot of oil.

We have heard from Members who are a little disillusioned with the progress of the energy bill talk about CAFE. They say: The answer is CAFE. If we would just go to CAFE, we could save millions and millions of barrels of oil.

I think it is interesting to reflect a little bit about CAFE because if the proposal of increasing CAFE standards is the answer instead of opening ANWR, it reflects on a couple realities. The Senate has already rejected the argument, No. 1, and, more importantly, the consumers rejected that argument through their purchasing choices.

This is important to recognize. The top 10 most fuel-efficient vehicles account for less than 2 percent of all vehicle sales. Think about that. The public has a choice, and the top 10 most fuel-efficient vehicles account for less than 2 percent of all vehicle sales.

What do we want to do here? Do we want to direct the public on what kind of automobiles they have to buy? That is one answer. We could put a tax on heavier automobiles; that is another answer. But the proposal they have been pushing, known as the Kerry amendment, is simply not acceptable to the American people, as evidenced by the vote on the floor of the Senate.

It would force increases in fleet average fuel economy to 36 miles per gallon by the year 2016. It would cause massive losses of U.S. auto workers' jobs, roughly 200,000, as the debate pointed out. It would cost several tens of billions of dollars to the U.S. economy. It would put American lives at risk in smaller, lighter vehicles. The Senate took these concerns into consideration when it addressed CAFE several weeks ago and rejected the Kerry amendment. Instead, the Senate voted for the Levin-Bond approach, which resolved the issue in favor of letting the experts—not the Congress, the Senate—at NHTSA do their jobs.

Opening ANWR doesn't take away jobs or cost lives. Opening ANWR would create jobs for hard-working Americans. When we get into the argument of CAFE, be very careful and reflect on the debate that took place; it would be a convenient copout for the argument against reality. The world moves on oil. America moves on oil. As the Third World develops, there is going to be more and more requirements for oil, until such time as we obviously reduce our dependence by increasing production here at home.

The time to act is now, and for those who suggest that somehow we are rushing into ANWR, let me tell you, I have been in this body for almost 22 years. I have been with it all the time and so has Senator STEVENS and others. Amazingly, some of the biggest opponents of ANWR have indicated we are rushing into this issue and we are moving it through the system too fast.

Nothing could be further from the truth. Some of the same Senators have been involved in this debate for years, as I have said. You can go back to 1980, when Congress passed the Alaskan National Interest Conservation Act and included the section 1002 area, which is up on top in the green on the chart.

The 1002 area required that the Department of the Interior report to the Congress on the biological resources and the oil and gas potential on the Coastal Plain of ANWR—this green area. The Department of the Interior extensively researched the issue and, after 7 years, a final legislative environmental impact statement was submitted to Congress recommending that ANWR's Coastal Plain be opened. That was the Department of the Interior, after 7 years of research.

Now, when we talk about CAFE and about increasing the vehicle fuel efficiency standard, we want it to be done rationally, safe—not just picking a mileage standard out of the air.

We talked about the National Highway Transportation Safety Administration. We talked about the fact that Democrats and Republicans overwhelmingly rejected what was an arbitrary new standard because it would force American families to buy unsafe cars in the name of fuel efficiency. That was a conscious decision. The American people knew we could get higher CAFE, but they didn't want to

trade safety for it. As a consequence, I don't want Washington ordering American families to buy certain types of vehicles. We can talk about solar and wind, and that isn't going to help us in this argument and we know that.

Now, Congress has addressed ANWR. At other times, we have had legislation introduced. We have had hearings. In 1995, a conference report authorized the opening of ANWR and it was passed. So in 1995, Congress passed ANWR, but it was vetoed by the Clinton administration. If it had not been vetoed in 1995, we would have oil already flowing from ANWR, as I speak today.

Now, there is a projection of revenue from the sale of royalties and the royalty bids, and the lease bids alone will produce roughly \$1.5 billion in Federal funds. This is not with any appropriation or authorization. This is the private sector funding, if you will, this level of activity in bonus bids and royalties. Where does the money go? It goes into the Treasury basically because these are Federal lands. This amount does not include the billions of dollars that will be generated from royalties in the outyears because, again, we have been producing in Prudhoe Bay for 27 years, to be exact.

ANWR is the only provision in this bill that generates any revenue. I will repeat that. In this entire energy bill that we have labored over for some 5 weeks, ANWR is the only provision that generates revenue of any consequence, and this is from the private sector, not appropriations. Many other provisions in this bill do the exact opposite. They simply authorize new programs that would require further Government spending.

Now, there used to be a policy around here—and Senator STEVENS is well aware of it; he has been here longer than I—that was evident when I came here in 1981. Senator Scoop Jackson was certainly one who fostered it. It was kind of the general feeling that if the two Senators from the State supported an issue, the consensus was they probably knew what was best for their State and what was best in representing the people of that State. So don't forget, there is a States right issue here. Don't forget what Alaska's attitude in this is. The entire congressional delegation supports it, including the Governor, Lieutenant Governor, and the Alaska State Legislature. Most importantly of all, the Eskimo people, the residents, of the Coastal Plain and nearly 75 percent of Alaskans support it.

There is a photo of some of the Eskimo kids who are looking to the future. They want running water. They want to have an educational opportunity, a job opportunity. It is important to remember this because on many occasions other Senators have made passionate arguments regarding activities in their States.

Although we talk about agricultural supports, and various other issues, I am reminded of the Senator from Flor-

ida and his attitude regarding lease sale 181 last summer, representing the wishes of the people of Florida. As a result of the Florida delegation's advocacy, the lease sale boundaries were scaled back by the administration.

Senator STEVENS and I are doing the same thing. We are representing the wishes of our State. It is unfair for people from other parts of the Nation to obstruct the will of our citizens. Florida has said "not in my backyard" and that is fine. They have a right to do that, and I respect that. But there is a bit of a reciprocity here. Alaskans are willing to have environmentally sound exploration take place in their backyard, so why not let them?

We have a chart that shows development, if you will, on the east coast and the west coast and, hopefully, we have it—yes. I think it represents "not in my backyard." If you look at that chart, you can see the blue area off the east coast of the United States. That is roughly 31 trillion cubic feet of gas. The only problem is, there is no authorization or authority for exploration. That is from Maine to Florida. That is off limits. They don't want it in their backyard. If you go down to the gulf, there is a good portion of it.

On the west coast—Washington, Oregon, and California—no way; no lease sales offshore.

If you go into the overthrust belt, in Wyoming, Montana, and Colorado, there is a significant potential for oil production. It has been withdrawn by the previous administration as a consequence of the roadless area language.

If it is not in my backyard, where is it? One spot, obviously, is Alaska, and I think we have made the case that clearly the State of Alaska supports this.

We have had debates in this Chamber. I remember when the Senator from California announced her displeasure with the current administration's decision to appeal a case impacting 36 drilling leases off the California shore. She stated that there is a disregard for States to make decisions about their own environment.

The Senator from California proposes that leases be withdrawn from California's coast and swapped to Louisiana's coast. She actually said:

We are going to swap it so that the oil companies can drill where people want them to drill.

In other words, the industry can drill where there is support for it. Unfortunately, that does not seem to apply to Alaska.

It is the old saying: Not in my backyard. The people of Florida and California should remember that if oil is not found in other parts of the country, there may come a time when we are forced to explore closer to their shores. In fact, the Senator from Massachusetts has suggested we focus on more drilling in the Gulf of Mexico. He has even called for four times more drilling in the gulf.

Drilling in the Gulf of Mexico is fine, but I do not understand why Members

should think it is any better for the wildlife than development in ANWR. It should be noted there are many more species in the Gulf of Mexico than there are in ANWR.

Speaking of other Senators, let's look at the New England States. New England enjoys the benefit of getting their natural gas from big offshore platforms off Nova Scotia. When it comes to America getting oil from its own land in ANWR, some of the Senators from the east coast are trying to lead the challenge for the opposition. Although the drilling for natural gas may be offshore, off the coast of Nova Scotia, it requires onshore gas processing facilities on Canadian land. Remember, whatever happens to Canada's environment is closely linked with our own. If they really thought drilling for energy was so bad for the environment, they would have sponsored a bill barring the Canadian gas from entering the United States. But, obviously, charity begins at home.

If there is concern about the effects on the environment, I would think some of the Senators would have concerns with the effects of offshore drilling on New England's fisheries, but that is never brought up. When it comes to Alaska, they are standing in the way of something that at least 75 percent of Alaskans support.

Looking at other activities, in the State of Massachusetts, the "big dig" has been dragging on for years. Some environmentalists are not pleased with it, but the "big dig" has not been interrupted. Instead, it has produced thousands and thousands of jobs in Massachusetts, and that is good for Massachusetts, and the Massachusetts Senators should take credit for it. But why can't citizens of Alaska be permitted the same rights?

Finally, let's not forget the only people who are located within the boundaries of ANWR are our Native people. In fact, they reside on their own land.

I am going to put up the picture of Kaktovik again because I think it is representative of reality. Many people choose to overlook reality and think there is no footprint, there is nobody there. That is not the case. They are the Inupiat, a proud people, and they live in the Kaktovik by choice. They have lived there for thousands of years and support opening ANWR.

They graciously invited some of the most outspoken opponents of ANWR to Kaktovik so they could see firsthand their way of life. Unfortunately, the Inupiat did not get the courtesy of a reply because of the intervention of the Sierra Club and some environmental groups who used their influence, if you will—and I am being gracious—to not allow the people associated with some of the villages that occupy the Gwich'in nation even to go up and look at the prosperity associated with the Eskimos in the Barrow and Wainwright area.

A number of invitations have been extended to Members of the Senate

from the Inupiat Eskimos. It is too bad Senators have not taken them up on their offer because the Inupiat have a very interesting and compelling story to tell. They are for self-determination. They want the right to improve their lifestyle and that of their children, and this amendment supports that right of self-determination and their right to develop and live on their land as they please.

They have some 92,000 acres that have been held hostage by the Federal Government long enough. The opponents often gloss over the fact that the Inupiat Eskimos hold title to the land in the Coastal Plain. They do not pay any attention to it. They assume those people up there will just have to somehow work out their lives, but only Congress can give them the authority to have access.

Without congressional approval to open the Coastal Plain, they are unable to develop their privately owned land. There are the 95,000 acres consisting of the village of Kaktovik and the one well that was drilled in that area. Responsible development will allow the Inupiat Eskimos to provide for themselves, heat their homes, provide education, and live in sanitary conditions.

Again, the plumbing in the Arctic is not sanitary. It is not pleasant. There are honey buckets. They want a better lifestyle. They believe responsible development in the area is their fundamental human right to economic self-determination.

This amendment would still allow the Inupiat Eskimos to enforce regulatory powers to make sure the wildlife and traditional environmental values are respected and protected. After all, who is more concerned about the caribou than the Native people who reside there and live off them?

Let me show another picture about the caribou. It reflects the reality. My colleagues have seen it before, but these are not stuffed caribou, these are real caribou, and they are roaming the fields of Prudhoe Bay. Nobody is running them down with a snow machine. Nobody is shooting at them. They are protected, and they wander, and they increase.

When we hear debate about the Porcupine herd—this is the western Arctic herd right in the heart of the oil fields. When we started 27 years ago, there were 3,000 or 4,000 animals. Today there are 26,000 animals. We do not want to confuse the Inupiat Eskimo or the Gwich'ins who live hundreds of miles away from the Coastal Plain, but we have charts that show a little activity on the Canadian side because, as my colleagues know, Alaska does share a border with Canada, and the Gwich'ins are on both sides of Alaska and Canada.

It is known that while the Inupiat Eskimos living on the Coastal Plain support opening ANWR, clearly the environmental groups have had to search far and wide for someone to foster their cause, and roughly 150 miles south of

Kaktovik beyond the Brooks Range outside the ANWR boundary, they have found significant support, an Arctic village and other villages, the basic traditional home of the Gwich'ins.

I admire and respect the Gwich'ins for their wishes, but I hate to see environmentalists trotting this indigenous group around saying opening ANWR will hurt their caribou. There is no evidence to suggest that.

The greatest harm to the caribou—this is rather significant because while it may seem confusing, everything on the right of the line straight up and down is Canada and everything on the left is Alaska. One can see the purple. This is the Porcupine caribou herd as they move around during migration. They are on the edge of the 1002 area for a short time during the short summer, but in their migration they do go through Canada. They cross the Dempster Highway.

At the Dempster Highway during their migration, there is a significant number of caribou that are taken for subsistence, sport, and for, obviously, those who need them, the point being, the Gwich'ins have under previous discussions entered into leases for their own land.

This is a copy of the actual lease, Native Village of Venetie. They indicated a willingness in March of 1994 to lease their land. For anyone who questions the details, I am happy to provide a copy of the lease. I am simply saying they have a right to choose what they want to do, but at that particular time they were willing to lease their land. Unfortunately, there was not much interest in it because the prospects for oil discovery were not in the area.

So I think what we should recognize is the central Arctic caribou herd is a herd with which we have had experience. They have increased from 6,000 to 26,000, increasing by more than four times. As the environmentalists have addressed this argument, why, it is pretty weak to suggest we cannot manage this herd for the benefit of the indigenous people. I think it is fair to say, as we look at development, there is no evident harm to these lands or the potential of anything of any consequence affecting the lifestyle of those people.

As we have tried to address the concerns of the Gwich'ins, the difficulty has been encouraging them to simply visit the Eskimos of the Arctic to reflect on what development has meant to their standard of living. What we have in this amendment are protections. We have recommendations that require all the lands be returned to their natural state, and we also have the recognition that, while the Gwich'ins have been opposing activity on the Alaska side, they have been very aggressively pursuing it on the Canadian side. The Gwich'ins in Canada have formed development corporations, as they should. They have an oil-field service company, which they have every right to do.

So this debate should not revolve simply around the Gwich'ins, recognizing that many of them do not live near the Coastal Plain. Instead, we should remember the Inupiat Eskimos who own land right in the Coastal Plain. So there is a difference, and I encourage Members to reflect on it.

Finally, the Inupiat argument is compelling. It is an important one. My friend Jacob Adams, who is an Inupiat, is president of the Arctic Slope Regional Corporation, one of the Fortune 500 companies, a very successful corporation in my State, and I quote his statement:

I love my life in the Arctic. But, it is harsh, expensive and, for many, short. My people want decent homes, electricity, and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation.

He also said:

By locking up ANWR, the Inupiat people are asked to become museum pieces, not a dynamic and living culture. We are asked to suffer the burdens of locking up our lands forever as if we were in a zoo or on display for the rich tourists that can afford to travel to our remote part of Alaska. This is not acceptable.

I agree, it is not acceptable. I recognize this entire debate is complex and sometimes puts Members in uncomfortable positions, but I also realize this energy debate, especially in regard to ANWR, has been used as a soapbox for some of the most extreme and crafty environmental groups in our country, groups that have treasure chests to support their agenda.

While the issues are complex and the debate has at times become heated, the big picture can still be framed very simply. Is it not better to have a strong domestic energy policy that safeguards our environment and our national security rather than to rely on the likes of Saddam Hussein to supply our energy? The answer is clearly yes.

I, unfortunately, realize that some in this Chamber have found that ANWR has become a political issue. It is another piece of the political puzzle. They could not be more wrong. I have been around long enough to know that lots of people do things for their own reason, but when their actions sell short the American family, the American service man or woman, the American laborer, America's future and America's security, we must not let their efforts succeed.

Do not sell short America's national security. We cannot keep relying on increasing imports from foreign nations such as Iraq, which has publicly said they will use oil as a weapon. How many times do they have to say that before we believe them? Please do not sell America short in order to support the extreme environmentalists' latest popular cause, because we know once we authorize the opening of ANWR these groups are going to move on to another cause. They are not created for one specific cause.



By the way, do not worry about those environmental groups. They are still going to be around, as I indicated. They will find another cause, as I stated. Remember, energy is not about politics and an agenda. It is about families across the Nation wondering if their jobs will be there when they get up in the morning. It is about looking for our Nation's independence.

I believe in a country that is dependent on no one but God alone. We have every right to look out for our Nation's independence.

Our President, President George W. Bush, has asked time and time again for the Senate to follow the example of the House of Representatives and pass an energy bill. The House has done so. H.R. 4 has ANWR in it.

On numerous occasions, the President has expressed specifically his strong support for opening ANWR. He knows it means more jobs for America. It means security for our Nation, which is especially important at this time. He knows as long as we are dependent on other nations for our energy our very security is threatened and our future is at stake.

So the task of this body is clearly to deliver to the President an energy bill that reduces our reliance on foreign oil while at the same time creates thousands of new American jobs. I urge my colleagues on both sides of the aisle to recognize the weight of the task we are starting on. Agendas need to be pushed aside and Members have to muster the courage to do the right thing, even on difficult issues such as ANWR. We need to do what is right for American workers, what is right for our national security, what is right for the Inupiat Eskimos who live in the Coastal Plain, and what is right for America's future.

There has been talk this amendment will put the environment in the hands of big oil. Let me say something about big oil. Big oil is a citizen of my State—Exxon, BP, a number of companies. In reality, those companies are doing business in Alaska because they can make a return on investment. They qualify as good citizens. They have the capability to get oil all over the world and bring it to the United States. Some have said: Where is big oil on the issue of ANWR? There is Phillips Petroleum, other companies. We have not really seen much of them. There is a good reason for that. They are international oil companies. They will come to Alaska if it is open, but if it is not open they will go wherever, and they will import the oil into the United States. That development will not have the oversight that Alaskan oil development will.

Make no mistake about it, Prudhoe Bay is the best oilfield in the world. One of the things I find very frustrating is Members do not seem to care where oil comes from, as long as they get it. But if we can develop it at home, with our environmental laws, both Federal Government and State, is that not in the best interest of Alaska?

So we should make sure we recognize big oil for what it is.

The talk that this amendment will put the environment in the hands of big oil is unrealistic. In reality, the environment will be directly in the hands of the American worker who will be working up there, and he and she knows how to do it.

If Members oppose the lease amendment, they are really saying to the American worker: I don't trust you. Instead, send the right signal and do the right thing. Vote for the American worker and show them we trust them to be good stewards at work, that we trust them to take pride in their jobs, and we trust them to help America keep strong and safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. REID. I ask the Senator from Alaska to yield.

Mr. STEVENS. I am happy to do that.

Mr. REID. Mr. President, the majority leader has asked me to announce there will be no rollcall votes tonight. It is my understanding the Senator from Alaska will speak for a considerable period of time this evening, is that not correct, I ask Senator STEVENS?

Mr. STEVENS. Yes. I don't know how long.

Mr. REID. We have had a number of inquiries. I think it would be appropriate we announce there will be no rollcall votes. The majority leader authorized me to do that.

Has the Senator from New Mexico entered the unanimous consent request?

Mr. BINGAMAN. I am informed the Senator from Alaska objects to any unanimous consent agreement and, therefore, he would go ahead and speak today. Tomorrow I will seek recognition when we get back on the bill.

Mr. REID. I thank the Senator.

Mr. STEVENS. Mr. President, we have just had a marvelous experience across from the Capitol grounds. We had a press conference attended by the leaders of organized labor, many Senators, a great many members from organized labor, and members of the Alaska Native community. We ought to take time to see whether that settles in with the American public. Three of the greatest labor leaders in the country were there and another representing the fourth. They say they want this project to go forward. They want this area to be drilled.

The concept of extended debate is to give a chance for the public to listen to debate on an issue and to determine whether they should contact their Senators about the issue. I hope that can happen. I hope it is still possible to have the country listen to the leaders of organized labor, listen to the leaders of the State of Alaska and consider whether or not it is safe to drill in the area set aside 21 years ago for just that purpose—to drill in the 1.5 million acres on the Arctic Coastal Plain.

I have been through this before. I asked myself today: Why are we here?

Why are we doing this now? The normal process for handling this legislation, which has been passed by the House of Representatives, would be to go to the committee, come to the Senate, be assigned to a committee, be considered by that committee, and report it back to the floor. This bill does not do that. It went to the committee. The committee voted to include the drilling of the Arctic Coastal Plain, ANWR, and the leadership said: No, you cannot report that bill to the floor. Instead, we will draft our own bill.

The majority of the committee that has jurisdiction over this bill voted to report it in the manner we would like to see it approved. We don't get that chance. It comes on the floor, it is a different bill, drafted by the leadership of the majority side of the Senate. We are told: Take it or leave it. Get 60 votes for your amendment or forget about it—as though we are filibustering. They are filibustering our amendment, but we have to have the 60 votes in order to stop them from filibustering our amendment.

This is a point of frustration for someone who has lived through this continuum dealing with Alaskan lands. I talked about it before and I will talk about it ad nauseam until we get the point across that the State of Alaska made a commitment to the Federal Government in 1980 that we would accept the bill that had been outlined by the leaders of the Democratic Party in the Senate, Mr. Jackson in particular, God rest his soul, but he was a great friend. He opposed us in many ways. We reached a consensus on the issue of this Arctic Coastal Plain.

So everyone understands, we are talking about 1.5 million acres on the Arctic Coastal Plain that was set aside in 1980 for the purpose of oil and gas exploration. Anyone who comes to the floor and says this is wilderness is a liar—a liar. Anyone who tries to pretend that somehow or another we are violating the law is a liar. If it was back in the old days, I would challenge them to a duel. I am up to my ears in what I have been hearing about this that is absolutely untrue.

The ANWR area was set aside by the Jackson-Tsongas amendment for the purpose of allowing exploration. It does not become a working part of the Arctic Wildlife Refuge until that is complete. The difficulty is, people say it is wilderness. This area, the ANWR Coastal Plain, is not wilderness. The area of the Arctic Wildlife Range south of that, in the light brown, is 8 million acres of wilderness. But that 1.5 million acres is not wilderness.

Reading the Wilderness Society publication one would think we are invading the most pristine place on Earth. It is hell in the wintertime—60 below. I took the Postmaster General there and the digital thermometer said minus 99 because of the windchill factor. This is not some pristine place that should be protected. It should be protected at a time when it needs protection, which is



the summer. And we do that. We do not drill for oil and gas in the summertime.

Why are we here? We are here because some people on that side of the aisle, the majority side of the Senate, have decided they will block this. They do not honor the commitment made by the United States and the President of the United States when the 1980 act was signed. That was a commitment to our people in Alaska.

In 1980, these areas that are marked and checked were withdrawn by the act of Congress called the Alaska National Interest Lands Conservation Act. All of that was withdrawn in 1978.

My colleague, Senator Gravel, blocked a bill to do this because they could not build up there. In 1980, he still objected, but I reached an agreement with Senator Tsongas and Senator Jackson that I would help get this bill done in exchange for an absolute commitment in the law that that area would remain open to oil and gas acres, the 1.5 million acres, and the bill was signed by the President of the United States.

Now they are saying that is a pristine area; you cannot do it. And the Democratic Party has put this in their platform, "Don't drill in Alaska's Arctic," as though the Democratic Party owns Alaska. Someone asked: Who owns Alaska? The public owns Alaska. The public owned all those places, too, but they were set aside for the elite few.

There are no roads there, no airport in there, no way to get there except through guided tours, twin-engine planes with guides and millionaires visiting those areas of Alaska. Eighty percent of the parklands in the United States are there. There are only three parks you can get to by road.

What we are talking about is coddling to the radical environmentalists of this country. We have half the coal of the United States in Alaska. Did you know that? One time when Ed Muskie was running for President, he decided he needed some environmental votes and he came up with an amendment that said: If you mine for coal in the State of Alaska, you must restore the natural contour after you are through.

In Alaska, coal comes with ice lenses, permafrost. When you put the steam points down to melt it, the water runs off. Take the coal off and there is no way in God's Earth you can restore the natural contour. Since Ed Muskie's amendment, not one new coal mine has been opened—30 years, with half the coal in the United States. No, no, we cannot do that.

When I first went to Alaska, I worked on the Rampart Dam on the Yukon River. It would have been the largest power project in the United States. It would have provided my whole State with electrical power. It was economically feasible. There is no question about it. The environmentalists said, "No, you cannot build that dam," and they blocked it. It is gone.

We had, when I came to the Senate, the great forests of Alaska. Forests

here, here, and here: The largest forests in the United States. We were cutting 1.3 billion board feet of timber a year on a cutting cycle of 103 years. We would not cut the same place twice in 103 years.

As part of ANILCA, that was lowered to 450 million board feet a year. Last year, we cut 47 million. Why? The environmentalists have decided that timber in Alaska should not be cut. Notwithstanding the sustained use/yield concept that was in place, they just blocked it.

When we passed this bill in 1980, we had six world class mines—six. They are all closed now but one. Why? Environmental litigation. You cannot mine in Alaska now. We have 32 of the 37 strategic and critical minerals and metals of the United States. None of them are being mined except one mine up in the Kotzebue area, the Red Dog Mine, the zinc mine, the largest in the world. Why are they closed? Environmental litigation from radical conservationists, environmentalists.

We get down to the question of oil and gas. When we argued this bill in the period of the 1970s and 1980s, there were 50-odd wildcat operators in Alaska drilling for oil and gas. There is not one today. Not one. Do you know why? The last administration closed it all down. There are no permits to go out and explore for oil and gas on Federal lands, outside of the great Prudhoe Bay—which is State land. It is not Federal land at all, it is State land.

The continuum of what we have been through as a State makes a lot of us wonder if we were right to seek statehood. Were we right? Many of our people wanted to be a commonwealth. Canada was then a commonwealth to the British empire. Some of our people wanted to be a commonwealth in the U.S. system. We said no, we want to be a State. We are Americans. We believe in America. The highest level of enlistment in the U.S. military in World War II was from Alaska, the highest level of veterans per capita today in the United States is in Alaska, from all periods of wars in this past century.

The question is, Why are we here? We are here because an elite few have decided that Alaska should be their playground. The working people today woke up. That meeting outside, across from the Capitol, is a bell tolling for the Democratic Party, and it better listen. It better listen because the working people want jobs. This is a jobs bill.

We will provide jobs. Instead of sending our money over to buy Saddam Hussein's oil, we will produce it on our own shores. We will produce it from Alaska. There are 15 sedimentary basins in Alaska. We have drilled three of them. This will be the fourth. No one knows whether it has oil or gas. We believe it does. We have still a lot left to drill in Alaska, provided some future generation removes some of those lines. Those lines were drawn to prevent development.

We are at the crossroads now with this bill, of whether or not we listen to

the President of the United States and, because of the interests of national security and economic security we proceed as was promised in the 1980s to develop this land.

You cannot really understand the 1980 act unless you go back in history. When you go back in history, you go back to the Statehood Act. I was in the Interior Department at the time of statehood. Part of that Statehood Act was section 4. It was a commitment to the Alaskan Native people that once Alaska became a State, Congress would address the question of the claims of the Native people against the United States—not against the State but against the United States, their claims as aboriginal people.

We did that. As a matter of fact, I helped prepare some of that when I was still with the Eisenhower administration. After that came to an end, I went back to Alaska, worked on many things, came back here in 1968, and one of the first things we started working on when I became a Senator was the Alaska Native Land Claims Settlement Act. That became law in 1971. It was the only time in history that Congress has settled claims against the United States of aboriginal people—of our continent. It was necessary because of the very diverse number of tribes in Alaska and the size of Alaska.

I forgot to mention it earlier today, but let me mention it now: Alaska is 20 percent of the land that the American flag flies over. The State of Alaska is one-fifth of all the land of the United States.

On that land were a series of tribes that had claims against the United States. We worked for 3 years and finally, in December of 1971, passed the Alaska Native Land Claims Settlement Act. One of the conditions of that act was section 17(d)(2). That condition said: Before the Native people of the State of Alaska take their lands—Alaska was guaranteed some lands as it became a State; the Native people received some lands in settlement of their claims against the United States—there must be a study of what land should be set aside in the national interest, in Alaska. That was 1971.

For 9 years we argued over that, 9 full years. It became a slogan in Alaska, the (d)(2), 17(d)(2). We called it the "(d)(2)" issue; (d)(2) meant how much of the State was going to be set aside, and the State was prevented from taking it so it could be used to support the economy of the State. How much of it is going to be set aside to prevent the Alaskan Native people from getting the claims they really claim because it is set aside by these people who sought these withdrawals? In fact, the (d)(2) issue is what built the empire of the radical environmentalists in America.

For 9 years they raised money, advertised, went throughout the country, if not the world, to raise money to "save Alaska." Save it from what? There was not any development proposed in any of those areas. There are no roads in

there. There are fewer roads in Alaska than there are in King County, WA.

Those are diverse people, living in five different sectors of the largest State in the Union. But, no, it was an issue to withdraw them to prevent the State from getting them—prevent the Natives from getting them; because if we got them, we might develop them. The one area that was not set aside was that area; the 1.5 million acres was set aside for us to use to keep the pipeline filled.

In the time of the Persian Gulf war, I went to the oil industry and I said: You have to increase the throughput of the pipeline. It was designed for 1 million barrels per day. It was running at about 1.9 million barrels a day. They looked into it and reported back they could do it. They increased it to 2.1 million barrels per day in the interests of national defense because we were shut off from a lot of access to oil at that time of the Persian Gulf war.

Today, it is 950,000 barrels a day. We do not have enough reserves to keep the oil pipeline, the 48-inch in diameter, half-inch-thick pipeline, 800 miles from the North Slope to Valdez—we do not have enough oil to keep it filled now. Where do we get the oil in between time? My colleagues say we are getting the oil from Saddam Hussein. The only oil increase we have gotten since our throughput went down is the increase in imports from Saddam Hussein.

We do not buy it directly from him; we buy it from the Food For Oil Program, and he gets the money from that. So we are not really giving him American dollars; we are going through some other exchange. We are washing the money going into Iraq because we don't want people to think we are dealing with Iraq, but it is Iraqi oil and we all know it.

What does he do with it? He is rebuilding his military. Senator INOUE and I have just gone around the world, really—went into Afghanistan, Uzbekistan, Pakistan, and we talked to people over there about what is going on over there. We went to China, Singapore, Indonesia, the Philippines—looking at what is happening with terrorism in the world. Who is supporting them? Who do you think? Saddam Hussein is supporting them. It is known he is supporting them.

Where is he getting the money? From everybody who buys oil in those States that Senator MURKOWSKI showed, where the oil is going.

We paid Saddam Hussein \$6.5 billion in 2001—\$6.5 billion went to Saddam Hussein for his oil. The only way we can replace that is to produce our own.

We are some sort of people who listen to these obstructionists who tell us to not keep the commitment Congress made to Alaska in 1980: Forget about that. We don't need that oil.

Let me tell you that we need a lot more than that oil.

There was an interesting article in U.S. News & World Report on April 1 of

this year. It was called "A waste of energy?"

I ask unanimous consent that it be printed in the RECORD.

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

#### A WASTE OF ENERGY?

(By Gloria Borger)

Pity the poor caribou. There they are, minding their own business, roaming silently in the snow and soft tundra of the desolate Arctic landscape. Then, suddenly, they're everywhere: migrating through green Web sites worldwide, their survival the subject of urgent concern. If Big Oil starts drilling in the Arctic National Wildlife Refuge, envoirs say, the lovely reindeer are at risk. Antlers, unite!

Enough already. The caribou are fine. In fact, since exploration started around Alaska's Prudhoe Bay in 1968, the local herd has thrived. And in case you're interested, the polar bears roaming ANWR are doing nicely, too. But don't get confused: This fight over 2,000 Arctic acres is not about wildlife. It's not even about oil. It's about political theology—and a small piece of land that has become a huge symbol and great fodder for fundraising. "We need a poster on the wall, and here it is," says Bruce Babbitt, ex-Clinton interior secretary, who opposes drilling in ANWR yet keeps a certain perspective on it. "Why do we spend so much time quarreling over this tiny sliver that has no real implication for energy independence?"

Good question. Here we are, in a war likely to expand throughout the world's oil-producing region, and we're importing 57 percent of our oil—including 790,000 barrels a day indirectly from our buddy, Saddam Hussein. Has this focused the nation on a serious plan for both conservation and production? Hardly. Competing energy plans are stuck in Congress, which is oddly bent on choosing either conservation or production—and could get nothing as a result. "Energy policy doesn't have to involve either-or choices," says Tony Knowles, Alaska's pro-development Democratic governor. Then again, he hasn't spent much time in Congress lately.

To wit: The Senate disgraced itself recently when it killed a gradual increase in gasoline mileage standards for cars that could save as many as 1 million barrels a day. Soon it will most likely kill any drilling in ANWR, which might have provided a small start in the right direction. "We shouldn't let this debate paralyze a real debate over energy policy," says John Holdren, an environmental policy guru at Harvard, who opposes ANWR drilling. But it has. "People have given up on the really big issues" like clean-air policy and climate control, he adds.

That's because ANWR is too easy to spin. Consider the numbers: Drilling proponents say that ANWR will produce a tremendous amount of oil; opponents counter that it's a mirage, less than a six-month supply. The truth is that no one really knows. Kenneth Bird, leader of a U.S. Geological Survey project that studied the potential for oil in the refuge, says the range of "technically recoverable" oil is somewhere between a relatively modest 4.3 billion and 11.8 billion barrels. Different groups use different numbers. "One could spend the entire day writing letters to the editor," Bird sighs. What's more, his estimates were done in 1985. "We might be able to see more with modern seismic equipment," he says. But is anybody proposing a new federal study? Of course not.

Then there's the Big Oil argument. To hear the opponents tell the story, oil companies are salivating at the prospect of drilling in

ANWR. They're not—at least not now, because oil prices aren't high enough and they're not clamoring to spend the next decade in litigation. In fact, says Babbitt, "oil companies might not bother with it." So why is the administration pushing it? Because oil prices are bound to go up—and Republicans like oil production, which has become a popular national security issue.

And what about the environment? Sure, there's bound to be some impact. Technology has advanced, but drilling is never going to be a perfectly clean business. Purists say that's enough to bag the effort, even though no one is predicting ecological disaster. "I asked an environmentalist whether he would oppose the drilling if it were on just 1 acre, and he said he would," says a pro-drilling Democrat, Sen. John Breaux of Louisiana. "How can you fight that ideology?"

You can't. There's too much at stake here politically for either side to give. And so the nation continues to feed its oil addiction without increasing homegrown production. Meantime, real energy policy languishes while the symbols thrive. And the poor caribou start looking more like Chicken Littles every day.

Mr. STEVENS. Mr. President, I will read portions of it. It says: "A waste of energy?"

Pity the poor caribou. There they are, minding their own business, roaming silently in the snow and soft tundra of the desolate Arctic landscape. Then, suddenly, they're everywhere: migrating through green Web sites worldwide, their survival the subject of urgent concern. If Big Oil starts drilling in the Arctic National Wildlife Refuge, environs say, the lovely reindeer are at risk. Antlers, unite!

Enough already. The caribou are fine. In fact, since exploration started around Alaska's Prudhoe Bay in 1968, the local herd has thrived. And in case you're interested, the polar bears roaming ANWR are doing nicely, too. But don't get confused: This fight over 2,000 Arctic acres is not about wildlife. It's not even about oil. It's about political theology—and a small piece of land that has become a huge symbol and great fodder for fundraising. "We need a poster on the wall, and here it is," says Bruce Babbitt, ex-Clinton interior secretary, who opposes drilling in ANWR yet keeps a certain perspective on it. "Why do we spend so much time quarreling over this tiny sliver that has no real implications for energy independence?"

Good question. Here we are, in a war likely to expand throughout the world's oil-producing region, and we're importing 57 percent of our oil—including 790,000 barrels a day indirectly from our buddy, Saddam Hussein.

Remember that this is U.S. News & World Report, not Senator STEVENS.

Has this focused the nation on a serious plan for both conservation and production? Hardly. Competing energy plans are stuck in Congress, which is oddly bent on choosing either conservation or production—and could get nothing as a result. "Energy policy doesn't have to involve either-or choices," says Tony Knowles, Alaska's pro-development Democratic governor. Then again, he hasn't spent much time in Congress lately.

To wit: The Senate disgraced itself recently when it killed a gradual increase in gasoline mileage standards for cars that could save as many as 1 million barrels a day. Soon it will most likely kill any drilling in ANWR, which might have provided a small start in the right direction. "We shouldn't let this debate paralyze a real debate over energy policy," says John Holdren, an environmental policy guru at Harvard,

who opposes ANWR drilling. But it has. "People have given up on the really big issues" like clean-air policy and climate control, he adds.

That's because ANWR is too easy to spin. Consider the numbers: Drilling proponents say that ANWR will produce a tremendous amount of oil; opponents counter that it's a mirage, less than a six-month supply.

If there was ever a lie, that is a lie. The trust is that no one really knows. Kenneth Bird, leader of a U.S. Geological Survey project that studied the potential for oil in the refuge, says the range of "technically recoverable" oil is somewhere between a relatively modest 4.3 billion and 11.8 billion barrels.

It goes on. I wanted to get to that because I want to get back to Prudhoe Bay.

Prudhoe Bay's estimate was 1 billion barrels. When they looked at that, we had the fight over whether or not Prudhoe Bay should be opened and whether the oil could be transported through the Alaska oil pipeline. The estimate was approximately 1 billion barrels of recoverable oil. We have produced now over 13 billion barrels. If this estimate is similar to the other conservative estimates in terms of oil and gas, this is more oil than is dreamed of.

Why can't we drill it? Why can't people here understand that the commitments that were made ought to be kept by the Congress? It is a commitment in the law—not just a promise. It was a hard-fought battle for 9 years, as I said.

I remember that night when Senator Gravel blocked the 1978 act. It was really a bill that we passed out of conference. But the House had already passed it. We were ready to adjourn. The Senator from Alaska asked that the bill be read after the adjournment resolution could be agreed to. He couldn't read that bill in the time left for that Congress, and it died. It died.

I went home with a group of people called the Citizens for Management of Alaska Lands, and we decided we would start raising money for the next Congress. We chartered a plane to go from Juneau to Anchorage, and it crashed. I was on it with my wife Ann and five people. Only one other person—our former Ambassador, Tony Motley—and I survived. We picked ourselves up from that disaster, went back and reorganized. We started working again in 1979 and 1980 and committed ourselves to try to get the issue settled.

Do you know why? We couldn't select our Alaska State land. There was what we call a freeze on it. The Interior Department refused to process the State's request for the lands it was entitled to under the Statehood Act until this issue was settled. The Natives couldn't get their hands on it until this issue was settled. We had to agree to the 1980 act. We had no alternative. We are a land-poor society. We are a resource-based State. So we entered into the agreement. We said: All right. There were a few little tweaks and things made here.

There are some interesting things. The occupant of the chair might be interested in this.

We call this the foot of the gate of the Arctic. That withdrawal was not there in 1978. It was put there to block this road from going over to that mining district. They did not want to withdraw that area, so they just blocked the access.

There is a similar block of access here—the road into Seward. There is a similar block of access here, and a block of access in here, and a total block of access in the southeast—no roads.

That is what that 1980 act meant. There will never be, as long as those withdrawals persist, roads to connect the State of Alaska from point to point. We depend on airports and on water courses. We have only one road system that goes from Anchorage into Fairbanks and down the Alaska Highway to Canada.

I hope people listen to these things. I am not sure they do.

I will tell you a little aside. When I lost the leadership election in 1984, my friend from Kansas Bob Dole became leader. He asked me if I would help bring television to the Senate. It was then opposed by my friend Russ Long and a couple of other Senators. I conferred with them. We and the distinguished current President pro tempore decided we would allow it. We worked out bringing television to the Senate.

I do not know whether that is educational or not. We are going to have a chance this week to find that out. At least for me, this is the first time I have used the concept of the public coverage by television of the proceedings on the floor of the Senate to try to interest people from other States in an issue that affects my State so vitally. That is why I mentioned the labor leaders' meeting in the front of the Capitol today and the invitation I received this morning to speak to the building trades convention of the AFL-CIO, which I was pleased to do.

It is because people are thinking about jobs.

When I started thinking about this bill—let me go back to this. It is a good idea to go through this again. I want to make sure people understand what we are talking about. We are talking about section 1002 of the Jackson-Tsongas amendment of December 1980, signed by President Carter after he lost the election in 1980. This is the provision drafted by the two Democratic leaders at the time on this legislation. It said:

The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Refuge; an analysis of the impacts of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.

That is not an inconsistent position by Senator Jackson.

Where is a copy of that letter?

Madam President, I ask unanimous consent a copy of this letter be placed on every Senator's desk.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. STEVENS. This is dated July 3, 1980, signed by Henry M. Jackson, chairman, and Mark Hatfield, ranking minority member, of the Committee on Energy and Natural Resources. It says:

In this year of sharply heightened national concern over the economy, energy and national defense, the Senate is about to consider Alaska lands legislation—an issue which would have a profound effect on each of these vital subjects.

We write to ask for your full support of the Alaska lands bill approved by the Energy and Natural Resources Committee. After extensive hearings, study and mark-up, the Committee approved this bill by an overwhelming and bi-partisan vote of 17-1.

The Committee bill is a balanced, carefully crafted measure which is both a landmark environmental achievement and a means of protecting the national interest in the future development of Alaska and its vital resources. The bill more than doubles the land area designated by Congress as part of the National Park and National Wildlife Refuge systems; it triples the size of the National Wilderness Preservation system. It protects the so-called Crown Jewels of Alaska. At the same time, it preserves the capability of that mammoth state to contribute far beyond its share to our national energy and defense needs.

A series of five major amendments to the bill and an entire substitute for it will be offered on the Senate floor. The amendments in total would make the bill virtually an equivalent of the measure approved last year by the House. Each amendment in its own way would destroy the balance of the bill.

While the bill is a gigantic environmental accomplishment, it also is crucial to the nation's attempt to achieve energy independence. One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of the Arctic Wildlife Range, a ban sought by one amendment, is an ostrich-like approach that ill-serves our nation in this time of energy crisis.

That was 1980.

Continuing:

Instability of certain nations abroad repeatedly emphasizes our need for a stronger domestic supply of strategic and critical minerals. Each of the five proposed amendments would either restrict mineral areas from development or block effective access to those areas. Four of the seven world-class mineral finds in Alaska would be effectively barred from development by the amendments. That simply is too high a price for this nation to pay.

Present and potential employment both in Alaska and in the other states would be significantly damaged if the committee bill is amended. Cutting off development of the four mineral finds discussed above would alone cost thousands of potential jobs, many of them in the Lower 48 states. The amendment on national forests would eliminate up to 2,000 jobs in the southeast Alaska timber-related economy.

We urge you to focus on the central fact that the Alaska lands bill is not just an environmental issue. It is an energy issue. It is a national defense issue. It is an economic issue. It is not an easy vote for one constituency that effects only a remote, far-away

area. It is a compelling national issue which demands the balanced solution crafted by the Energy and Natural Resources Committee.

We look forward to your support.

Cordially,

MARK O. HATFIELD,  
*Ranking Member*

HENRY M. JACKSON,  
*Chairman*

Madam President, do you know why I read that letter? Three of the four amendments that they urged for the Senate not to adopt were, in fact, adopted. The environmental people, at that time, were growing in strength, as I said before. They won every issue but one—every issue but one. There was only one issue that the State of Alaska prevailed on that was a major issue.

There were some minor changes of boundaries that we argued about, whether this part of this town should be in that withdrawal or another part in some other area. But there were four major issues that the chairman and ranking member raised, and Alaska lost three of the four. We won one. We had a solemn commitment from the two leaders. Senator Tsongas had those four amendments that Senator Jackson and Senator Hatfield talked about. Senator Jackson and Senator Hatfield had the committee bill. They melded it. They took three of the Tsongas amendments. But they left one out. They left us access to the Coastal Plain for oil and gas exploration and development.

One wonders whether history should have anything to do with subsequent action by the Senate of the United States. One Congress cannot bind another Congress. But one Congress can enact a law that it takes another Congress to enact and have a President sign it. This is one of the things that was required, and it was the great error of my career in agreeing that the area would be open only if a subsequent law was passed by Congress approving the process which was set up.

The process was that an area would be available for oil and gas leasing. There would be an environmental impact statement. There would be seismic research to see if there was a possibility of recovering oil. If both of those proved positive, then there would be a request of Congress to authorize the use for exploration of oil and gas.

Senator Jackson later that year, on August 18, addressed the Senate. On page 21651 of the CONGRESSIONAL RECORD of August 18, 1980, he said:

Mr. President, I rise in support of the substitute offered by the Senator from Massachusetts. During the past several weeks, Senator Tsongas and I, as well as Senators Roth, Hatfield, and Cranston, have attempted to draft a compromise substitute amendment. We have before us an amendment which we believe represents an equitable solution to the Alaska lands issue.

He goes on to say later in that same timeframe:

The substitute retains the Senate Energy Committee's language relative to an oil and gas exploration program on the Arctic Coast-

al Plain in the existing Arctic Wildlife Range. Several changes in the committee's provisions were incorporated regarding the wildlife portion of the Arctic Slope study. The timing of the seismic exploration program and the Secretary's report to the Congress regarding further oil and gas exploration on the plain were also modified slightly. . . .

Taken together, this approach provides adequate protection for the affected wildlife in the area—including the Porcupine caribou herd—while insuring that an assessment of the area's oil and gas potential is undertaken.

We won one issue, and now the majority party wants to deny us that compromise.

It is an interesting area, the Arctic. Did you know, Madam President, following the great Teapot Dome scandal in 1923—the year of my birth, incidentally—the President, President Harding, withdrew 25 million acres of Alaska as a national petroleum reserve to salve the national conscience about the Teapot Dome scandal. That is what it was. That area has never really been explored for oil and gas. It was set up in 1923.

In 1943, during the conduct of the war, Abe Fortas, who many of us knew, the then-Acting Secretary of the Interior, withdrew all lands in the State of Alaska—all lands in the State of Alaska—about 20 miles south of the Circle. All of that land was withdrawn. Nothing at all could be done up there by Alaskans, the people who lived there and stayed there. He withdrew other lands—the so-called public land order 82—in the Katagkak region down here—it was a broad-scale thing—and in the Cape Lisburne area. This is the area we are talking about now that was withdrawn in 1943—not from oil and gas but from any kind of activity. That persisted until we got to the Statehood Act. And just prior to the Statehood, the Kobuk gas field was discovered just south of the Alaska Range, in that area right there.

While I was at the Interior Department, the Secretary of the Interior, Fred Seaton, amended public land order 82 allowing oil and gas exploration to take place in the Kobuk gas field. As a matter of fact, later in 1959, after we obtained statehood, Secretary Seaton further modified it to affect lands up around the national petroleum reserve of Alaska created by President Harding. And then, in December of 1960, he in effect repealed that land order. He really did it by amending the previous land order and making it possible for Alaska to select lands in that area because under the Statehood Act the State of Alaska could not explore north of the Arctic Circle without prior approval.

He gave the State the authority to select the lands. The area they selected was Prudhoe Bay. That was really divine guidance that took us to that place because that was the only place we could drill in the Arctic at the time. Alaskans found the largest supply of oil on the North American continent at

that time—on State lands, not Federal lands. Those Federal lands have never been opened to oil and gas, as intended by Secretary Seaton or by President Eisenhower. Subsequent administrations have found some way to frustrate access to the oil and gas resources of that area.

I have talked for a long time. I will talk a while longer because I will go into this amendment I filed in the second degree. I will speak more about the Arctic wildlife area and what it means. I filed an amendment in the second degree because, as I looked at the House-passed bill, it approved ANWR and it limited the amount of land that could be used to 2,000 acres out of that 1.5 million acres. All that can be used is 2,000 surface acres. But it postulates that there will be a series of bonus bids for the right to lease the land, somewhere between \$1.6 billion and \$2.7 billion. The House bill channels a portion of that money to what I would call a little carrot—a little conservation restoration of the areas already withdrawn from parts of the refuge.

I thought about that, and I thought about where the drilling in the Arctic wildlife refuge area—ANWR area, the 1002 area—would take us. It takes us a step further toward building the Alaska natural gas pipeline—something the American public should learn about, something on which I hope the great unions of this country and the steel industry and others will start educating the public.

At the time Prudhoe Bay oil was discovered, we found that gas was associated with the oil. There was no means to transport the gas, so a series of reinjection facilities was constructed and, as the oil and gas is produced, the gas is separated and it is reinjected into the ground. There are now 50 trillion to 70 trillion cubic feet of gas known to exist under State land in the Prudhoe Bay area.

We now propose that we build a natural gas pipeline to take that gas to the midwestern part of the United States. It is the largest amount of gas we know of that is not transportable so far. It would transport, when built, a pipeline 52 inches in diameter, 1 inch thick, running 3,000 miles from the North Slope to Chicago, down the Alaska Highway, through Canada, and into the Midwest. Along with that, it takes 15,000 miles of gathering pipelines and adjunct lines.

Originally, they thought about bringing the pipeline through the pristine part of Canada. That has been abandoned. The State wants it to come this way. This is the area here. We are going to follow, partially, the Alaska pipeline right-of-way and come down the Alaska Highway and go through Canada, along the route of the current pipeline through Canada.

People said: What does that have to do with drilling in the Arctic region of the Alaska Coastal Plain?

Mr. President, there is no source of funds that I can see, with the existing economic situation, in the foreseeable

future to help get that Alaska gas pipeline started other than funds from the production of oil in the Arctic Plain. The more I study, the more I find we have a really interesting situation in steel. Obviously, I am not from steel country. I don't know a lot about steel. But I have been learning a lot about it since we started this effort.

Since the year 2000, approximately 30 steel companies in the United States have entered bankruptcy, and 60,000 workers are already out of jobs in those places. In 1980, there were more than 500,000 U.S. steelworkers. By the year 2000, there were 224,000. That was 2 years ago. Since that time, we have had, as I have indicated, 30 more steel companies fold.

One of the contracts that exist between the steel companies and their workers is the benefits program—a promise that was made for the contribution to their past work in our society. It was an agreement to pay health benefits for the retirees. There are presently estimated to be 600,000 of those retirees, at a minimum. The companies they worked for are going bankrupt. There is a plan to try to consolidate the U.S. steel companies, but there is a little hitch. These workers have the right to put a lien on those assets before they are consolidated. So a plan was devised, and it is a difficult one to follow through. But it is a plan to use the fund to pay the cost of the health care delivery for the retirees and let the assets go into a consolidated steel industry that would be capable of contributing to major projects such as our Alaska natural gas pipeline.

The plan is the legacy plan, and the legacy would be to keep the commitment made to the retirees. It requires a cashflow for 30 years of \$18 billion. If the steel industry does not find \$18 billion, it is my judgment they will not be able to consolidate. If they do not consolidate, we will not have a steel industry capable of meeting our needs.

I do not know if you know it, Madam President, but recently Robert Miller, chairman and CEO of Bethlehem Steel, testified that:

Bethlehem Steel was the only domestic company with the capability to provide the special steel plate that was required to repair the U.S.S. *Cole*.

One steel company left in the United States could meet our national defense needs—one.

I told the union group today I believe there are three things that keep a democracy alive: One is food, one is oil, and one is steel. That gives us the ability to maintain our economy and to defend ourselves.

We have taken very ample care of the farmers, I have to say that. In going through this, I found that in the last 10 years we have spent \$656 billion on the farm community in regular bills and \$17 billion in the last 10 years on special emergency bills for the farm communities. How much have we spent for steelworkers? How much have we spent

for oil? Nothing. They are part of the private enterprise system and must survive themselves.

How can they survive if Congress gets in their way? We are supposed to facilitate the development of this country and maintain our economic viability. We are supposed to provide for our national defense. As a matter of fact, that is one of our constitutional duties—to provide for the national defense and promote the general welfare of this country.

I find it hard to believe we are getting so much criticism of the amendment that I have suggested. What it does is it takes part of the money that would come to the Federal Government and channels it into a fund which will address the health care costs for those retirees, enable the industry to be reconstituted, revitalized, provide money to the Department of Commerce to help with some loans and grants to those steel companies to get them going again, and provide money to the Department of Labor to train people to do some of the work we are going to need.

It is a gigantic project. There are two steel mills in the world today that are capable of rolling the pipe for the Alaska gas pipeline—two. The design of that pipeline will require one-half of the world's capability to produce steel pipe for a period of over 5 years. One project. In order to get it started by 2010, the orders have to be placed by next year. It is not possible to place those orders unless we know where there is a cashflow to take care of the problems of the retirees.

This project of ours will take 5.2 million tons of steel. It will involve \$3 billion to \$5 billion in initial steel orders alone. We are not talking about the 15,000 miles of gathering pipe. We are not talking about the hundreds of trucks that will carry that pipe down that long 3,000-mile road. We are not talking about the trucks and equipment that will improve the roads so the trucks can run on them. Most of those areas do not have roads that can hold trucks that size.

This is a gigantic project, and one must ask himself or herself: Is gas essential to our economy? Is gas essential to our national security? Is this something on which we should have a partisan dispute? Is this something that we should be here debating about a procedural issue, an issue designed to permit a group of Senators to delay action on a bill until the rest of the country can learn about it?

Actually, I am grateful to them for their filibuster against our amendments and their threat of requiring a cloture vote to terminate our debate because it means we are going to be here for a while talking about this subject. As we talk about it, I hope more and more people learn about it.

We establish in my amendment a trust fund for conservation, jobs, and steel reinvestment. It would provide \$155 million for conservation programs.

It would provide \$232 million for commerce grants to retool industries to get ready for the gas pipeline. It would provide approximately \$900 million to reestablish and make solvent the Coal Miners Health Fund. It would provide \$7 billion over 30 years to provide for the Legacy Benefits Program I described.

This is not the only money that goes into the legacy fund. The President has already put in effect the tariffs on imported steel. That money goes into the legacy fund. The companies are in the process of agreeing, as I understand it, to pay \$6 per ton on steel produced in the United States into the fund. But it is woefully short of money to meet the needs for those 600,000-plus retirees. That is not enough money to make it work.

How do we get our gas pipeline started? We try to find a way to put together the exploration and development of this continent's largest oilfield with the problems of developing a gas pipeline to transmit gases already there. We do not have to look for it. It is known gas. It is just not transportable because there is no mechanism to transport it. I believe we can do that.

I am intrigued with some of the statistics as to this pipe. As I said, it is 52 inches, 1 inch thick, and it is called X-80 pipe. It has never been tested before. In order to make it available, a portion of it will have to be rolled to test to see if the theory that has been worked out on computer is correct: That this is the type of pipe that can withstand the pressure necessary to move that gas over 3,000 miles.

Alaska now has the Alaska oil pipeline. It is a 750-mile pipeline. We call it 800, but it is 750 miles of the really big pipe. That weighed 1.2 million tons. Roads had to be specially created for that pipe to be put in place.

Alberta now has a 1,435-mile pipeline. It weighed 2.1 million tons and cost \$1.8 billion delivered. We are looking at, as I said, an enormous amount beyond either of those. The pipeline will be almost as long as the Great Wall of China.

One of the interesting things about it is, eight pipe-bending machines will cost more than \$1 million each and a 2-year lead time will be needed to get that pipe into place. They estimate they are going to need 115 backhoes, 27 D-10 bulldozers, 90 D-9s, and 16 to 20 of the large, magnum class chain trenchers.

In terms of manpower, the workforce in Alaska alone would be 2,300 jobs; in Canada 3,400 jobs. But there are jobs throughout the United States into the hundreds of thousands to build the valves, gathering the pipelines and the various pieces of equipment that are necessary to construct this pipeline.

I am saddened to say a lot of people say: That is a crass and cynical thing to do. You are just looking for votes.

That is right. We are looking for votes to open this area to oil and gas exploration so we can get the money to

start this pipeline. If taking care of and helping the steelworkers and coal workers is necessary to reconstruct the American steel industry so it can participate in it, we should do it.

I think the real problem I have is to try and figure out how we can put this into real context. With due respect to the Democratic Senators, they are shilling for a bunch of radical environmentalists who control the country now in many ways. Tomorrow I am going to speak at length about the articles that were in the *Sacramento Bee* about the way these people seek to control what the *Sacramento Bee* called "the fat of the land." They document it in a series of articles. I have those articles and I will read some of them tomorrow to make sure we know who our enemy is.

It is not the Senators from these various States. They are responding to constituents. They represent 2 to 3 percent of the constituency in most House districts, a little less than that in most elections statewide. They are very powerful, and at times such as we are in right now, look at—we were balanced 50-50. Until Senator JEFFORDS changed his mind, we were 50-50. We are a nation divided. That is when these minorities sneaked in and took control, and that is what the radical environmentalists have done.

I intend to go into that at length tomorrow. I will go further tomorrow into some more statistics about the steelworkers' problems and the reasons I have persisted, even though I must say I do not know so far any Senators who represent the steel States or the steelworker States who have agreed to assist us in this matter. I challenge them to find another cashflow area, another stream of money that will save their workers' retirement benefits. I challenge them.

This is not new. We did it for the black lung disease people in 1992. We have done it a series of times, where we have taken money from one cashflow and put it into an objective where we could not get the money otherwise, but we had a new cashflow and before it was committed, we committed it to good things. I say it this way: Take the airport development fund. All of those taxes do not go into the Treasury. They go into the fund and they pay for airports, they pay for the runways. As to the highway fund, those highway taxes go to pay for a great many things.

Take the emergency agricultural appropriations. Where do they go? They pay the John Deere bill. They pay for the medical insurance for the employees and the farmers. They pay the grocery bill when farmers have trouble. But somehow or another that is normal, right?

When we bring in an emergency bill for agriculture, we do not argue about that at all. We only ask how much more can we raise it because they are farmers. My farmers love them. I voted for those bills; I am not criticizing. I

am saying why only the farm community when there are two other streams that we must maintain to keep this democracy alive? One is oil and one is steel. I want a bill that matches them both.

I thank the Chair for her patience, and I thank my friend from North Dakota. I mean no personal offense in any way in what I say, but I think I have a right now to be disturbed. I have argued this matter in the Senate for more than 21 years. It actually started 31 years ago in December of 1971. I have been in the Senate that whole time. There has not been a year gone by we have not had an issue concerning these reactionary radical environmental groups and what their demands are on our State. Why?

There are only three of us. We are way up there. When Senator MURKOWSKI and I are at home, we are closer to Beijing than we are to Washington, DC. These environmentalists raise money by telling people the harm we are liable to do to that land, but less than one-half of 1 percent of Alaska is occupied by man. It is almost the least populated area in the world; yet it is threatened. It is threatened every day. There is another ad on the TV, another ad in a major paper about how this terrible bunch of people are about ready to destroy this land. Less than one-half of 1 percent has been occupied by man.

It is an amazing thing for me to get involved in this, but I intend to stay involved in it. Let's see if the process works. Let's see if the theory of extended debate for the education of our people still has meaning. Do people listen to us? Are they interested in what the labor leaders in the country say? Are they interested in the plight of the steelworkers? Are they interested in the plight of the coal workers? Are they interested in the future of building that gigantic pipeline that will bring the equivalent of more than a million barrels of oil and gas a day to the central part of the United States?

It would assure that the central part of the United States would have all the gas it needs for 40 years. Is that worth thinking about, worth taking some time of my colleagues to listen to me shout a little bit? I think it is, and I hope the system works.

I remember as a young man seeing "Mr. Smith Comes to Washington." I am not Mr. Smith, but I think the issue is more acute than the one he faced. The issue we face is survival. Do we go on increasing our dependence on foreign oil? How much more are we going to import?

The report I had today was it is at 57 percent in terms of imported oil. I thought it was lower than that. During the crisis that led to an embargo in the 1970s, it was less than 35 percent.

What about steel? During World War II, we produced steel for the world. We produced the steel for the allies. We rebuilt Europe. We built the tanks in the United States, and the planes and the ships that saved the world. Could we do

it again? Are we willing to contemplate doing it even to save our own system? I yield the floor.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MURKOWSKI. Madam President, I will talk for a few minutes on a couple of points. One is a letter we received from the Secretary of Energy, the Honorable Spencer Abraham. It is a letter to me. I will read excerpts.

The letter reads in part:

As everyone knows, gasoline prices have been increasing for the past several weeks in anticipation of the historically higher demand seen during the summer driving season. These increases are a source of serious concern to this Administration and I know they are of serious concern to you.

As I committed to you last year, I intend to keep you apprised of circumstances affecting our oil and gasoline markets and of the steps we are taking to mitigate their effects in the short term and address them in the long term.

Briefly, prices for crude oil have risen by over \$7 per barrel since late February—an increase of over 30 percent—adding as much as 20 cents per gallon to the retail cost of gasoline. Crude oil prices are rising because of global economic growth, OPEC production restraints, and concern over the current tensions in the Middle East and Venezuela. Of course, we are closely monitoring international developments affecting our petroleum markets.

Partly as a result of rising oil costs, the Energy Information Agency (EIA) expects an average price of \$1.46 for regular grade gasoline over the next 6 months. However, gasoline prices will peak somewhat higher in certain regions this summer. Higher gas prices strain the budget of America's working families, raise the cost of goods and services, increase harvest costs for American farmers, and ultimately create a drag on the economy that can impact the livelihood of working Americans.

He advises:

For more detailed market information, please refer to EIA's Short-Term Energy Outlook . . . online.

He further states:

Our gasoline market will be in a delicate balance this summer, as it has in the past few years. It only takes one refinery fire—as we saw last August when a fire destroyed part of Citgo's Lemont, Illinois, refinery—or a pipeline disruption—like we experienced the previous June during the Wolverine Pipeline break between Chicago and Detroit—to cause price spikes.

The onset of the driving season coincides with the annual changeover at refineries from winter fuels to specially formulated, cleaner-burning summer fuels that cost more to refine. These fuels are required to protect the public health during the peak ozone season. As recommended in the President's National Energy Plan, the Environmental Protection Agency has already improved some of the rules governing the transition from winter to summer gasoline, including a provision for increased flexibility in blending and reclassification of certain fuels. However, the gasoline market is still constrained



at times by refinery and pipeline capacity shortages in America.

As we did last year, Department of Energy will continue to keep track of gasoline supplies and pricing. We have already reinstated our 24 hour Gasoline Hotline—a 1-800 number for consumers concerned about gasoline prices (800-244-3301).

He further indicated he would be meeting with the American Automobile Association to identify ways to encourage Americans to drive smarter and prepare their cars to operate more efficiently—and save fuel and money.

I ask unanimous consent the letter be printed in the RECORD.

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

THE SECRETARY OF ENERGY,  
Washington, DC, April 11, 2002.

Hon. FRANK MURKOWSKI,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MURKOWSKI: As everyone knows, gasoline prices have been increasing for the past several weeks in anticipation of the historically higher demand seen during the summer driving season. These increases are a source of serious concern to this Administration, and I know they are of serious concern to you.

As I committed to you last year, I intend to keep you apprised of circumstances affecting our oil and gasoline markets and of the steps we are taking to mitigate their effects in the short term and address them in the long term.

Briefly, prices for crude oil have risen by over \$7 per barrel since late February—an increase of over 30 percent—adding as much as 20 cents per gallon to the retail cost of gasoline. Crude oil prices are rising because of global economic growth, OPEC production restraints, and concern over the current tensions in the Middle East and Venezuela. Of course, we are closely monitoring international developments affecting our petroleum markets.

Partly as a result of rising crude oil costs, the Energy Information Administration (EIA) expects an average price of \$1.46 for regular grade gasoline over the next six months. However, gasoline prices will peak somewhat higher in certain regions this summer. Higher gas prices strain the budgets of America's working families, raise the cost of goods and services, increase harvest costs for America's farmers, and ultimately create a drag on the economy that can impact the livelihood of working Americans.

For more detailed market information, please refer to EIA's Short-Term Energy Outlook (STEO) online (<http://www.eia.doe.gov/steo/>).

Our gasoline market will be in a delicate balance this summer, as it has in the past few years. It only takes one refinery fire—as we saw last August when a fire destroyed part of Citgo's Lemont, Illinois, refinery—or a pipeline disruption—like we experienced the previous June during the Wolverine Pipeline break between Chicago and Detroit—to cause prices spikes.

The onset of the driving season coincides with the annual changeover at refineries from winter fuels to specially formulated, cleaner-burning summer fuels that cost more to refine. These fuels are required to protect the public health during the peak ozone season. As recommended in the President's National Energy Plan, the Environmental Protection Agency has already improved some of the rules governing the transition from winter to summer gasoline, including a provision for increased flexibility in blending

and reclassification of certain fuels. However, the gasoline market is still constrained at times by refinery and pipeline capacity shortages in America.

As we did last year, Department of Energy will continue to keep track of gasoline supplies and pricing. We have already reinstated our 24 hour Gasoline Hotline—a 1-800 number for consumers concerned about gasoline prices (800-244-3301). I have also directed EIA to produce its Energy Situation Analysis Report (ESAR) each weekday in order to monitor world events that could disrupt supplies. The ESAR is released on EIA's website (<http://www.eia.doe.gov/>) daily after 5 p.m.

I will be meeting this week with the American Automobile Association (AAA) to identify ways to encourage Americans to drive smarter, prepare their cars to operate more efficiently—and save fuel and money. I also intend to meet with both refiners and gas station owners to ensure that our distribution system works well from the wellhead to the fuel pump. A flawless distribution system will help to minimize price spikes this year should disruptions occur. As we identify solutions and ideas that help consumers, we will of course provide you that information immediately.

These measures can mitigate somewhat the effects of rising gasoline prices, but the solution is more long term. We must reduce our dependence on OPEC imports of crude oil by promoting energy conservation, increasing domestic oil production, and diversifying our foreign sources of crude oil. We strongly urge Congress to send comprehensive and balanced energy legislation with all of these elements to the President.

Please let me know if you have any questions.

Sincerely,

SPENCER ABRAHAM.

Mr. MURKOWSKI. Madam President, we have been generalizing a bit on this side, relative to the National Environmental Policy Act, about groups in opposition to opening ANWR. On the other hand, I was somewhat relieved to see an ad that appeared in the Washington Post. It is entitled:

Think All Environmentalists Oppose President Bush's Energy Plan? . . . Think Again . . .

I am going to read a couple of excerpts because I think it addresses, indeed, some of the more balanced and responsible environmental groups and their opinions on activities associated with relieving our dependence on imported oil. The first is from Douglas Wheeler, former executive director of the Sierra Club:

The exploration and development of energy resources in the United States is governed by the world's most stringent environmental constraints, and to force development elsewhere is to accept the inevitability of less rigorous oversight.

What he is saying in these few words is that we can do it right in the United States because we have the most stringent environmental oversight on resource development, particularly oil and gas. He implies that is not necessarily the case in other parts of the world, and we seem very nonchalant about taking for granted where our oil comes from. There is very little concern whether the development is harmonious with the environment because our only bottom line is: We have to have the oil.

There is another statement, from James C. Wheat, III, trustee for the Chesapeake Bay Foundation:

The conservation community should take this opportunity to work closely with Congress to ensure that exploration of ANWR results in net environmental gains.

I certainly take Mr. Wheat at his word.

Further, Brian Ball, former chairman of the Nature Conservancy of Virginia:

Technology advances and increased ecological awareness have made this kind of exploration possible while leaving a minimum footprint on the surrounding environment.

Again, I will show that footprint on the chart here, which indicates the little area in red which identifies, obviously, the limitation in this legislation, which is 2,000 acres.

We also received from the Laborers' International Union of North America, Terence O'Sullivan, president, writing to each Member of this body:

On behalf of the more than 800,000 members of the Laborers' International Union of North America, I am writing to express our strong support for opening the Arctic National Wildlife Refuge (ANWR) on Alaska's North Slope for new oil exploration. I am requesting that you not only support an amendment to open ANWR as a part of comprehensive energy legislation, but also any effort to invoke cloture on the issue if necessary.

The benefits of including ANWR in a comprehensive energy bill are clear. Alaska currently provides 25% of the nation's domestic oil and opening ANWR could boost that figure to more than 50%. New drilling technologies will lessen the oil industry's "footprint" on the surrounding environment by increasing the length of directional drills and allowing for smaller and more compact production pads; if Prudhoe Bay were built today it would affect an area of land 65% smaller. Thousands of good-paying jobs would be created across the country by opening ANWR, 130,000 in construction alone. And best of all, Alaskans support drilling in ANWR by a margin of 3-1. If ANWR is not appropriate as a domestic source of oil production, then where in the U.S. is?

While exploration in ANWR is only one piece, it is a very important piece of a national energy policy that should include increased construction of power plants, including nuclear facilities, oil and gas pipelines, refineries and other energy production facilities. A national energy policy will insure a reliable and affordable source of energy while creating tens of thousands of jobs nationwide.

The Laborers and the entire building trades have a long and illustrious history on the North Slope of Alaska of training a highly skilled workforce, building a solid infrastructure, deploying the new drilling technologies and protecting the environment. That record of success is at least one reason for the strong support among Alaskans for drilling in ANWR.

For all these reasons and more, we strongly urge you to not only support an amendment to open ANWR as part of a comprehensive energy legislation, but also any effort to invoke cloture in order to allow a fair debate on the issue.

Sincerely,

TERENCE M. O'SULLIVAN,  
General President.

Finally, I noted the debate that covered the second-degree amendment which is pending to the underlying



amendment to open up ANWR. I would like to, again, highlight what this second-degree amendment specifically does because it gives America's steel industry an opportunity that otherwise it would not have—basically to rejuvenate and reconstruct the industry so it can be competitive.

We are all aware the administration provided a 30-percent protective tariff to American steel. That is going to be binding for a 3-year period of time. But what we have done here in the crafting of the second-degree amendment, which Senator STEVENS is offering, is to take the funding that would be generated from a combination of royalty and bonus bids—somewhere in the area of \$12 billion over 30 years—and take the royalty Federal share and apply it over a period of time to specifically address the unpaid legacy associated with health benefits for the steel industry. The proposal is to contribute approximately \$8 billion to the steel legacy benefit program.

I ask, Where is this money going to come from if we do not identify a source? We have the source. The source, of course, is from the revenues generated from the royalties and the bonus bids in opening ANWR.

America's steel industry is not going to get another shot at this. This is an identified source. As Senator STEVENS indicated, the prospects for the renewal of our steel industry, for it to become competitive, is given an extraordinary opportunity as a consequence of the reality that we are going to need steel in this country to build that gas pipeline.

The estimated cost of that project is about \$20 billion. My understanding is the order for the steel will be somewhere in the area of \$4 billion to \$5 billion. The last time we built a pipeline across the length of Alaska, from Prudhoe Bay to Valdez, it was 800 miles. Do you know where the steel came from? It came from Japan; it came from Korea; it came from Italy. That was 48-inch pipe.

The pipe on this steel proposal is approximately 56-inch or thereabouts—52 to 56. It is X-80 to X-100, depending on the tensile strength of the steel.

If it is not built in the United States, we know where it is going to come from. It is going to come from foreign countries. Why wouldn't this proposal stimulate the steel industry, both management and labor, to recognize we have an extraordinary opportunity to revitalize the steel industry in this country?

They have the problem obviously associated with funding of the health benefits for some 600,000 potentially retired employees. But this is an extraordinary opportunity.

In addition to the steel industry's opportunity for the major link associated with the transportation, that is 3 thousand miles roughly from the Coastal Plain to the Chicago city gate. That is what we are talking about. We are also talking about virtually thousands of miles of additional pipe associated

with development in the Arctic—with both ANWR and the ultimate development of the gas that has been discovered while looking for oil in Prudhoe Bay. That gas is about 36 trillion cubic feet of proven gas reserves.

I emphasize that as one who looks at opportunities for labor and opportunities for capital to come together with this kind of identification of a funding mechanism of \$8 billion to contribute to the steel legacy fund, there is an additional \$1 billion to the United Mine Workers combined benefit fund—this is another fund that organized labor and the coal mining industry has had a shortfall in—the contribution of \$232 million in commerce grants to retool the industry to compete in this project, as well as labor training through the Department of Labor of roughly \$155 million, training steelworkers in the new technologies associated with making this pipe, as well as the direction of funds; and \$155 million for National Park Service maintenance backlog, habitat restoration, and conservation programs.

Isn't this a pretty attractive disposition, if you will, of funds associated with the lease sale and the royalties to be generated from opening ANWR or is there a higher need? You take it into the General Treasury, and you can appropriate. But what we are doing, and what Senator STEVENS has identified so clearly, is trying to meld two opportunities. That gas is going to be developed. The reason it is going to be developed is quite obvious. We are using our gas reserves now faster than we are finding new reserves. Where are we going to get the gas? We go down to the Gulf Coast States, and we are pulling down our gas reserves very rapidly there. We get a significant decline. It is estimated to be about 40 percent when we pull down offshore gas reserves. It lasts a little longer on land.

The reference to putting together an opportunity to revitalize our industry and basically work together to train workers to address some of the combined benefits that the United Mine Workers and the coal industry are short, as well as contribute to the steel legacy benefit program, is one that needs more examination by the Senate.

Unfortunately, we have not been able to go through a committee process, as we know, in bringing an energy bill to the floor. We would have been able to pass ANWR out of committee, but the majority leader saw fit to pull it. As a consequence, we have labored on various aspects of the energy bill because it did not go through the committee process, which is indeed unfortunate. But we have to make the best of the situation.

As a consequence, the second degree that is pending gives America's steel industry an opportunity for a new lease on life. Are we simply going to lie back, address and debate the issues of the steel industry's legacy shortfall or are we going to do anything about rejuvenating this industry?

I think Senator STEVENS indicated in his comments that we need steel, we need energy, and we need food to be a great Nation. Are we going to simply let the steel industry drop off, slough off, and become more dependent on imported steel? We have already given them 3 years.

It surprises me there is not more interest from the industry. I recognize there is a good deal of politics involved. I know Senator ROCKEFELLER has been working on this issue. I see in the Wall Street Journal of April 16 a reference where Senator ROCKEFELLER says any deal that would bind opening ANWR with steel is probably dead because the White House and the House Republican leaders won't provide letters of support for the steel bailout. But he said further that commitments from both camps were crucial to guarantees. They are.

We are going to do something with the revenue from ANWR if indeed we authorize it to be opened. The question is, Do we want to, by ourselves here collectively, come together as a bipartisan group and say this is what we want the money used for?

I have the greatest respect for Senator ROCKEFELLER. He is a good friend of mine. He said in the article that commitment from both camps was crucial to the guarantee that the aid would survive final House-Senate negotiations on the broader energy bill now before the Senate.

I ask unanimous consent that the article be printed in the RECORD.

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

#### GOP BID FOR SUPPORT ON DRILLING FOUNDERS

WASHINGTON.—A steel state Democrat announced he would oppose drilling for oil in the Arctic National Wildlife Refuge, dashing a Republican bid to build Senate support for ANWR by providing aid to retired steelworkers.

Sen. Jay Rockefeller (D., W.Va.) said the deal fell through because the White House and House Republican leaders won't provide letters of support for the steel bailout. He said a commitment from both camps was crucial to guarantee that the aid would survive final House-Senate negotiations on the broader energy bill now before the Senate.

The steel issue stems from President Bush's March 5 decision to rescue the U.S. steel industry with temporary tariffs on most steel imports.

Drilling in the Arctic is a top priority of the White House and Republicans, as part of their push to reduce dependency on foreign oil. But many Republicans were dismayed at the steel offer, having opposed Mr. Bush's March 5 decision as a political ploy that undermined the U.S.'s free-trade credentials.

Mr. MURKOWSKI. Mr. President, I think the Senator from West Virginia is failing to recognize the obligation and opportunity we have to designate those funds. If we designate those funds for steel, that is where they are going to go. When Senator ROCKEFELLER says he is opposed to ANWR, I would respectfully advise him that if you can support the funding determination which is covered in Senator STEVENS'

second degree, then the funding can only come from one source, and that is ANWR.

If this body directs the funds to come from that source, it seems to me that certainly allays Senator ROCKEFELLER's concern that somehow Republicans wouldn't go along with the arrangement. We can dictate the arrangement. We can make it law.

Finally, since we are discussing this, I would like to share a little bit about the status of the steel industry in this country.

I am told there are approximately 50 impacted steel-associated facilities that have been closed since the year 2000—50 impacted facilities—and 25 million tons of steelmaking capacity impacted or eliminated since the year 2000; 25,430 lost steel jobs; idle steelmaking facilities: 6 closed steelmaking facilities in Indiana, Ohio, Utah, Alabama, Arizona, and Tennessee, 15 in Pennsylvania, 3 in Illinois, 4 in New York; in Ohio, Missouri, Kentucky, Indiana, and Alabama, 2 each; iron-rolling mills, and other steel-related and iron ore facilities: 1 in Michigan; closed rolling mills in other steel-related and iron ore facilities: In Missouri, Michigan, 2; Texas, Ohio, 6; Illinois, 4; Pennsylvania, 4; New York, Arkansas, Connecticut, 2; Indiana, California, Minnesota, Maryland, Alabama, Louisiana, 2.

Those are U.S. steel industry and ANWR production key facts.

Let me share with you the U.S. steel employment levels in 1980. There were more than 500,000 U.S. steelworkers in this country. In the year 2000, there were 224,000. It is estimated, in the year 2010, there will be 176,000—an anticipated loss of 21 percent for U.S. steel-related jobs. That is a statistic by the Bureau of Labor Statistics.

What does that mean? It means 23,000 jobs lost between 1998 and September 2001; 270,000 steel jobs lost between 1980 and 1987. There are 600,000 current U.S. steel retirees. This is what we are talking about: their health care benefits alone. That is what we can address in this second-degree amendment. We are proposing to contribute \$8 billion.

Where is U.S. Steel? Where is Bethlehem? Where are they? Where are the workers? Where are the retirees? Where are the unions on this one?

It is a source of revenue. Somebody is going to get that revenue when we open ANWR. We are talking about a marriage, if you will, of U.S. steel and U.S. jobs to build the largest pipeline ever conceived in North America, from Alaska to Chicago. What an opportunity. It is a win-win-win situation. Where is the downside?

What does that clean gas do to our environment? It cleans up our air. Forty-seven percent of U.S. steelworkers are employed in Pennsylvania, Ohio, and Indiana. Forty-five percent of U.S. steel jobs are related directly to production. Eighteen percent of the jobs are related to installation, maintenance, repair, and construction. Six-

teen percent are related to transportation and material-moving workers. Twenty percent are related to manager, professional sales, and administrative support occupations.

In 2000, 40 percent of steelworkers were covered by union contracts compared with 16.2 percent in durable goods manufacturing and 14.9 percent in all industries.

Bringing new production capacity online—that is what we are talking about—means thousands of new union members or reemploying laid-off union members.

U.S. steel financial data: Domestic steel shipments down 14 percent in the first quarter of 2001.

Between 1997 and 2001, 31 steel companies in the United States filed for bankruptcy and are in chapter 11. This represents more than 21 percent of U.S. steel's capacity.

In the late 2001 timeframe, U.S. steel prices fell to some of their lowest levels in 20 years. Nearly half of U.S. steel employees work in factories with at least 1,000 employees.

Building new high-end, 52-inch X-100 steel capacity in the United States—that is the pipeline we would build in the United States—would mean more factories that could employ thousands of new workers.

This is a \$5 billion contract. The cost of building the new 52-inch X-100 pipeline rolling capacity—it is estimated to run somewhere in the area of \$250 million per facility because we are going to need more than one facility.

Where are we going to buy it if we do not buy it in the United States? We are going to buy it from Korea, we are going to buy it from Japan, and we are probably going to buy some from Italy because that is where we got it the last time when we built the TransAlaska Pipeline.

The total market capitalization of U.S. steel companies, as of March 19, 2002, is \$12.8 billion. Contracts worth \$4 billion or more in steel for the Alaska natural gas pipeline equals one-third of the total value of the entire U.S. steel industry.

Need I say more? I can go through the companies that have filed for bankruptcy. I think I will because it may awaken, if you will, some of the folks out there who are following the debate.

This is an opportunity to rejuvenate America's steel industry—those who are not covered by the steel legacy benefits for their health care, the unfunded health programs, those who are unemployed, those who have been laid off. This is an opportunity for those companies that are still in business to come together and recognize this is an opportunity.

When is the last time we had an opportunity such as this? We debated Chrysler years ago. It was a question of whether we should give a guarantee to keep Chrysler afloat. We debated that heavily in the Congress. It was one of the first real debates we had on whether we were going to save a traditional

well-known corporation in this country. We decided to go ahead with that guarantee.

The results? Chrysler is still in business today. They are a profitable corporation. But the premise of what we did was gambling on Lee Iacocca and his imagination to rebuild the company.

For Heaven's sake, don't we have that same initiative left somewhere in America's steel industry, some CEO who wants to take the challenge? Let's make American steel competitive again. Let's make it great again. We have that opportunity.

And the opportunity is good for all of America because it brings together, if you will, the components. We have the gas. We found it while developing Prudhoe Bay. We need the gas because we are pulling down our reserves faster than we are finding new ones. We are going to build it sooner or later. It is going to require a pipeline.

For Heaven's sake, why not come together with America's steel industry and ensure it is built in America, and get on with revitalizing, if you will, this important industry?

We talk about national security. We can talk a lot about oil. I think Senator STEVENS put it very succinctly when he said: You have to have oil and energy. You have to have food. You have to have steel. So that is what we are talking about here.

States with steel companies filing for bankruptcy: In Indiana, Action Steel, Galv Pro, Great Lakes Metals, Heartland Steel, and Qualitech Steel; in Oklahoma, Sheffield Steel; in Texas, Metals USA; in Pennsylvania, Bethlehem Steel, Riverview Steel, Edgewater Steel, Freedom Forge, Erie Forge & Steel, J&L Structural, and Worldclass Processing; in Missouri, Excaliber Holding Co. and Laclede Steel; in California, Precision Steel; in Ohio, Republic Technologies, CSC Ltd., and LTV Corporation; in Alabama, Trico Steel and Gulf States Steel; in Louisiana, American Iron; in North Carolina, GS Industries; in Illinois, Northwestern Steel & Wire; in West Virginia, Wheeling-Pittsburgh; in Michigan, Vision Metals; in Utah, Geneva Steel; in New York, Al Tech Specialty and ACME Metals. That is 62,500 jobs. That is what is lost.

We are going to be debating this issue extensively, but I did want to follow a little bit on the second degree and challenge America's steel industry, challenge a couple CEOs out there who might have a little of the Lee Iacocca spirit to try to bring America's steel industry together and come to grips with an opportunity.

If we do not open ANWR, clearly it is not going to fund the rejuvenation of America's steel industry. That is apparent. That is why I hope, as we proceed with this debate, there will be a critical evaluation of the merits of opening ANWR, what it can do for our national security, and what it can do for American labor.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Alaska is absolutely right in his remarks about the need for the natural gas pipeline that is in this bill. One of the first things we did—I cannot remember if it was the Senator from Nevada or the majority leader who offered the amendment—but we offered the amendment that would create the opportunity to build a gasline from Alaska to Chicago, basically. It would be 3,500 miles long. That gasline would be 52 inches in diameter, and there would be a need for 5 million tons of steel to build that pipeline. It is estimated that pipeline alone would create 400,000 jobs.

So it would seem to me, we would be well advised to move this piece of legislation based on something we can all agree on; and that is, to bring natural gas from the North Slope to the lower 48 States. It is noncontroversial in the sense that it is bipartisan in nature. We have not only authorized the direction of that pipeline, we have also provided, in the legislation, loan guarantees for the private sector to build that pipeline. But we have gotten off on a tangent here on something that both sides have their own opinion of what is best for the country. As a result of that, ANWR is not going to happen.

But it should be recognized that the pipeline should happen. We should join together and quickly handle the remaining amendments. We are working over here to get rid of as many as we can and move this legislation forward.

The Senator from Alaska, Mr. MURKOWSKI, has worked so hard on this issue that he and Senator STEVENS believe in so fervently. I am glad we have the amendment before us. It is important we do that. Simply because I disagree with these two fine Senators from Alaska doesn't take away from the fervor they feel about this amendment. We will find during the debate that will take place in the next couple of days that there are people who believe just as fervently that this amendment is a bad idea.

That is what the Senate is all about—the ability to debate publicly issues of extreme importance to the country. The decision to be made on ANWR is important to the country.

As I have indicated, building a pipeline would not only create thousands of new jobs but would provide a huge opportunity for the steel industry. The Senate has already spoken that we encourage the use of American steel and union labor in the construction of the pipeline. The total cost of the Alaska natural gas pipeline is estimated to be as much as \$20 billion. That is a real shot in the arm.

In addition to these enormous supplies of natural gas from existing oil fields, there is another substantial opportunity to obtain additional oil and gas resources from the Alaska North Slope. It is the National Petroleum Reserve—Alaska. This reserve is 23 mil-

lion acres, as I understand it, of public land approximately the size of the State of Indiana. It was created to secure the Nation's petroleum reserves.

It is administered by the BLM which, in 1999, offered 4 million acres in the northeast portion of this for leasing. The result was an extremely successful lease sale.

That sale had a high level of interest from the industry with about \$105 million in bonus bids for 133 leases on about 860,000 acres. Exploratory drilling has already occurred, and there have been major finds by the industry there.

A second lease sale is scheduled to take place this summer. Planning is being undertaken to open an additional portion of this for leasing. Again, no new law needs to be passed in order to drill here. We are not talking about a piece of land the size of a postage stamp. We are talking about 23 million acres.

As I said while I was waiting earlier today for Senator MURKOWSKI to offer his amendment, I am very happy it is being offered. Tomorrow morning we hope Senator BINGAMAN will have the opportunity to speak. He has managed this bill. He has sat here patiently waiting for this amendment. He has some things to say. I spoke to Senator BREAUX this afternoon. He is on the side of the Senators from Alaska. He wishes to speak tomorrow. Senator KERRY from Massachusetts believes very passionately that drilling in ANWR is absolutely wrong, and he will speak for a considerable period of time to lay out his position. Senator LIEBERMAN is scheduled to come as soon as he has an opportunity to speak in opposition to the two fine Senators from Alaska.

This is going to be a good debate. I personally look forward to it, on a very serious note, and would hope the debate is, for lack of a better description, as high class as it has been to this point. There is a lot to talk about. This is an issue that is important to the country, and it is time we laid our cards on the table and at a subsequent time vote as the Senate will allow us to do, either on a procedural matter or on a substantive matter.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I very much appreciate the remarks of my good friend the majority whip. The only question I would have is whether or not the majority whip realizes that not one single steel mill in the United States has the capacity currently to make the 52-inch steel pipe that is needed for the Alaska pipeline. They neither have the capacity nor are they familiar with this particular strength of steel. It is 80 to 100 in the dimension.

So I ask the majority whip, my good friend from Nevada, how does he propose we are going to go through this transition of America's steel industry achieving the capability to make the investment when indeed a good portion

of the industry is in bankruptcy, another portion of the industry is in the process of not being able to pay its fund for health care, the legacy costs?

It is important as we get into this debate that we not generalize that somehow America's steel industry is going to participate without identifying where the funds are going to come from because the private sector is going to be very reluctant to invest in America's steel industry. That is why, obviously, the financial community did not see fit to invest in Chrysler when they had their troubled times. They exhausted all their alternatives. They came to the Congress, and the Congress came forward with a guarantee.

I ask my friend from Nevada how he proposes that any steel mill, since not one in the United States currently makes 52-inch X-80 steel pipe, how is the industry going to develop to meet the challenge of the order which we anticipate will be forthcoming?

Mr. REID. I am happy to respond to my friend from Alaska. First of all, the American Iron and Steel Institute has stated that no one in the world can make this pipe right now. But they also go on to say that if in fact there is an opportunity to do this pipeline, American entrepreneurship can do this. Remember, this legislation that we have already accepted in this bill provides loan guarantees.

I also say to my friend from Alaska, I have great faith in the American labor force and those, as I have said, entrepreneurs who have an opportunity to do good things for the country but also make money.

As far as the steel manufacturers, we have worked hard on this. As you remember, last year Senator BYRD worked long and hard on something to bail out the industry. Of course, we received little help from your side of the aisle.

Senator ROCKEFELLER, with whom I have spoken about this, recognizes that if we are going to do something for the steel industry—and we are—that it is going to take real money. We look forward to working with the steel State Senators. It is my understanding steel is now manufactured in some form or fashion in about 16 States.

We are committed to do everything we can to help that industry, not only from the management side but also for those workers who are entitled to a lot of things, not the least of which is pensions.

Mr. MURKOWSKI. Mr. President, I appreciate the response of the majority whip. I guess my frustration is in knowing how to get the two sides together. I am referring to the article in the Wall Street Journal today where they quoted Senator ROCKEFELLER saying that, supposedly, the deal was ANWR revenues for steel. He said:

The deal fell through because the White House and the House Republican leaders would not provide letters of support for the steel industry—

He used the word “bailout.” I prefer “rejuvenation.”

I ask my friend, don't we have the power in the Senate to direct the use of these funds, as opposed to what the White House happens to think is in the best interest of the industry or politics? We have the authority, do we not, to direct these funds for the benefit of the steel industry if we authorize ANWR to be opened?

I ask my friend if, indeed, he can explain to me the logic that Senator ROCKEFELLER proposes because he simply says the deal fell through because the White House and the Republican leaders would not provide letters of support for the steel bailout. Why don't we just pass the law here and designate the funds for the industry? That in itself should address the concerns of the Senator from West Virginia.

I recognize it is not appropriate to ask the majority whip to explain the rationale of Senator ROCKEFELLER; nevertheless, I think the principle is here. If we wanted to pass this, we could, could we not?

Mr. REID. First of all, while I don't like to admit it, I don't read the Wall Street Journal, so I don't know what it said. I have not read that. Senator ROCKEFELLER would have to respond to his questions. I have my own reasons why I think it would be a very bad program, not the least of which is I don't think ANWR would be improved. You would have to talk to Senator ROCKEFELLER about that. All I know is that the development of this pipeline would create jobs in steel production, pipe manufacturing, pipe laying, and construction. It would create lots of jobs. By any estimate I am aware of, the pipeline would create probably at least 300 percent more jobs than the ANWR project.

Mr. MURKOWSKI. Mr. President, I think the hour is late and I am sure we are about to wind up. I look forward to continuing the debate. I hope we can have, from the organization that represents the American steel industry, some indication by tomorrow's debate just what their attitude would be toward their ability to restructure, to meet the anticipated order associated with the 3,000-mile natural gas pipeline from Alaska to Chicago. We will attempt to contact them in the 24 hours that we have before we start the debate tomorrow to obtain their views on their ability to meet this demand and what conditions would have to be met in order for them to be competitive.

I think it is rather interesting, also—and I simply call this to the attention of my good friend, Senator REID—it is my understanding that someone in the debate, regarding the merits of the 30-percent tariff that was set for imported steel, specifically excluded 52-inch pipe. Now, I encourage Members to check on that because, to me, that pretty much gives an out for American steel. In effect, it says that all steel coming into the United States is subject to a 30-percent import tariff, except 52-inch pipe. It seems to me that is not in the best interest of what we

are talking about here, to try to encourage the American steel industry to gear up for the largest order, by specifically exempting 52-inch pipe, which is what this argument is all about.

I yield the floor.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Stevens amendment No. 3133, regarding drilling in ANWR:

Tom Daschle, Kent Conrad, Harry Reid, Ben Nelson, Barbara Mikulski, Patty Murray, Dianne Feinstein, Tim Johnson, Tom Carper, Jeff Bingaman, Byron Dorgan, Richard Durbin, Mark Dayton, Jay Rockefeller, Patrick Leahy, Jack Reed.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Murkowski ANWR amendment No. 3132 to S. 517, the Energy Bill:

Tim Johnson, Tom Carper, John Kerry, Jeff Bingaman, Patrick Leahy, Tom Harkin, Tom Daschle, Harry Reid, Hillary Rodham Clinton, Max Cleland, Maria Cantwell, Jack Reed, Ron Wyden, Carl Levin, Patty Murray, Max Baucus.

Mr. REID. Mr. President, the only remaining business is to wrap up. We will do that as soon as the Senator from Alaska allows me to go forward.

Mr. MURKOWSKI. Mr. President, I find it rather interesting that here we are, and we have started on this bill roughly at 3 o'clock; it is now roughly 6:35. I think it is extraordinary that the majority would file cloture on this amendment when not one single Member has risen in opposition to either amendment. I do grant the whip that he did mention it briefly—his opinion on certain aspects of it.

But in view of the fact that no one has spoken on the other side, I hope that these amendments could just be accepted. Obviously, that is wishful thinking. I think it, again, represents a terrible departure from the traditions of this body in the way this entire energy bill has been handled. From the beginning, it was taken away from the committee of jurisdiction, the Energy and Natural Resources Committee. It was taken away by the majority leader because he knew we had the votes to

include ANWR in the energy bill and present it to the floor for debate.

Now, he also knew that, from a political point of view, he could ramrod his bill without the benefit of the committee process. Yet he has seen fit to take to task our side for delaying the bill.

Let me tell you what happened in this bill. It was an educational process. Most Members didn't have an idea of certain aspects of the renewable portfolio, the electric portfolio. So he has opted out of the tradition of this body in the handling of this bill, and we have been on it for a very short period of time. I am talking about, obviously, the lightning rod, which is ANWR, and we all knew it. Now he has seen fit to file cloture on this amendment when not one single Member has risen in opposition to either amendment. This means that debate around here is no longer of any significance because everybody has their mind made up ahead of time.

I think it is a sorry day for the Senate when we come to this impasse and address the disposition of this paramount issue by a cloture motion so early in the debate.

Outside of expressing my extreme disappointment in the manner this has been handled, I hope that as we address the debate from here on in, it will be represented by factual information, not innuendoes, and that those speaking in opposition have some knowledge because I will venture to say virtually every Member who will speak in opposition tomorrow has never been to ANWR, has never been to Prudhoe Bay, and has never ever considered the significance of what this legislation would do for the Native indigenous people of the North Slope; namely, the Eskimo people of Kaktovik.

I am going to leave one thing for this body as we go out, and that is to reflect on the honey bucket in Kaktovik. That is the difference between a Third World nation and the realities of what a lifestyle would bring to those people who want to have the same conveniences we take for granted; that is, running water and sewer facilities. They can have it if we can open up ANWR.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, by any standard one can come up with, in any body, especially any deliberative body, being on a bill since February 18, being on a bill 19 full days of debating would be a pretty good amount of debate. By any standard, being on a bill this long, one would say is enough, but we have not had enough because under the rules of the Senate which protect debate, we are not only going to be able to debate all tomorrow, we can go all night tomorrow if anyone wants to talk. That is what this is all about.

It seems to me we have had every opportunity to have this brought before us. I have been on this floor many

times, most of the time representing the majority leader, saying: Please bring this forward. Could you do it tomorrow? I even said I think I will offer the amendment out of the House just to speed things up. Yesterday I asked: Can we start this in the morning?

The reason we have not had other people speaking in opposition to the amendment is that the two Alaska Senators would not allow us to have anybody. We wanted to intersperse speakers. Senator BINGAMAN, the manager of the bill, wanted to propound a unanimous consent request to set up an orderly process to debate. Senator BINGAMAN, being the gentleman he is, sat down and did not say a word. It is unusual that the manager of the bill has not had the opportunity to speak. He waited around, I guess, but he has been here all day.

Senator BINGAMAN is going to speak tomorrow against these amendments. I announced this earlier. I said Senator BINGAMAN is going to speak against the amendment, and Senator BREAUX is going to speak in favor. Senator KERRY wants to speak for an extended period of time. If anybody is looking for opposition to this amendment, I spoke in opposition to it today. I compared the Arctic wilderness to my home in Searchlight, NV. I compared the desert to the wilds of Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if my friend will yield for a question.

Mr. REID. I will be happy to yield to my friend from Alaska.

Mr. MURKOWSKI. Mr. President, I respectfully request the reference not be to the Arctic wilderness because, obviously, we are all aware that this is not a designated wilderness. I thank the Chair.

Mr. REID. I will be happy to restate it: ANWR, and anyplace in my remarks in the last few minutes where I said "Arctic wilderness," I was simply saying not wilderness in the sense of legislative wilderness, but it is a very remote area. The place around Searchlight is not wilderness either in the true sense of the word, but it is pretty wild desert. I did not mean to connote any legal term when I said "wilderness." It is just a place out there all alone, Mr. President.

My friend from Alaska used the words "extreme disappointment." I can relate the extreme disappointment I have had on this bill in the last 18 days waiting, waiting, waiting to get to ANWR. That is the crux of this bill. We know that. If ANWR is disposed of one way or another, we have a bill.

My friends from Alaska said they knew they had the votes. We will find out when we vote on this. Under a procedure of the Senate, unless something changes, we are going to vote on this an hour after the Senate comes in on Thursday. That is under the rules of the Senate. I know—and I repeat what I said a few minutes ago—the Senators from Alaska believe in what they are doing. I repeat the words fervently. I

do not take a bit of credit away from them for doing that. That is their job, and they have done a good job. But there are certain things that are not really—I should say they are not factual in some respects.

For example, on the energy bill, there have been a lot of hearings in the committee on which Senator MURKOWSKI sat as the chairman; now Senator BINGAMAN is the chairman. We went through this before. There were 12 hearings. Senator MURKOWSKI is right, maybe we should have had more hearings. There are not a lot of bills around here that have that many hearings on them. Anytime there is important legislation—which this is, setting the energy policy of this country—it is hard to satisfy everybody.

Senator DASCHLE did the best he could. He brought a bill before the Senate. I lost track of the time: 18, 19 days—a long time ago. We started on the 18th day of February. Senator DASCHLE has done fine getting it to this point. I think the legislation is moving along. I look forward to the debate tomorrow.

Senator MURKOWSKI wants to hear people in opposition to this. He is going to hear some. They will be just as believable as the Senators from Alaska in presenting their case.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if my friend will yield. I hate to prolong this, but I have to stay here as long as he does. I guess we have a little bit of a standoff. With respect to the committee process, I certainly concur we have had a lot of hearings, but I ask the majority whip why we did not have any markups. Why did the majority leader forbid our committee from having markups after the hearings, when a majority of the committee supported ANWR? I would certainly appreciate any enlightenment. The only thing I have ever heard is that it was perhaps controversial. But I certainly defer to the whip to advise us as to what the rationale was of forbidding any markups.

Mr. REID. Mr. President, if I may respond to my friend from Alaska—we have been through this before, but I am happy to go through it again—I had an exchange on the floor with my counterpart, Senator NICKLES, who said we had no hearings, and I listed by date the hearings we had. He said we had no markup, and there was not a markup on this bill. That is acknowledged. Perhaps we learned something from when the Republicans were in control of the Senate because their last energy bill had no markup.

We do not need to have this tit for tat. This is the Senate. There are different ways of moving things forward. Senator DASCHLE did everything by the rules of the Senate. He did not do anything that was shady or try to contrive something. He certainly did not do anything that the Republicans had not done when they were in the majority, except I believe we had a lot more

hearings on our bill than they had on their bill.

As I say, in the legislative process, this is used so many times, but it certainly is as descriptive as I can be: There are two things one does not want to watch: Sausage being made and the Senate creating legislation because it is not a lot of times an orderly process, but we do it by the rules, just as when the Republicans were in the majority they did it by the rules.

Sometimes we wish we did not have these rules, but they are here, and they are here for a reason. We have played by the rules, and we will continue to play by the rules and do the best we can.

The important issue is when we vote. That is when the real decisions are made. On occasions it is hard to get to a vote, as it has been on this issue. On Thursday morning we are going to vote.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I think it is appropriate, however, since we have the responsibility for some consistency, to refer to the manner in which the Pickering nomination was handled.

A quote from the majority leader on March 6 states:

If we respect the committee process at all, I think you have to respect the decisions of every committee. I will respect the wishes and the decisions made by that committee, as I would with any other committee.

Then at a news conference March 14, after the disposition:

Committees are there for a reason, and I think we have to respect the committee jurisdiction, responsibility and leadership, and that's what I intend to do.

Obviously, there was never an opportunity for the committee as a whole to bring the matter to the floor, and I think we all can reflect on that bit of inconsistency.

I conclude by referring to the release on October 9, 2001. It was entitled: Energy Committee Suspends Markups; Will Propose Comprehensive and Balanced Energy Legislation to Majority Leader. This was by Chairman JEFF BINGAMAN, and it says:

At the request of Senate Majority Leader Tom Daschle, Senate Energy and Natural Resources Committee Chairman Jeff Bingaman today suspended any further markup of energy legislation for this session of Congress. Instead, the chairman will propose comprehensive and balanced energy legislation that can be added by the majority leader to the Senate calendar for potential action prior to adjournment. Noted Bingaman, it has become increasingly clear to the majority leader and to me that much of what we are doing in our committee is starting to encroach on the jurisdictions of other committees. Additionally, with the few weeks remaining in this session, it is now obvious to all how difficult it is going to be for these various committees to finish their work on energy-related provisions.

Finally, and perhaps most importantly, Senator Bingaman said, the Senate's leadership sincerely wants to avoid quarrelsome, divisive votes in committees. At a time

when Americans all over the world are pulling together with a sense of oneness and purpose, Congress has an obligation at the moment to avoid these contentious issues that divide rather than unite us.

I ask unanimous consent that these quotes be printed in the RECORD.

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

[From the Congress Daily AM, Apr. 16, 2002]  
GOP PLAN TO LINK DRILLING WITH STEEL AID  
FALLS THROUGH

(By Geoff Earle and Brody Mullins)

An idea that top Republicans had been considering to link a steel program with an amendment oil drilling in the Arctic National Wildlife Refuge has fallen through, according to Sen. John (Jay) Rockefeller, D-W. Va.

"It's quite dead," Rockefeller said. "The deal was nixed by the White House."

Rockefeller said that Sen. Ted Stevens, R-Alaska, approached him last week about linking provisions to provide healthcare and retirement benefits to steelworkers using ANWR royalties. Rockefeller said that Stevens told him, "I need oil, you need steel, let's see if we can work together."

Rockefeller, who has opposed ANWR in the past, said he would be willing to back ANWR if it included so-called steel legacy provisions. But Rockefeller said he would not go along unless Republicans could produce letters from the president or vice president. Speaker Hastert, and House Energy and Commerce Chairman Tauzin, to ensure that the provisions are included in a final bill after a conference committee.

But Rockefeller said the administration told him that while a letter might be possible, "you get us 60 votes first."

Sixty votes will be needed to break a filibuster of an ANWR amendment.

Rockefeller said he did not think there were more than 54 votes for a clean ANWR bill. "The deal being off, they'll be lucky if they're at 50," he said. Rockefeller added he was searching for other vehicles to move steel legislation.

Rockefeller said he was able to draw conclusions about the lack of interest on the part of the White House from a conversation with Commerce Secretary Evans.

"The White House isn't behind it, you can forget the whole thing," he said. Rockefeller added that he plans to vote against ANWR.

Meanwhile, the Senate is expected to begin debate today on the ANWR amendment. Energy and Natural Resources ranking member Frank Murkowski, R-Alaska, had considered delaying action until Wednesday, but debate on the measure now is expected to begin today.

Majority Leader Daschle is expected to debate an amendment offered by Sens. Dianne Feinstein, D-Calif., and Paul Wellstone, D-Minn., to give the Federal Energy Regulatory Commission new authority to safeguard electricity consumers.

On other controversial amendments, Consumers Union called Monday on the Senate to strip from the energy bill a far-reaching ethanol compromise that would triple the amount of ethanol-produced gasoline.

ENERGY COMMITTEE SUSPENDS MARK-UPS;  
WILL PROPOSE COMPREHENSIVE AND BALANCED ENERGY LEGISLATION TO MAJORITY LEADER

(By Jeff Bingaman, Chairman Senate Committee on Energy and Natural Resources, Oct. 9, 2001)

At the request of Senate Majority Leader Tom Daschle, Senate Energy & Natural Re-

sources Committee Chairman Jeff Bingaman today suspended any further mark-up of energy legislation for this session of Congress. Instead, the Chairman will propose comprehensive and balanced energy legislation that can be added by the Majority Leader to the Senate Calendar for potential action prior to adjournment.

Noted Bingaman, It has become increasingly clear to the Majority Leader and to me that much of what we are doing in our committee is starting to encroach on the jurisdictions of many other committees. Additionally, with the few weeks remaining in this session, it is now obvious to all how difficult it is going to be for these various committees to finish their work on energy-related provisions.

Finally, and perhaps most importantly, Bingaman said, the Senate's leadership sincerely wants to avoid quarrelsome, divisive votes in committee. At a time when Americans all over the world are pulling together with a sense of oneness and purpose, Congress has an obligation at the moment to avoid those contentious issues that divide, rather than unite, us.

Bingaman will continue to consult and build consensus with members of his committee, with other committee chairs and with other Senators as he finalizes a proposal to present to the Majority Leader.

If we respect the committee process at all, I think you have to respect the decisions of every committee. I will respect the wishes and the decisions made by that committee, as I would with any other committee.—Senator Tom Daschle, News Conference, March 6, 2002.

Committee are there for a reason, and I think we have to respect the committee jurisdiction, responsibility, and leadership, and that's what I intend to do.—Senator Tom Daschle, News Conference, March 14, 2002.

For whatever reason, the Republicans are slow-walking the energy bill. They appear not to want to move this to final passage or to a conclusion. We're not sure why they're not more supportive of bringing the debate to a close, but they have yet to offer the ANWR amendment and some of the other more controversial amendments. So we've been on the legislation 12 days already, and, you know, that's almost three weeks, and we have—we have very little prospect of finishing the legislation any time in the foreseeable future. So we're going to have to make some decisions about cloture when we get back, but its disappointing that they have not been more willing to move the legislation forward than we've seen so far.—Senator Tom Daschle, News Conference, March 21, 2002.

Mr. MURKOWSKI. I think it speaks for itself that indeed there is an inconsistency. When it benefits the other side, they basically steamroll the process by excluding the committee. They have seen fit to do so, and the energy bill is certainly the most recent, and I think the most blatant, inconsistency associated with the administration of the leadership. I think this is certainly evidenced even further by the manner in which the cloture motion has been laid down this evening, after only less than 3 hours of debate on what, indeed, the majority whip identified as the major issue in the energy bill.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this indicates how tough Senator DASCHLE's job

is. He is criticized for doing something in the committee. He is criticized by the minority for doing the work in the Committee on the Judiciary. When he does that, he is criticized. When he does not do it, he is criticized on the energy bill.

We do not need this tit for tat stuff, but at least having been in the Senate during the time the Republicans controlled the Judiciary Committee we are at least having hearings for the judges. They would not even do that. We had judges who waited 4 years and did not even get a hearing. I do not think the Judge Pickering nomination is a good example because if they use how they treated our judicial nominees, that is those under President Clinton, we would win that in a slam dunk.

We are moving judges more rapidly than they did. We are giving all the judges hearings as quickly as possible. My personal feeling is the Pickering nomination is not a good example of how the Republicans have treated us with the Judiciary Committee. Maybe some other committee but not Judiciary, because we, for lack of a better description, took it in the shorts with our judicial nominees.

#### LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

Ms. LANDRIEU. I am delighted to participate in a colloquy with Senator KENNEDY on the important issue of the Low Income Energy Assistance Program.

I want to recognize Senator KENNEDY's tireless work on behalf of the people in need that this program strives to serve. In particular, I want to laud his efforts to increase LIHEAP authorizations. For too long, this program has not kept pace with Congress' original intent. No one has been more acutely aware of this than Senator KENNEDY himself. He has worked diligently to ensure LIHEAP is fully funded, including an effort to commit \$3.4 billion to the program.

Unfortunately, it takes more than the tireless work of even such a distinguished Chairman as Senator KENNEDY to make this change. It takes each of us in Congress, and a willing administration as well. Unfortunately, that will has not yet been there. In fact, LIHEAP's average annual appropriation since 1984 has been \$1.4 billion.

Mr. President, 22 years ago, LIHEAP was amended, following its original enactment in 1981. With the 1984 amendments, Congress put in place an elegant, simple and straightforward mechanism to ensure these scarce Federal resources got to those low-income Americans in greatest need. It accommodates: Annual updates of State expenditures for low-income home energy requirements—regardless of fuel source—for heating and cooling. Changes in weather—including heating/cooling degree days and fuel price volatility—for electricity, fuel oil, liquid petroleum gases and natural gas.

I have just described to you as near-perfect a means as possible to get the



funds to those low-income Americans in greatest need. This mechanism can get funds to low-income Californians reeling from gas and electric price shocks, or Georgians who last summer endured crushing gas bills.

However, LIHEAP funds do not flow to all the places they are needed today but instead where they were needed in 1979 and 1980.

Back then, it was assumed that LIHEAP appropriations would rise, and the allocation mechanism mentioned above has been cast aside. The law states that unless LIHEAP appropriations exceed \$1.975 billion, the elements described above do not control. Instead, the controlling factor is a state's receipt of funds in 1981.

Much can happen in 22 years. For example, from 1980 to 2000: Dallas' population grew from 904,074 to 1,118,580; Clark County, NV's population grew from 463,087 to 1,375,765; Greater Phoenix, Arizona grew from 1,509,000 to 3,072,000.

It would be unfortunate, if we were unable to respond to such situations, in these areas, or to the needs of the citizens of my own State of Louisiana, merely because LIHEAP was locked into the past. We need to address today's problems as well.

Mr. KENNEDY. Mr. President, I thank Senator LANDRIEU for her comments and commend her for her steadfast commitment to the Low Income Home Energy Assistance Program. She is an outstanding advocate for needy families in Louisiana and across the country. She is correct that the program demands and deserves significantly more funding than it currently receives. I'm sure she's as pleased as I am that LIHEAP's authorization levels are increased in the underlying bill. I look forward to working with her and with her colleagues on the Appropriations Committee to increase funding for this vital program.

Senator LANDRIEU has raised some very important concerns about the program which must be addressed during the re-authorization process. I plan to hold hearings on this issue and invite Senator LANDRIEU to testify. Her proposals will play a very serious role during consideration of LIHEAP re-authorization.

Senator LANDRIEU raises a critical point regarding the vulnerability of our poorest citizens to extreme weather conditions. My State is the home of ground-breaking research on the negative health impacts of extreme temperatures, particularly on poor children with chronic illnesses suffering through cold winters. Research at the Failure to Thrive Clinic at Boston Medical Center has indicated that needy children often start to lose weight and suffer additional problems associated with malnutrition, because their families are spending less of their meager incomes on food and medicine, and more on fuel bills. No family should have to choose between energy, rent, prescription drugs, or food.

LIHEAP helps families meet their home energy needs, so they can meet other immediate priorities, too.

From 1979 to 1998, the Centers for Disease Control reports that there were 7,421 deaths in the United States due to heat stroke. Over the same time period, CDC says 13,970 people died of hypothermia, or exposure to cold. In Massachusetts, people who cannot afford to heat their homes efficiently often employ more dangerous methods of heat—such as using space heaters or simply leaving oven doors open. In winter 2000, an unseasonably cold winter for my state, deaths from home fires due to space heaters surged in Massachusetts. Nearly one out of every five fire deaths in Massachusetts in 2000 was caused by a space heater.

Had LIHEAP been fully funded, and had the program reacted more effectively to crises, we would have been able to save lives. The real tragedy of this debate is that the flexibility already in LIHEAP isn't being utilized. Emergency LIHEAP funding, desperately needed in Louisiana, Massachusetts, and across the country, is still sitting at the White House.

The Bush administration is sitting on \$600 million in LIHEAP funds that can be placed wherever it is needed most. Half of this emergency funding was approved by Congress in the previous fiscal year. LIHEAP applications keep increasing, the economy still struggles, and States are forced to cut LIHEAP benefits for our people—but the administration keeps claiming an "emergency" doesn't exist while thousands of families are still facing the terrible choice of heat, cooling, or food. The Bush administration can reach the families it mentioned in its budget message right now by releasing the emergency funds. Until it does so, the administration can't discuss improving LIHEAP with any credibility.

Ms. LANDRIEU. Mr. President, I wish to thank the senior Senator from Massachusetts, Senator KENNEDY, for his interest and commitment to addressing this issue during reauthorization. I look forward to working closely with Chairman KENNEDY on this matter next year as well as the opportunity to testify before his committee. Throughout the South and the Southwest there is an urgent need for this reform and I am grateful for Senator KENNEDY's support.

#### RENEWABLE PORTFOLIO STANDARD

Mr. GRAHAM. Mr. President, we have heard hours of debate on the Senate energy bill. One of the messages that we've heard repeated in statements on many different energy related subjects is that energy policy is highly influenced by region. Energy policy that works in one region may not work in another, nor do policy decisions necessarily translate from state to state. For example, Florida's unique topographic, climatic, and geological conditions make it impossible to harness certain forms of renewable energy, such as wind and hydropower. Just as

it would be difficult for the State of Alaska to rely on solar energy during its dark winter months. For these reasons, I have expressed my concern to the chairman of the Energy Committee, Senator BINGAMAN, that a broadly applied renewable portfolio standard will not work optimally for all fifty states of the union. While I remain supportive of expanding the use of renewable energy supplies as an important part of our national energy portfolio, I prefer an approach that treats regions and states with deference to their unique circumstances. An RPS standard cannot be rigid, but must be flexible.

Mr. BINGAMAN. I have been working with my colleagues from Florida for some time to address their concerns with the renewable portfolio standard in the Senate energy bill. Let me say that I think it is critical to increase the use of renewables in order to decrease our dependence on fossil fuels and foreign imports. However, I also appreciate the differences that occur from region to region and State to State. I would like to extend an offer to Senators GRAHAM AND NELSON to work in conference to find some method that will enable a renewable portfolio standard to accomplish the goal of increasing renewables while recognizing the legitimate differences among States. I believe that we can find an appropriate way to help each state include a renewable standard as part of their overall energy production, and I am committed to working with Senator GRAHAM to accomplish this.

Mr. GRAHAM. I want to thank Senator BINGAMAN for his work on the energy bill and for his offer to help address on my concerns with the renewable standard specifically. I look forward to working together on this important provision, and I withdraw my related amendments.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for a period up to 5 minutes.

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

#### SELECTING DAVID AND ANN SCOVILLE TO RECEIVE THE NATIONAL CRIME VICTIM SERVICE AWARD

Mr. LEAHY. Mr. President, I join all Vermonters in congratulating David and Ann Scoville on receiving the National Crime Victim Service Award of 2002. We thank them for all they do to help the victims of crime and to help the public understand victims' needs.

Nearly 20 years ago the Scovilles suffered every parent's nightmare—the disappearance and murder of their daughter, Patricia. The crime that took her from them remains unsolved to this day—a situation that has compounded the Scovilles' suffering and



one that also torments many other families.

Through their lives and examples, the Scovilles have become role models for grieving families who have suffered similar losses. They have summoned the courage and compassion to harness their pain for positive outcomes. They have made it their work to help other families escape the anguish they endured, and to help raise the awareness of public officials about the importance of victims' participation throughout all phases of the criminal justice process.

Victims of murder, rape, domestic violence, sexual assault and other crimes deserve the understanding and support of the American people and of the Congress. We have a duty to ensure that the criminal justice system is one that respects the rights and dignity of crime victims, rather than one that complicates or even exacerbates the suffering of those already victimized.

Congress has listened to their counsel and to the counsel of other victims of crime. Over the past two decades many of us have worked hard to pass laws that have provided victims with greater rights and assistance, including stronger protection for witnesses of crime; a Victims' Bill of Rights; protection for female victims of violence; mandatory restitution for crime victims; special awareness of the needs of victims with disabilities; special programs for victims of terrorism; and an act for victims of trafficking.

We continue the fight to win more rights and help for victims of crime, largely because the victims' rights agenda in Congress has been advanced, year by year, by advocates like the Scovilles. I, with Senator KENNEDY, have introduced the Crime Victims Assistance Act of 2001, which focuses on protecting victims' rights, including victims' enhanced participatory rights at trial and sentencing.

This legislation requires that a responsible official consult with victims prior to detention hearings, and consider victims' views about any contemplated plea agreement. It calls for the presiding judge to inquire regarding victims' views on detention, and prohibits the court from entering a judgment upon a guilty plea without regarding victims' views. The bill also provides for enhanced victims' rights regarding the right to attend the trial and sentencing. Victims are also given specific rights regarding notice of sentence adjustment, discharge from a psychiatric facility and executive clemency.

In addition to these improvements to the Federal system, this legislation proposes several programs to help States provide better assistance for victims of State crimes. These programs would improve compliance with State victims' rights laws, promote the development of state-of-the-art notification systems to keep victims informed of case developments and important dates on a timely and efficient

basis, and encourage further experimentation with the community-based restorative justice model in the juvenile court setting.

We were able to include much of the Crime Victims Assistance Act in last year's USA PATRIOT Act supported by Republicans and Democrats. One major provision that remains to be achieved, however, is to eliminate the artificial cap on the Crime Victims' Fund, which has prevented millions of dollars from reaching victims and from supporting essential services for them.

While we have greatly improved our crime victims assistance programs and made advances in recognizing crime victims' rights, we still have more to do. I commend David and Ann Scoville for their leadership and look forward to continuing to work with them to advance crime victims' rights legislation, and to make a difference in the lives of crime victims.

#### ADDITIONAL STATEMENTS

##### HOLOCAUST EDUCATION ASSISTANCE ACT

• Mr. DEWINE. Mr. President, I rise today, during these Days of Remembrance, to remind my colleagues about those who perished, but also those who persevered, in the unimaginable atrocities of the Holocaust.

Through remembering the Holocaust and teaching generation after generation about the atrocities that occurred over 60 years ago, we can help ensure that such tragedies do not repeat themselves. General Dwight D. Eisenhower recognized this long ago. After visiting the Ohrdruf concentration camp in 1945, General Dwight Eisenhower arranged for mass witnessing of the camps by military, press reporters, and photographers. "Let the world see," ordered Eisenhower. He realized that the world must bear witness to the atrocities of the Holocaust, and that it was necessary to teach our children about what had happened.

To help make sure that future generations continue to learn about and remember the Holocaust, my friend and colleague from Connecticut, Senator DODD, and I introduced a bill last week, called the "Holocaust Education Assistance Act." Our new bill would authorize two million dollars for grants to schools and school districts to develop a curriculum that teaches our students about the Holocaust, the triumph of the Jewish people, and all who helped them persevere.

At the same time, it is also important to teach our children about the thousands of individuals, both Jewish and non-Jewish, who took a stand against the persecution and killing of innocent people. I am reminded today of an obituary I read in the New York Times a couple of years ago, of a man named Jan Karski, who was one of the first to stand up to the injustice of the Holocaust. I am reminded of the role

he, and many others, played in our modern history. He had a unique view of an appalling and shameful era of history. Let me explain.

During World War II, Jan Karski brought Allied leaders in the West—at no small risk to his own life—what is believed to be the first eyewitness reports of Hitler's indescribable acts of hate and cruelty against the Jews. In 1942, Jewish resistance leaders asked Jan, then a 28-year-old courier for the Polish underground, to be their voice to the West—to convey to the Allies an actual eyewitness account of the genocide in Europe.

He readily accepted this dreadful task, because he knew that someone had to tell the world exactly what was happening in Europe. Though he succeeded in relaying the nightmarish stories to Western leaders, his reports were met initially by indifference. While many others would eventually confirm Jan's horrifying accounts of the Jewish concentration camps and the Warsaw Ghetto in Poland, he was one of the first, and one of very few, to take action against these atrocities.

We are discovering that Jan was not the only witness to the slaughter of innocent civilians by Nazi Germany. We are learning more about the atrocities of the Holocaust through thousands and thousands of pages of previously classified material about Nazi war criminals, persecution, and looting. This information is being made available by a dedicated group of individuals, both in government and in the private sector, who are working hard to declassify these important pieces of history. This effort is the result of the "Nazi War Crimes Disclosure Act" legislation passed and signed into law with the help of my friends and colleagues from New York, Senator PATRICK MOYNIHAN and Congresswoman CAROLYN MALONEY.

The documents that are now public can serve as tools for education, to teach our children the horrors of the Holocaust, so that it will never be repeated.

Jan Karski persevered, but for the rest of his life, he carried the sights, the sounds, the smells, and the sadness of the Holocaust with him. Karski, himself, once said: "This sin will haunt humanity to the end of time. It does haunt me. And, I want it to be so."

Jan Karski wanted us all to be haunted by the Holocaust. He wanted us never to forget. He devoted his life to ensuring that such inhumane horror would be present forever in our collective conscience, so that we, above all else, would never let this dark chapter in our history ever, ever repeat, itself.

To understand the Holocaust is to remember the lives of those who perished and those who resisted, to remember, "always remember," as Jan would say, what their sacrifices meant, and still mean, for our world. Stories such as Jan Karski's should never be forgotten and the way to ensure that is through education.●

# STRENGTHENING THE PUBLIC'S HEALTH AND FIGHTING BIOTERRORISM

• Mr. AKAKA. Mr. President, I rise today to talk about strengthening our medical care community against the threat of bioterrorism. As chairman of the Subcommittee on International Security, Proliferation, and Federal Services, I held a hearing in July 2001 where representatives from the Federal Emergency Management Agency and the Department of Health and Human Services discussed the activities underway by dedicated Federal employees across the Government to prepare our communities for a biological crisis. On October 17, 2001, I co-chaired a joint Subcommittee/Governmental Affairs Committee hearing to discuss further the public health implications of bioterrorism. Coincidentally the hearing was held on the same day the Hart Senate Office Building was shut down because of the anthrax attack.

Through these hearings, and several others held in both the House and Senate, we have learned that the Federal Government is not unprepared to deal with bioterrorism. However, preparedness levels are not uniform or consistent across the United States, and there are considerable and serious problems. As I said during our hearing in October, while not unprepared, America is clearly under prepared.

Now, almost 6 months to the day after the first anthrax letter arrived in Hart, I urge my colleagues to join me in sponsoring two initiatives that are modest in nature but which have profound impact on our fight against bioterrorism.

The first initiative, S. 1560 the Biological Agent-Environmental Detection Act, will increase our efforts to develop the necessary tools to minimize the impact of bioterrorism by reducing the number of people exposed and alerting authorities and medical personnel to a threat before symptoms occur. Current methods are not adequate to monitor the air, water, and food supply continuously in order to detect rapidly the presence of biological agents.

The Biological Agent-Environmental Detection Act establishes an inter-agency task force to coordinate public-private research in environmental monitoring and detection tools of bioterrorist agents. The act authorized appropriations totaling \$40 million to the Department of Health and Human Services to encourage cooperative agreements between Federal Government and industry or academic laboratory centers, and pursue new technologies, approaches and programs to identify clandestine laboratory locations. The act also establishes a means of testing, verifying and calibrating new detection and surveillance tools and techniques developed by the private sector. Secretary of Health and Human Services Thompson supported this legislation and the authorization amount during the Subcommittee/Gov-

ernmental Affairs Committee Hearing in October.

Senator ROCKEFELLER and I introduced S. 1561 Strengthening bioterrorism preparedness through expanded National Disaster Medical System training programs. This measure provides training for health care workers for bioterrorism or any biological crisis. Strengthening the public health system is very important and is being addressed by several congressional and administrative initiatives. But public health does not translate necessarily to the medical community. Creating a critical line of defense against bioterrorism must involve health care professionals. Training of emergency medical technicians, physicians, and nurses has been hindered by a lack of economic incentives for hospitals and clinics to make available formal training opportunities.

In fiscal year 2001, the Department of Veterans Affairs, VA, was appropriated \$800,000 to establish a training program for VA staff for the National Disaster Medical System, which is made up of VA and the Departments of Defense and Health and Human Services, and the Federal Emergency Management Agency.

One such training program, open to VA and Department of Defense staff as well as their community counterparts, took place earlier this year. The Akaka-Rockefeller bill expands this program by drawing on established partnerships between the 173 VA hospitals and community hospitals and using existing VA resources to implement a telemedicine and training program for local health care providers in bioterrorism preparedness and response.

In formulating a congressional response to bioterrorism, we must not forget the role our local and community hospitals would play in such a crisis. We must provide our professionals, public health officials, and emergency managers the earliest possible warning of pending outbreaks. I know our scientists and engineers can develop robust, effective, and accurate detection methods. Likewise, I believe we have the best and most dedicated health care staff in the world. They deserve to have the training and information needed to protect and treat Americans in instances of biological terrorism.●

## THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

• Mr. ENZI. Mr. President, it is with a great deal of pride that I share with my colleagues the names of several Wyoming students who are being honored for their outstanding community service with a Prudential Spirit of Community Award.

These awards, in their seventh year, are presented by Prudential Financial, together with the National Association of Secondary School Principals. They honor the young people of our State who were nominated for their remark-

able acts of volunteerism. This year a record 28,000 young men and women were considered for this special award.

The two top youth volunteers from my State are Chelsie Gorzalka, 17, of Clearmont and Tabetha Waits, 12, of Rawlins. We can be proud of each of them for the difference they have made in their communities. Their efforts help to make their home towns better places to live.

Chelsie Gorzalka is a member of the Sheridan County Extension 4-H and a senior at Arvada/Clearmont High School. Chelsie received her nomination for the puppet plays she puts on around the State in an effort to educate our young children about the dangers of tobacco and drugs.

Tabetha Waits of Rawlins Middle School was nominated for her organization of "You Can't Break Our Stride" an all-school walkathon that raised nearly \$10,000 to assist the families of those who were affected by the September 11 terrorist attacks.

These two award winners, along with the two honorees who have received this award from each of the other States, the District of Columbia and Puerto Rico, will receive a \$1,000 award, an engraved silver medallion, and a trip to the Nation's capital. During their stay here, ten from among that group of finalists will be named America's top youth volunteers for 2002.

In addition to Chelsie and Tabetha, I would like to congratulate our State's two distinguished finalists.

Cory Poulos, 18, was nominated by Natrona County High School. He organized and participated in a Roof-Sit fundraiser that collected more than \$5,000 to benefit "Families of Freedom," a post secondary education fund for children whose parents were injured or killed in the September 11 terrorist attacks.

Mark Sabec, 17, was nominated by Natrona County High School as well. He created "No Casualties," a peer and adult mentoring project aimed at reducing the number of school dropouts in his community.

Our congratulations goes out to these fine young people and to all those who participated in the awards program. Thanks to them, it is clear that our future is in good hands.●

## IN SUPPORT OF ONCOLOGY NURSES AND ONCOLOGY NURSING SOCIETY

• Mr. REED. Mr. President, I would like to bring to the attention of my colleagues the important role that oncology nurses play in the care of patients diagnosed with cancer.

This year alone 1,284,900 Americans will hear the words "You have cancer". Everyday, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Cancer is a complex, multifaceted, and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. Oncology nurses play a central role in the provision of quality cancer care as they are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients may experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial, and supportive care to patients and their families. In short, they are integral to our nation's cancer care delivery system.

The Oncology Nursing Society, ONS, is the largest organization of oncology health professionals in the world with more than 30,000 registered nurses and other health care professionals. Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. The Society's mission is to promote excellence in oncology nursing and quality cancer care. To that end, ONS honors and maintains nursing's historical and essential commitment to advocacy for the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities, and networks for peer support.

The ONS has a chapter that serves the state of Rhode Island and the southeastern Massachusetts areas. This chapter helps them to continue to provide high quality cancer care to those patients and their families. On behalf of the people of Rhode Island, I want to express my appreciation for all that these amazing nurses do to advance the health and well-being of people with cancer and to further the practice of oncology nursing.

Despite significant breakthroughs in the treatment, early detection, and prevention of cancer, two-thirds of new cancer cases strike people over the age of 65 and the number of new cancer cases diagnosed among the elderly is projected to more than double by 2030 as the Baby Boom generation ages. The impact that cancer has on our nation, especially on the Medicare Program, cannot be underestimated or overlooked. In addition, more than 115,000 nursing positions will go unfilled by the year 2015—a factor which—taken with eroding Medicare payment for outpatient cancer care—further exacerbates the challenge of a growing number of cancer cases.

This week more than 5,000 oncology nurses from around the country have traveled to Washington, DC to attend the Oncology Nursing Society's 27th Annual Congress. This year's theme is aptly titled "The Many Faces of Oncology Nursing." The attendees will increase their knowledge of the newest

cancer treatments, learn the latest developments in cancer nursing research, and enhance their clinical skills and contribute to their professional development. In addition, approximately 550 of these nurses—representing 49 states—will come to Capitol Hill to discuss issues.

I would like to commend the Oncology Nursing Society for all of its efforts over the last 27 years and to thank the Society and its members for their ongoing commitment to improving and assuring access to quality cancer care for all cancer patients and their families.●

#### CYGNUS

● Mr. CRAIG. Mr. President, I rise today to congratulate Cygnus, Inc. of Ponderay, ID on being recognized as one of Boeing's Top 25 Suppliers for the C-17.

As we all know, the C-17 is one of our key aircraft. Since it was first put into service in 1993, the C-17 has proven its worthiness as an extremely flexible airlift aircraft vital to our national security. Lately, Congress has reaffirmed its commitment to the C-17 by authorizing the purchase of additional aircraft. This is the right thing to do and I applaud my colleagues. In this day and age, we need a rapid-deployment airlift aircraft that can reach remote areas. The C-17 delivers and we must continue to support the program. Not only is it important for our national defense, it is money well spent because of quality subcontractors like Cygnus.

Cygnus has supplied top-notch parts for the C-17 since the first aircraft rolled off the assembly line. Today, Boeing and Cygnus celebrated the delivery of the parts for the 100th C-17 and Boeing will recognize Cygnus as one of the top 25 suppliers for the program.

Cygnus is a real success story of Idaho. It started in 1998 and since then has grown to sixty-five employees, forty-five of which work on its C-17 program. What is truly remarkable is they have taken those 65 employees, who didn't have experience in the aerospace manufacturing field, and turned them into a stellar team supplying our Nation's military. Because they have chosen to locate in Ponderay, ID, they have helped to diversify the local economy from a natural resource dependent economy to one that has a diverse industrial base.

Boeing is not the only one to recognize Cygnus' performance. In 2000, Region 10 of the Small Business Administration recognized Cygnus as the Subcontractor of the Year for their outstanding work on the U.S. Navy's F-18 E/F program.

Since September 11, our country has recognized, more than ever, the sacrifice that our Nation's military gives to protect our freedoms. Today, I also want to recognize the effort that our civilian laborers put into the effort. Much like Rosie the Riveter assisted

our troops in World War II, our civilian manufacturers of today, working with our military, will ensure the freedoms we all enjoy.●

#### REVEREND DR. BYRON HOWELL BROWN, JR.

● Mrs. CLINTON. Mr. President, the congregation of Christ Church and the Village of Garden City experienced a great loss when the Reverend Dr. Byron Howell Brown, Jr. passed away on Saturday, April 13. Father Brown, as he was affectionately known by all those who knew him, was a life-long resident of Garden City and was instituted as Rector of Christ Church in 1967. Throughout his tenure as Rector, Father Brown was the spiritual leader of several generations of parishioners, but it would be impossible to quantify how many lives he touched. Father Brown truly practiced the lessons that he preached. He was a faithful and committed rector, husband, father, grandfather, coach, counselor, mentor, and friend. He will be deeply missed by all those who were fortunate enough to know him, learn from him, and hear his message of God's abiding love. Through his devotion and kindness to his congregation, his family, and all those he served, he set a standard to which we should all aspire.

Father Brown will be laid to rest tomorrow, with a mass of Christian burial at the Cathedral of the Incarnation. But Father Brown's spirit and kindness will live on through his beloved wife Marylou, his children Jeanne, Thomas, Timothy and Janice, his daughters in law Lisa, and Mary Patricia, and especially through his grandchildren Aidan Byron, Sarah Margaret, Frances Anne, and Matthew George.●

#### LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 8, 1997 in Rock Island, IL. A gay man was attacked by two youths who used anti-gay epithets. The assailants, Nicholas S. McGonigle, 18, and Donald Thompson, 17, were charged with aggravated battery and a hate crime in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

## CLARIFICATION OF THE RECORD

• Mr. WYDEN. Mr. President, on April 9, 2002, on the floor of the U.S. Senate, I announced the cancellation of the Mt. Hood National Forest Eagle Creek timber sales. These sales were sold under the salvage rider, enacted in 1996 by the 104th Congress. During my floor speech, I reiterated my opposition to the salvage rider, but also inadvertently referred to salvage sales instead of confining my remarks to salvage rider sales.

I have been, and will continue to be, a supporter of salvage sales involving the commercial recovery of dead or dying timber, when such sales make sense for the health of the forest. In fact, I worked very hard to make sure that a salvage sale project went forward in the wake of the 1996 Summit and Tower fires, and I continue to support constructive salvage work being done to improve forest health throughout the National Forests.

As I continue to work toward comprehensive forestry legislation which will include both active forest management and old growth protection, I thought it important to correct the RECORD.●

## RECOGNITION OF JOYCE MAISH

• Mr. BROWNBACK. Mr. President, I take this moment to recognize Joyce Maish, a high school business teacher in Augusta, KS. Joyce was one of twelve teachers across the United States who was named Teacher of the Year by the National Foundation for Teaching Entrepreneurship.

Joyce has been a teacher at Augusta High School for twenty-five years. At the high school, Joyce conducts a "Youth Entrepreneurs for Kansas" class, in which she attempts to focus the ideas and dreams of her students on the possibility that they could someday start their own businesses. Moreover, she has done an outstanding job of bringing in local business owners and officials from Augusta and Wichita to speak to her students to teach them about the realities of business enterprise.

Joyce Maish is a role model teacher for Kansas and for the Nation. I am very pleased that the National Foundation for Teaching Entrepreneurship has honored Joyce for her years of excellence. I wish Joyce continued success in all of her future endeavors.●

## CONGRATULATIONS AND GOOD LUCK TO HIGHLANDS HIGH SCHOOL

• Mr. BUNNING. Mr. President, today I rise to congratulate the young men and women of Highlands High School in Fort Thomas, KY for being chosen to represent the Commonwealth of Kentucky in the national finals of the We the People . . . The Citizen and the Constitution program. The competition will take place May 4-6 here in Wash-

ington and will include more than 1,200 students from across the United States.

The three-day national competition is appropriately modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on various constitutional topics. Questions ranging from factual concerns of how the framers created the Constitution to more analytical questions such as how a member of Congress should represent his or her constituency will be directed at the students to determine their depth of understanding and ability to apply their constitutional knowledge.

The We the People . . . program, directed by the Center for Civic Education and funded by the U.S. Department of Education, has provided curricular materials at upper elementary, middle, and high school levels for more than 2.5 million students nationwide. By providing students with a working knowledge of our Constitution, Bill of Rights, and principles of democratic government, We the People . . . gives our next generation of leaders an opportunity to study in depth the documents and ideals that have bound this nation together for so many years. I thank the U.S. Department of Education for continuing to provide fiscal support to this great program and the Center of Civic Education for their ongoing commitment to the education of our Nation's future. It is truly inspiring to see that so many young people are interested in furthering the democratic ideals brought forth by our forefathers so many years ago.

The class from Highlands High School, led by teacher Brian Robinson, has proven without a doubt that they are dedicated to representing Kentucky in the most admirable fashion possible in this year's competition. They are currently conducting thorough research and preparing for their upcoming participation in the national finals. I would like to wish all of these students the best of luck at the We the People . . . national finals. It is comforting to know what one of these students may one day be standing in my place, representing the great people of the Commonwealth of Kentucky in the U.S. Senate.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6483. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report entitled "Report on Activities and Programs for Countering Proliferation and NBC Terrorism"; to the Committee on Armed Services.

EC-6484. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Extension to Administrative Fines" received on March 21, 2002; to the Committee on Rules and Administration.

EC-6485. A communication from the Senior Attorney, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Government Participation in the Automated Clearing House" (RIN1510-AA84) received on April 11, 2002; to the Committee on Finance.

EC-6486. A communication from the Secretary of the Federal Trade Commission, Bureau of Competition, transmitting, pursuant to law, the report of a rule entitled "16 CFR Parts 801 and 802" (RIN3084-AA23) received on April 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6487. A communication from the Assistant Secretary for Land and Minerals Management, Regulatory Affairs Group, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled "National Petroleum Reserve, Alaska, Oil and Gas Unitization Rule" (RIN1004-AD13) received on April 10, 2002; to the Committee on Energy and Natural Resources.

EC-6488. A communication from the Deputy Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Annual Report From Federal Contractors" (RIN1293-AA07) received on April 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6489. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Postsecondary Education, received on April 12, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6490. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendments of Appendix A to 31 CFR Chapter V" received on April 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6491. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Rail Fixed Guideway Systems: State Safety Oversight" (RIN2132-AA69) received on April 5, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6492. A communication from the Deputy Secretary, Investment Management Office of Disclosure Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Registration Form for Insurance Company Separate Accounts Registered as Unit Investment Trusts that Offer Variable Life Insurance Policies" (RIN3235-AG37) received on April 12, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6493. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of the Czech Republic Because of BSE" (Doc. No. 01-062-2) received on April 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6494. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Viruses, Serums, and Toxins and Analogous Products; Autogenous Biologics" (Doc. No. 95-066-2) received on April 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6495. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Infectious Salmon Anemia; Payment of Indemnity" (Doc. No. 01-126-1) received on April 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6496. A communication from the Chief of Staff, United States Trade and Development Agency, transmitting, pursuant to law, a report of prospective funding obligations; to the Committee on Appropriations.

EC-6497. A communication from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting, pursuant to law, a report on prospective funding obligations; to the Committee on Appropriations.

EC-6498. A communication from the Chairman and Vice Chairman of the Federal Election Commission, transmitting jointly, a report concerning the request of emergency Fiscal Year 2002 supplemental appropriations; to the Committee on Appropriations.

EC-6499. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a report relative to the draft legislative proposal, "To Clarify the Authority of the Executive Director of the Board to Bring Suit on Behalf of the Thrift Savings Fund in the District Courts of the United States"; to the Committee on Governmental Affairs.

EC-6500. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-320, "Mandarin Oriental Hotel Project Tax Deferral Temporary Act of 2002"; to the Committee on Governmental Affairs.

EC-6501. A communication from the Director, Office of Personnel Management, Workforce Compensation and Performance Service, transmitting, pursuant to law, the report of a rule entitled "Absence and Leave: Use of Restored Annual Leave" (RIN3206-AJ51) received on April 12, 2002; to the Committee on Governmental Affairs.

EC-6502. A communication from the Chairman of Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-6503. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-6504. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "VISAS: Passports and Visas Not Required for Certain Nonimmigrants—Visa Waiver Program" (22 CFR Part 41) received on April 10, 2002; to the Committee on Foreign Relations.

EC-6505. A communication from the Assistant Secretary for Legislative Affairs, De-

partment of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC-6506. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-6507. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-6508. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC-6509. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-6510. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to France, the United Kingdom, and Germany; to the Committee on Foreign Relations.

EC-6511. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with Japan; to the Committee on Foreign Relations.

EC-6512. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC-6513. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Germany and Saudi Arabia; to the Committee on Foreign Relations.

EC-6514. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with Japan; to the Committee on Foreign Relations.

EC-6515. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a

certification of a proposed license for the export of defense articles or services in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-6516. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-6517. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-6518. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-6519. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC-6520. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to International Waters, Pacific Ocean; to the Committee on Foreign Relations.

EC-6521. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export to Japan, France and Canada of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6522. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Technical Assistance Agreement with Bulgaria; to the Committee on Foreign Relations.

## 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. ROCKEFELLER:

S. 2132. A bill to amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans Health Administration, to provide for the enhancement of the medical research activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

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

S. 2133. A bill to suspend temporarily the duty on Dichlorobenzidine Dihydrochloride; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. SCHUMER, Mr. NICKLES, Mrs. CLINTON, Mr. WARNER, Ms. MIKULSKI, Mr. BURNS, and Mr. CRAIG):

S. 2134. A bill to allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. CONRAD, Mr. THOMAS, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. HARKIN, Mr. JOHNSON, and Mr. ROBERTS):

S. 2135. A bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain medicare rural grants; to the Committee on Finance.

By Mr. SPECTER:

S. 2136. A bill to establish a memorial in the State of Pennsylvania to honor the passengers and crewmembers of Flight 93 who, on September 11, 2001, gave their lives to prevent a planned attack on the Capitol of the United States; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 2137. A bill to facilitate the protection of minors using the Internet from material that is harmful to minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 242. A resolution designating August 16, 2002, as "National Airborne Day"; to the Committee on the Judiciary.

By Mr. HUTCHINSON (for himself, Mr. DODD, Mrs. MURRAY, Mr. HATCH, Mr. SPECTER, Mr. BOND, Mr. BINGAMAN, Mr. CRAIG, Mr. TORRICELLI, Mr. BIDEN, Mr. JEFFORDS, Mr. CORZINE, Mr. SARBANES, Ms. MIKULSKI, Mr. KENNEDY, Mr. HELMS, Mr. FRIST, Mr. BREAUX, Mr. EDWARDS, Mr. CRAPO, Ms. COLLINS, Mr. CAMPBELL, Mr. SESSIONS, Mr. INHOFE, Mrs. CARNAHAN, Mr. DURBIN, Mr. KERRY, and Mr. THURMOND):

S. Res. 243. A resolution designating the week of April 21 through April 28, 2002, as "National Biotechnology Week"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 77

At the request of Mr. DASCHLE, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired mem-

bers of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 1208

At the request of Mr. GRAHAM, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1208, a bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States.

S. 1304

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1304, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of oral drugs to reduce serum phosphate levels in dialysis patients with end-stage renal disease.

S. 1408

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1738

At the request of Mr. KERRY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1738, a bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Hampshire (Mr. GREGG), and the

Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1836

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1836, a bill to amend the Public Health Service Act to establish scholarship and loan repayment programs regarding the provision of veterinary services in veterinarian shortage areas.

S. 1850

At the request of Mr. CHAFEE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1850, a bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

S. 1977

At the request of Mr. THURMOND, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 1977, a bill to amend chapter 37 of title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

S. 1988

At the request of Ms. LANDRIEU, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1988, a bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 1995

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1995, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 2039

At the request of Mr. DURBIN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. 2064

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2064, a bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 2132. A bill to amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans



Health Administration, to provide for the enhancement of the medical research activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

• Mr. ROCKEFELLER. Mr. President, I am proud to introduce legislation that would establish four medical emergency preparedness research centers within the Department of Veterans Affairs. These centers would make the most of VA's expertise in basic and clinical research to shape new strategies for coping with, or preventing, the medical crisis that could result from a terrorist attack against the American people.

The threats posed by biological, chemical, radiological, and incendiary weapons demand that we prepare immediately, using our existing national resources as efficiently as possible. Although many of my colleagues know that VA operates the Nation's largest integrated healthcare system, fewer may know that VA manages the largest health professionals training program in the United States. VA's clinical research programs investigate both cutting-edge technology and best medical practices, and included over 15,000 projects last year.

Through its reach, its educational programs, and its research capacity, VA stands ready to make a significant contribution to protecting veterans and the public from the medical consequences of a terrorist attack. Only a few weeks ago, VA researchers announced that they have developed the most promising drug yet to protect the public should a terrorist deliberately release smallpox virus. I remain confident that this is only the first of many such scientific breakthroughs by VA scientists.

VA already plays a key role in supporting Federal disaster preparedness, including maintaining pharmaceutical stockpiles, jointly administering the National Disaster Medical System, serving as primary medical back-up to the Department of Defense, and sharing medical personnel and supplies with communities whose own resources are overwhelmed. The legislation that I propose today would add another dimension to VA's role in emergency preparedness by acknowledging its expertise in developing clinical approaches to public health.

The centers authorized by this legislation would foster research by VA scientists and clinicians in the diagnosis, prevention, and treatment of illnesses or injuries that might arise from the use of terrorist weapons. These centers would encourage cooperation between VA researchers and professionals at affiliated schools of medicine and public health to bring new findings and ideas as quickly as possible to the Nation's caregivers. The legislation that I have proposed would promote fruitful collaboration between VA, academic, and other Federal researchers, so that we can integrate research, public health,

and domestic security efforts expeditiously.

The legislation I introduce today also makes two changes in law which affect VA's non-profit research corporations. These two changes are technical in nature and are designed to clarify existing provisions of law: one clarifies that research corporation employees are covered under the Federal Tort Claims Act, FTCA, and the other provision clarifies that VA Medical Centers may enter into contracts or other forms of agreements with nonprofit research corporations to provide services to facilitate VA research and education.

On the issue of FTCA coverage, a recent Department of Justice opinion determined that physicians employed by the VA-affiliated nonprofit research did not enjoy FTCA coverage, despite the fact that they have VA appointments. Prior to this opinion, the understanding was that the corporations' employees were covered, subject to a certification that their activities were within the scope of government work. Since research corporations were authorized in 1988, not a single suite has been filed against a corporation employee. Nevertheless, it is critical that employees working on VA approved research and education be protected. It is estimated that nationwide, the corporations have 1,500–2,000 research employees.

These non-profit research corporations have been placed in a difficult spot. Corporations must decide whether to take their chances that the FTCA will cover a suit despite the Department of Justice provision, as the VA General Counsel believes; to reduce their activities by only hiring employees with access to private sector insurance; to use funds normally devoted to supporting research to buy an expensive blanket insurance policy; or to close down entirely. The better choice, is to be explicit in providing FTCA coverage to corporation employees engaged in activities that further VA's research and education missions.

The second change relates to contracts between VA Medical Centers and research corporations. Many times, VA Medical Centers need help to provide services which are ancillary to research, such as travel coordination, technical services, and conference management.

I believe that a precedent for such contracts already exists. VA Medical Centers can enter into agreements with closely affiliated universities. For more than 50 years, the VAMCs and universities have contracted with each other for goods and services. In my view, we need to bring this kind of thinking to the non-profit research corporations.

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. 2132

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

**SECTION 1. MEDICAL EMERGENCY PREPAREDNESS CENTERS IN VETERANS HEALTH ADMINISTRATION.**

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7320 the following new section:

**“§ 7320A. Medical emergency preparedness centers**

“(a) The Secretary shall establish and maintain within the Veterans Health Administration four centers for research and activities on medical emergency preparedness.

“(b) The purposes of each center established under subsection (a) shall be as follows:

“(1) To carry out research on the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, or incendiary or other explosive weapons or devices, including the development of methods for the detection, diagnosis, prevention, and treatment of such injuries, diseases, and illnesses.

“(2) To provide to health-care professionals in the Veterans Health Administration education, training, and advice on the treatment of the medical consequences of the use of chemical, biological, radiological, or incendiary or other explosive weapons or devices.

“(3) Upon the direction of the Secretary, to provide education, training, and advice described in paragraph (2) to health-care professionals outside the Department through the National Disaster Medical System or through interagency agreements entered into by the Secretary for that purpose.

“(4) In the event of a national emergency, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health care agencies and personnel involved in or responding to the national emergency.

“(c)(1) Each center established under subsection (a) shall be established at an existing Department medical center, whether at the Department medical center alone or at a Department medical center acting as part of a consortium of Department medical centers for purposes of this section.

“(2) The Secretary shall select the sites for the centers from among competitive proposals that are submitted by Department medical centers seeking to be sites for such centers.

“(3) The Secretary may not select a Department medical center as the site of a center unless the proposal of the Department medical center under paragraph (2) provides for—

“(A) an arrangement with an accredited affiliated medical school and an accredited affiliated school of public health (or a consortium of such schools) under which physicians and other health care personnel of such schools receive education and training through the Department medical center;

“(B) an arrangement with an accredited graduate program of epidemiology under which students of the program receive education and training in epidemiology through the Department medical center; and

“(C) the capability to attract scientists who have made significant contributions to innovative approaches to the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, or incendiary or other explosive weapons or devices.

“(4) In selecting sites for the centers, the Secretary shall—



“(A) utilize a peer review panel (consisting of members with appropriate scientific and clinical expertise) to evaluate proposals submitted under paragraph (2) for scientific and clinical merit; and

“(B) to the maximum extent practicable, ensure the geographic dispersal of the sites throughout the United States.

(d)(1) Each center established under subsection (a) shall be administered jointly by the offices within the Department that are responsible for directing research and for directing medical emergency preparedness.

“(2) The Secretary and the heads of the agencies concerned shall take appropriate actions to ensure that the work of each center is carried out—

“(A) in close coordination with the Department of Defense, Department of Health and Human Services, Office of Homeland Security, and other departments, agencies, and elements of the Federal Government charged with coordination of plans for United States homeland security; and

“(B) in accordance with any applicable recommendations of any joint interagency advisory groups or committees designated to coordinate Federal research on weapons of mass destruction.

“(e)(1) Each center established under subsection (a) shall be staffed by officers and employees of the Department.

“(2) Subject to the approval of the head of the department or agency concerned and the Director of the Office of Personnel Management, an officer or employee of another department or agency of the Federal Government may be detailed to a center if the detail will assist the center in carrying out activities under this section. Any detail under this paragraph shall be on a non-reimbursable basis.

“(f) In addition to any other activities under this section, a center established under subsection (a) may, upon the request of the agency concerned and with the approval of the Secretary, provide assistance to Federal, State, and local agencies (including criminal and civil investigative agencies) engaged in investigations or inquiries intended to protect the public safety or health or otherwise obviate threats of the use of a chemical, biological, radiological, or incendiary or other explosive weapon or device.

“(g) Notwithstanding any other provision of law, each center established under subsection (a) may, with the approval of the Secretary, solicit and accept contributions of funds and other resources, including grants, for purposes of the activities of such center under this section.”

(2) The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting after the item relating to section 7320 the following new item:

“7320A. Medical emergency preparedness centers.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There is hereby authorized to be appropriated for the Department of Veterans Affairs amounts for the centers established under section 7320A of title 38, United States Code (as added by subsection (a)), \$20,000,000 for each of fiscal years 2003 through 2007.

(2) The amount authorized to be appropriated by paragraph (1) is not authorized to be appropriated for the Veterans Health Administration for Medical Care, but is authorized to be appropriated for the Administration separately and solely for purposes of the centers referred to in that paragraph.

(3) Of the amount authorized to be appropriated by paragraph (1) for a fiscal year, \$5,000,000 shall be available for such fiscal year for each center referred to in that paragraph.

## SEC. 2. MODIFICATION OF AUTHORITIES ON RESEARCH CORPORATIONS.

(a) **RESTATEMENT AND ENHANCEMENT OF AUTHORITY ON AVAILABILITY OF FUNDS.**—Section 7362 of title 38, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking the second sentence of subsection (a); and

(3) by inserting after subsection (a) the following new subsection (b):

“(b)(1) Any funds, other than funds appropriated for the Department, that are received by the Secretary for the conduct of research or education and training may be transferred to and administered by a corporation established under this subchapter for the purposes set forth in subsection (a).

“(2) Funds appropriated for the Department are available for the conduct of research or education and training by a corporation, but only pursuant to the terms of a contract or other agreement between the Department and such corporation that is entered into in accordance with applicable law and regulations.”.

(b) **TREATMENT OF CORPORATIONS AS AFFILIATED INSTITUTIONS FOR SHARING OF HEALTH-CARE RESOURCES.**—Section 8153(a)(3) of that title is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subsections (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) If the health-care resource required is research or education and training (as that term is defined in section 7362(c) of this title) and is to be acquired from a corporation established under subchapter IV of chapter 73 of this title, the Secretary may make arrangements for acquisition of the resource without regard to any law or regulation (including any Executive order, circular, or other administrative policy) that would otherwise require the use of competitive procedures for acquiring the resource.”;

(3) in subparagraph (D), as so redesignated, by striking “(A) or (B)” and inserting “(A), (B), or (C)”;

(4) in subparagraph (E), as so redesignated, by striking “(A)” and inserting “(A) or (B)”.

## SEC. 3. COVERAGE OF RESEARCH CORPORATION PERSONNEL UNDER FEDERAL TORT CLAIMS ACT AND OTHER TORT CLAIMS LAWS.

(a) **IN GENERAL.**—Subchapter IV of chapter 73 of title 38, United States Code, is amended by inserting after section 7364 the following new section:

### “§ 7364A. Coverage of employees under certain Federal tort claims laws

“(a) An employee of a corporation established under this subchapter who is described by subsection (b) shall be considered an employee of the government, or a medical care employee of the Veterans Health Administration, for purposes of the following provisions of law:

“(1) Section 1346(b) of title 28.

“(2) Chapter 171 of title 28.

“(3) Section 7316 of this title.

“(b) An employee described in this subsection is an employee who—

“(1) has an appointment with the Department, whether with or without compensation;

“(2) is directly or indirectly involved or engaged in research or education and training that is approved in accordance with procedures established by the Under Secretary for Health for research or education and training carried out with Department funds; and

“(3) performs such duties under the supervision of Department personnel.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 73 of

that title is amended by inserting after the item relating to section 7364 the following new item:

“7364A. Coverage of employees under certain Federal tort claims laws.”.

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

S. 2133. A bill to suspend temporarily the duty on Dichlorobenzidine Dihydrochloride; to the Committee on Finance.

● Mr. DEWINE. Mr. President, I rise today to join my friend and colleague, Senator VOINOVICH, to introduce legislation that would temporarily suspend the import duty on Dichlorobenzidine, DCB.

DCB is a chemical used to produce organic pigments for printing ink. It is reacted with other materials to form various yellow organic pigments. These yellow pigments are used extensively by the printing ink industry because yellow is one of the three primary colors used in printing and is used in nearly all color printing applications. DCB also is used to produce certain red and orange pigments.

The U.S. printing ink industry is facing increasingly aggressive competition from low-cost foreign producers. Despite its widespread use, DCB is no longer produced in the United States and is unlikely to be produced here in the foreseeable future. Domestic manufacturers of synthetic organic pigments must import all of the DCB required for their production of yellow pigment. These imports are currently subject to high duties despite the fact that there is no longer a domestic DCB industry to protect.

Our duty suspension bill would help U.S. producers remain competitive in the global market, and it would remove unnecessary costs on U.S. pigment, ink, and printing industries and on millions of consumers of printed products.

Though our bill is quite simple, its effects would be widespread. It would suspend the duty on DCB, therefore eliminating a significant and unnecessary cost for U.S. pigment producers. That action, by itself, would have a significant positive impact on our domestic industry.

I urge my colleagues to join us in support of this legislative effort.●

By Mr. HARKIN (for himself, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. SCHUMER, Mr. NICKLES, Mrs. CLINTON, Mr. WARNER, Ms. MIKULSKI, Mr. BURNS, and Mr. CRAIG):

S. 2134. A bill to allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states; to the Committee on the Judiciary.

● Mr. HARKIN. Mr. President, I am very pleased to be joined by my Republican colleague, Senator GEORGE ALLEN of Virginia, in introducing the Terrorism Victim's Access to Compensation Act of 2002. Senators BOB SMITH of New Hampshire, SCHUMER, NICKLES,

CLINTON, WARNER, MIKULSKI, BURNS, and CRAIG are also original co-sponsors of this much-needed, bipartisan legislation.

The war against terrorism must be fought and won on multiple fronts. And we cannot forget that terrorist acts are ultimately stories of human tragedy. The dedicated, professional woman from Iowa, Kathryn Koob, seeking to build cross-cultural ties between the Iranian people and the American people only to be held captive for 444 days in the U.S. Embassy in Tehran. The teenage boy from Iowa, Taleb Subh, visiting family in Kuwait, terrorized by Saddam Hussein at the outbreak of the Persian Gulf War. The U.S. aid worker from Virginia, Charles Hegna, tortured and killed in 1984 by Iranian-backed hijackers in order "to punish" the United States. These are only a few of the people we know; Americans in all 50 States have suffered. What do we say to these families, the wives, mothers and fathers, sons and daughters?

We believe that those who sponsor as well as those who commit these inhumane acts must pay a price. In 1996, the Congress passed a significant law without partisan divide, and with the support of the U.S. State Department. This law allows Americans to pursue justice in U.S. Federal courts. The idea behind this law is to make the terrorists and their sponsors pay an immediate price for attacks against Americans abroad. For example, the money of foreign sponsors of terrorism and their agents that we hold here in the United States could be used to compensate innocent Americans who are victimized by their attacks for their pain, suffering and losses. Make the bad guys pay.

This law only applies to "terrorist states", currently a list of seven foreign governments officially designated as state sponsors of terrorism (i.e. Iran, Iraq, Libya, Syria, Sudan, North Korea, and Cuba). It is those state sponsors of international terrorism, not the American taxpayer, who must be compelled to pay these costs first and foremost.

Currently, the U.S. Treasury Department lawfully controls at least \$3.7 billion in blocked or frozen assets of these seven state sponsors of terrorism. But officials of the U.S. Treasury and State Departments oppose using these funds to compensate American victims of terrorism who have brought lawsuits in Federal courts, won their cases on the merits, and secured court-ordered judgments and compensation awards against the rogue governments that are responsible for the attacks upon them and their families. To summarize, these American victims have been encouraged to pursue justice in U.S. Federal courts, have complied with existing U.S. law, but have been denied what little justice they were encouraged to pursue. Unelected bureaucrats, instead, want American taxpayers apparently to foot the bill for what could amount to hundreds of millions of dol-

lars. In fact, in the pending case involving the 53 Americans taken hostage in the U.S. Embassy in Iran in 1979 and held in captivity for 444 days and their families, U.S. Justice and State Department attorneys have gone into Federal court in recent months to have their lawsuit dismissed in its entirety, thus de facto siding with the Government of Iran.

This policy is wrong-headed and counterproductive for at least three reasons.

First, paying American victims of terrorism from the blocked and frozen assets of these rogue governments and their agents will really punish and impose a heavy cost on those aiding and abetting the terrorists; this tougher policy will provide a new, powerful disincentive for any foreign government to continue sponsoring terrorist attacks on Americans, while also discouraging any regimes tempted to get into the ugly business of sponsoring future terrorist attacks.

Second, making the state sponsors actually lose billions of dollars will more effectively deter future acts of terrorism than keeping their assets blocked or frozen in perpetuity in pursuit of the delusion that long-standing, undemocratic, brutish governments like those in Iran and Iraq can be moderated.

Third, the American wives, husbands, sons, and daughters will have a sense of justice, they will have the public condemnation by the U.S. Government and statement of guilt, but they will have also made those terrorists responsible for the attacks and their sponsors pay a price.

In his last days in office, former President Clinton signed a law endorsing a policy of paying American victims of terrorism from blocked assets, while simultaneously signing a waiver of the means to make this policy work. But the Bush administration hasn't registered an opinion yet on this crucial test of our nation's resolve to fight state-sponsored terrorism. That is why we are pushing bipartisan legislation to establish two new policy cornerstones in our Nation's war against terrorism. First, we seek to require that compensation be paid from the blocked and frozen assets of the state sponsors of terrorism in cases where American victims of terrorism secure a final judgment in our Federal courts and are awarded compensation accordingly. Second, we will provide a level playing field for all American victims of state-sponsored terrorism who are pursuing redress by providing equal access to our federal courts.

American victims of state-sponsored terrorism deserve and want to be compensated for their losses from those who perpetrated the attacks upon them. The Congress should clear the way for them to get some satisfaction of court-ordered judgments and, in so doing, deter future acts of state-sponsored terrorism against innocent Americans.

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. 2134

*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 "Terrorism Victim's Access to Compensation Act of 2002".

#### SEC. 2. FINDINGS.

Congress finds that:

(1) The war against international terrorism must be fought and won on multiple fronts.

(2) The state sponsors of international terrorism (including their agencies and instrumentalities) are ultimately responsible for the damages, pain, and suffering inflicted upon Americans who are victimized by terrorist acts. It is the state sponsors, not the American taxpayer, who must be compelled to pay those costs.

(3) The Secretary of the Treasury lawfully controls billions of dollars in blocked assets of several governments which the President and the Department of State have determined to be state sponsors of international terrorism and responsible for multiple terrorist attacks on United States citizens abroad.

(4) There have been multiple Federal lawsuits brought since 1996 by American victims of state sponsored terrorism abroad and final judgments and financial awards in some of those cases have been paid appropriately by using some of the blocked assets of state sponsors of terrorism. Additional cases are still pending.

(5) Paying victims of state sponsored terrorism from the blocked assets of state sponsors of acts of terrorism (including their agencies and instrumentalities) will punish those entities, deter future acts of terrorism, and provide a powerful incentive for any foreign government to stop sponsoring terrorist attacks on Americans.

(6) There must be a level playing field for all American victims of state sponsored terrorism who are pursuing redress in the Federal courts and compensation from the blocked assets of state sponsors of terrorism (including their agencies and instrumentalities).

#### SEC. 3. SENSE OF THE SENATE.

Considering the policy set forth in this Act, the Antiterrorism and Effective Death Penalty Act of 1996, and in the Victims of Trafficking and Violence Protection Act of 2000, it is the sense of Congress that it should be the policy of the United States—

(1) to use the blocked assets of state sponsors of acts of terrorism (including their agencies and instrumentalities) that are under the control of the Secretary of the Treasury to pay court-ordered judgments and awards made to United States nationals harmed by such acts; and

(2) to provide equal access to all United States victims of state sponsored terrorism who have secured judgments and awards in Federal courts against state sponsors of terrorism (including their agencies and instrumentalities) and that those judgments and awards be paid by state sponsors of terrorism (including their agencies and instrumentalities) from any of their blocked assets controlled by the Secretary of the Treasury.

**SEC. 4. SATISFACTION OF JUDGMENTS FROM BLOCKED ASSETS OF TERRORISTS, TERRORIST ORGANIZATIONS, AND STATE SPONSORS OF TERRORISM.**

(a) IN GENERAL.—Except as provided in subsection (b), in every case in which a person has obtained a judgment against a terrorist party on a claim for compensatory damages for an act of terrorism, or a claim for compensatory damages brought pursuant to section 1605(a)(7) of title 28, United States Code, the blocked assets of any terrorist party, or any agency or instrumentality of a terrorist party, shall be available for satisfaction of the judgment.

(b) PRESIDENTIAL WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive the requirements of subsection (a) in connection with (and prior to the enforcement of) any judicial order directing attachment or satisfaction in aid of execution of judgment, or execution of judgment, against any property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

(2) EXCEPTION.—A waiver under this subsection shall not apply to—

(A) property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations that has been used for any nondiplomatic purpose (including use as rental property), and the proceeds of such use; or

(B) any asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations that is sold or otherwise transferred for value to a third party, and the proceeds of such sale or transfer.

(c) DEFINITIONS.—In this Act:

(1) BLOCKED ASSETS.—The term “blocked assets” means assets seized or blocked by the United States in accordance with law.

(2) PROPERTY AND ASSETS SUBJECT TO VIENNA CONVENTIONS.—The terms “property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations” and “asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations” mean any property or asset, respectively, the attachment in aid of execution or execution of which may, for the limited purpose of satisfying a judgment under subsection (a), breach an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

(3) TERRORIST PARTY.—The term “terrorist party” means a terrorist, a terrorist organization, or a foreign state designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) (including any agency or instrumentality of that state).

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. CONRAD, Mr. THOMAS, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. HARKIN, Mr. JOHNSON, and Mr. ROBERTS):

S. 2135. A bill to amend title X of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain Medicare rural grants; to the Committee on Finance.

• Mr. BAUCUS. Mr. President, I rise today to introduce the Rural Hospital

Access and Improvement Act of 2002. I am pleased to be joined by Senators GRASSLEY, DASCHLE, THOMAS, CONRAD, JEFFORDS, ROCKEFELLER, BINGAMAN, HARKIN, JOHNSON, and ROBERTS in sponsoring this important legislation.

Simply put, this bill is about keeping small hospitals open in rural areas. It's about preserving access to quality health care for farmers and ranchers and their families. It's about protecting the health of folks who live in small towns and hamlets across our Nation.

I think these are goals that every one of us can agree on.

But the fight to preserve access to health care in rural America has never been an easy one. Hospitals in rural areas constantly struggle with the difficulties of operating in a low-volume environment. Their emergency rooms might see two or three patients a day. Or some days, none at all. They lack the economies of scale that urban and suburban facilities enjoy. They have a hard time hiring health professionals. And with every passing year, they face a growing regulatory burden that takes time and energy away from patients.

In the face of all these obstacles, many small, rural communities have confronted the unthinkable: losing their hospital altogether. I have no doubt that I speak for the vast majority of Senators when I say we should never let this happen. We should never allow a community to go without the health care services it needs to stay healthy. To borrow from the flight director of Apollo 13, I suggest that failure is not an option.

This was the message that Congress sent five years ago, when it took two giant strides towards helping rural communities keep their hospitals. First, it passed legislation allowing small hospitals in rural and frontier areas to become Critical Access Hospitals, or CAHs. CAHs are reimbursed by Medicare based on their actual costs, not fixed or limited payments. They can organize their staff and facilities based on their patients' needs, not on rules made for large, urban facilities. In short, they are given flexibility to adapt to the unique challenges of providing health care in rural areas.

This concept was a perfect fit for rural America. In the past five years, over 500 facilities have converted to CAH status. By taking advantage of the CAH option, these hospitals have remained open and continue to serve patients. This success is not surprising. After all, the Critical Access Hospital concept was modeled on a demonstration project that had already been working for years in hospitals across Montana.

The second step Congress took in 1997 was to authorize \$25 million a year for the Rural Hospital Flexibility Grant Program, or, as I like to call it, the Flex grant. This program awards grants to States to help hospitals convert to CAH status. Already, over 1,000 health care facilities have been as-

sisted by these funds. In my State nearly half of our hospitals, about two dozen facilities, have converted to CAH status. About a dozen more are on the way.

Now the Senate has an opportunity to renew its commitment to rural health care. The legislation I have introduced today would reauthorize the Flex grant at a level of \$40 million a year. This would continue the work that we have already begun, by helping hundreds more rural hospitals convert to CAH status.

In the latest count, nearly 600 hospitals across the Nation were eligible to become CAHs, but have not yet converted. By increasing the size of the Flex grant program, Congress can reach out to these facilities. At the same time, Congress will continue its support for existing CAHs by providing technical assistance and helping them access capital for their physical plants. These funds will also advance the important process of coordinating between emergency medical services providers and other health care providers in rural areas. In the wake of September 11 and the bioterrorist attacks of last fall, this work must move forward without delay.

I want to thank my colleagues for their support of the Critical Access Hospital program and the Flex grant over the past five years. Through their efforts, over 500 rural communities have kept their hospitals up and running. Now, I hope they will continue this work by supporting the Rural Hospital Access and Improvement Act of 2002 an reauthorizing the Flex grant at a level of \$40 million a year. •

• Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the Rural Hospital Access and Improvement Act of 2002, along with Finance Committee Chairman BAUCUS and Ranking Member GRASSLEY, in addition to other distinguished colleagues with an interest in rural health care. This legislation reauthorizes the Medicare Rural Hospital Flexibility program, known as the “flex” program, which has become a key component in stabilizing rural health care delivery networks.

The “flex” program was created in the Balanced Budget Act of 1997 to improve access to essential health care services through the establishment of Critical Access Hospitals, (CAHs), rural health networks and rural emergency medical services. To date, flex grants have provided assistance to 1,170 rural hospitals for technical assistance and education, 881 rural emergency medical services projects and 557 communities for needs assessment and community development activities. As a result, almost 600 hospitals that were on the verge of closing have been certified as Critical Access Hospitals. Over half of CAHs serve counties that are designated as a Health Professional Shortage Area. It is quite obvious that this innovative program works and merits continued congressional support.

In my State of Wyoming, the South Big Horn County Hospital District has been certified as a Critical Access Hospital and several more are interested in converting to CAH status. Additionally, my State has used flex grant dollars to shore up rural emergency medical services in many of our frontier communities.

The bill I am introducing today with several of my colleagues will continue to build upon the early success of this program by increasing the annual funding authorization from \$25 million to \$40 million. Additional funding is necessary to expand quality improvement initiatives within network development plans, enhance the development of rural emergency medical services and continue technical support to Critical Access Hospitals. I strongly urge all my colleagues to cosponsor this important rural health care legislation.●

By Mr. SPECTER:

S. 2136. A bill to establish a memorial in the State of Pennsylvania to honor the passengers and crewmembers of Flight 93 who, on September 11, 2001, gave their lives to prevent a planned attack on the Capitol of the United States; to the Committee on Energy and Natural Resources.

● Mr. SPECTER, 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. 2136

*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 "Flight 93 National Memorial Act".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on September 11, 2001, passengers and crewmembers of United Airlines Flight 93 courageously gave their lives to prevent a planned attack on the Capital of the United States;

(2) thousands of people have visited the crash site since September 11, 2001, drawn by the heroic action and sacrifice of the passengers and crewmembers aboard Flight 93;

(3) many people in the United States are concerned about the future disposition of the crash site, including—

(A) grieving families of the passengers and crewmembers;

(B) the people of the region where the crash site is located; and

(C) citizens throughout the United States;

(4) many of those people are involved in the formation of the Flight 93 Task Force, a broad, inclusive organization established to provide a voice for all parties interested in and concerned about the crash site;

(5) the crash site commemorates Flight 93 and is a profound symbol of American patriotism and spontaneous leadership by citizens of the United States;

(6) a memorial of the crash site should—

(A) recognize the victims of the crash in an appropriate manner; and

(B) address the interests and concerns of interested parties; and

(7) it is appropriate that the crash site of Flight 93 be designated as a unit of the National Park System.

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

(1) to establish a memorial to honor the passengers and crewmembers aboard United Airlines Flight 93 on September 11, 2001;

(2) to establish the Flight 93 Advisory Commission to assist in the formulation of plans for the memorial, including the nature, design, and construction of the memorial; and

(3) to authorize the Secretary of the Interior to administer the memorial, coordinate and facilitate the activities of the Flight 93 Advisory Commission, and provide technical and financial assistance to the Flight 93 Task Force.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Flight 93 Advisory Commission established by section 4(b).

(2) CRASH SITE.—The term "crash site" means the site in Stonycreek Township, Somerset County, Pennsylvania, where United Airlines Flight 93 crashed on September 11, 2001.

(3) MEMORIAL.—The term "Memorial" means the memorial to the passengers and crewmembers of United Airlines Flight 93 established by section 4(a).

(4) PASSENGER OR CREWMEMBER.—

(A) IN GENERAL.—The term "passenger or crewmember" means a passenger or crewmember aboard United Airlines Flight 93 on September 11, 2001.

(B) EXCLUSIONS.—The term "passenger or crewmember" does not include a terrorist aboard United Airlines Flight 93 on September 11, 2001.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) TASK FORCE.—The term "Task Force" means the Flight 93 Task Force.

#### SEC. 4. MEMORIAL TO HONOR THE PASSENGERS AND CREWMEMBERS OF FLIGHT 93.

(a) ESTABLISHMENT.—There is established as a unit of the National Park System a memorial at the crash site to honor the passengers and crewmembers of Flight 93.

(b) ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the "Flight 93 Advisory Commission".

(2) MEMBERSHIP.—The Commission shall be composed of—

(A) the Director of the National Park Service; and

(B) 14 members, appointed by the Secretary, from among persons recommended by the Task Force.

(3) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority of the members.

(B) FREQUENCY.—The Commission shall meet not less than quarterly.

(C) NOTICE.—Notice of meetings and the agenda for the meetings shall be published in—

(i) newspapers in and around Somerset County, Pennsylvania; and

(ii) the Federal Register.

(D) OPEN MEETINGS.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(5) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(6) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(7) DUTIES.—The Commission shall—

(A) not later than 3 years after the date of enactment of this Act, submit to the Secretary and Congress a report that contains recommendations for the planning, design, construction, and long-term management of the memorial;

(B) advise the Secretary on—

(i) the boundaries of the memorial; and

(ii) the development of a management plan for the memorial;

(C) consult with the Task Force, the State of Pennsylvania, and other interested parties, as appropriate;

(D) support the efforts of the Task Force; and

(E) involve the public in the planning and design of the memorial.

(8) POWERS.—The Commission may—

(A) make expenditures for services and materials appropriate to carry out the purposes of this section;

(B) accept donations for use in carrying out this section and for other expenses associated with the memorial, including the construction of the memorial;

(C) hold hearings and enter into contracts, including contracts for personal services;

(D) by a vote of the majority of the Commission, delegate any duties that the Commission determines to be appropriate to employees of the National Park Service; and

(E) conduct any other activities necessary to carry out this Act.

(9) COMPENSATION.—A member of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the Commission.

(10) TERMINATION.—The Commission shall terminate on the dedication of the memorial.

(c) DUTIES OF THE SECRETARY.—The Secretary shall—

(1) administer the memorial as a unit of the National Park Service in accordance with—

(A) this Act; and

(B) the laws generally applicable to units of the National Park System;

(2) provide advice to the Commission on the collection, storage, and archiving of information and materials relating to the crash or the crash site;

(3) consult with and assist the Commission in—

(A) providing information to the public;

(B) interpreting any information relating to the crash or the crash site;

(C) conducting oral history interviews; and

(D) conducting public meetings and forums;

(4) participate in the development of plans for the design and construction of the memorial;

(5) provide to the Commission—

(A) assistance in designing and managing exhibits, collections, or activities at the memorial;

(B) project management assistance for design and construction activities; and

(C) staff and other forms of administrative support;

(6) acquire from willing sellers the land or interests in land for the memorial by donation, purchase with donated or appropriated funds, or exchange; and

(7) provide the Commission any other assistance that the Commission may require to carry out this Act.

By Ms. LANDRIEU:

S. 2137. A bill to facilitate the protection of minors using the Internet from

material that is harmful to minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

• Ms. LANDRIEU. Mr. President, today I want to introduce a very important piece of legislation, the Family Privacy Protection Act. Let me just take a few minutes to explain this bill to my colleagues.

In this age of high-technology, we are blessed with many things that our ancestors did not have. Cell phones and e-mail allow us to communicate quickly. Advances in medical science are allowing our citizens to live much longer and healthier lives. And advances in computers and other equipment help make workers and businesses many times more productive. However, technology is a double-edged sword. Sometimes the bad comes with the good. This fact hit home in the most tragic way when it was learned that the September 11 hijackers had communicated through e-mail and cell phones.

As frightening as this is, it is not the only example of the problems associated with advances in technology. There are day-to-day issues that must be resolved. For instance, technology has exposed our citizens to breaches of privacy that could never have taken place before the days of the Internet and other advances.

Former Chief Justice Earl Warren once said, "The fantastic advances in the field of communication constitute a grave danger to the privacy of the individual." If Chief Justice Warren were alive today to offer his remarks, he might substitute the word "technology" for "communication." Let me give one example of an incident which highlights this fact.

In the early 1990's, a shocking thing happened to a family in Monroe, Louisiana. Monroe is a relatively small city, at least by the standards of most parts of the country, but it is the largest city in the northeastern section of my state. I want to talk about a family who lives in Monroe, the Wilsons. Susan Wilson was just an average woman with an average family.

Unfortunately, something terrible happened, which tore apart the quiet life of this family. A family friend, a former deacon at the Wilson's church, did something despicable. While the Wilson's weren't home, this man broke into their house and planted a video camera in their bathroom. The Wilson's eventually learned that, for almost 2 years, video cameras had been filming everything in their bathroom. This man filmed all of their private moments for the past years for his own sick and twisted purposes.

But even then, the family's nightmare wasn't over. You see, under Louisiana state law, and the law of most States, there was no crime under which this man could be charged for filming the family without their consent. Although he was eventually charged with unauthorized entry, there was no way to punish this man for the more serious crime he committed.

The State legislature remedied this in 1999, passing a law making video voyeurism a crime. This was thanks in large part to Susan Wilson, who spoke with the media, testified before committees—in short, give up her privacy and put her life on public display, doing everything she had to do to call attention to this problem. In short, she has sacrificed so that women such as herself will not have to experience the pain of watching the individuals who devastated their lives walk away virtually untouched by the law.

And she continues to make this sacrifice to this day. There was even a recent movie detailing Susan's story, some of my colleagues may have seen it. It aired February 6 on Lifetime, starring Angie Harmon. It was a very compelling, though obviously disturbing, film, and if my colleagues have not seen it I would urge them to do so.

Since the law was passed in Louisiana, several individuals have been prosecuted under it. Let me just give a couple of examples. Two years ago, a New Orleans man was arrested under the law after a video camera was found in his neighbor's air conditioning vent. In nearby Marrero just a couple of months before, a man was arrested for allegedly pointing a video camera in someone's window. And just before that, a man was arrested under the video voyeurism law and charged with videotaping a woman during intercourse and then trying to sell the tape. And, just over a month ago in Lafayette, LA, a man was charged for undressing a sleeping woman and videotaping her in his apartment.

This law has also be used in conjunction with laws already on the books, to give police another tool with which to charge offenders. For instance, last year in Slidell, LA, a man was charged with seven counts of video voyeurism in addition to various pornography-related charges. And in Leesville, LA, a year ago, three people, including a Sheriff's deputy, were arrested and charged with video voyeurism and juvenile pornography.

Louisiana is not the only State to pass this law, or to charge offenders with violating it. A principal in Arkansas was charged with the crime, although the charges were later dropped. And in Milwaukee, a man was arrested late last year and charged with videotaping guests in his house while they showered and undressed.

These are terrible crimes; they are a violation of privacy, and more. They strike at the very heart of one of our most cherished personal freedoms, the right to live our lives free of the fear of people watching us perform the most regular of tasks, bathing, getting dressed, or sleeping.

In the past, someone who looked in another person's window at night was called a "Peeping Tom." We are not dealing with people looking in windows anymore, we are dealing with technologies like video cameras small

enough to fit in an air conditioning vent. In the past, that person looking in the window could be caught by police and charged with a crime. Unfortunately, for the person who plants the camera in the air conditioning duct, as things stand now, except for a few states that have passed this type of legislation, that person can at best only be charged with a crime like unlawful entry.

This brings me to the first provision of the legislation that I am introducing today. I met with Susan last year, and promised her I would introduce Federal legislation addressing this crime. Currently, only five states have laws dealing with video voyeurism. This is one of the reasons I am here today to introduce my legislation, the Family Privacy Protection Act.

This measure contains several important provisions, but the first one I want to focus on today is the video voyeurism section. This bill will make it a Federal crime to film someone in these circumstances without their consent. The bill provides exceptions for legitimate purposes such as police investigations and security; but the bottom line is that this legislation would hold these individuals responsible for their actions.

Actress Judy Garland, speaking of her lack of privacy, once said, "I've never looked through a keyhole without finding someone was looking back." How frightening it would be for all of our citizens to feel this way; that they are not safe from prying eyes in their own home.

The video voyeurism component, while important, is only one part of this bill. This bill also contains a provision to protect children from Internet websites with pornographic material. A recent study showed that 31 percent of children aged 10-17 who used the Internet have accidentally come across a pornographic website. That includes 75 percent ages 15-17.

One of the problems is that companies and individuals who have websites make money from "hits" by Internet users. It doesn't matter whether someone intentionally visits a website or does so on accident, it still counts as a "hit". So some of these companies that set up pornographic websites specifically choose names that will cause people to accidentally find them. Let me give a quick example. As I'm sure all of my colleagues know, the web address for the White House is [www.whitehouse.gov](http://www.whitehouse.gov). But if you make a mistake—and it's not a difficult mistake, I know many people who have made it, and type a slightly different address, [www.whitehouse.com](http://www.whitehouse.com), you will access a different site altogether, a pornographic website. While I'm sure these companies are not targeting children specifically, they inevitably come across these inappropriate sites.

I have already mentioned some statistics on how many children have accidentally visited inappropriate

websites. I just want to share a few examples. An 11-year-old boy was searching for game sites, typed in "fun.com", and a pornographic site came up. A 15-year-old boy was looking for info on cars, did a search for "escort", and an escort service site came up.

And, in one of the most disturbing examples that I came across, in one instance a 15-year-old boy was doing a report on wolves, and found a site on bestiality. I just want my colleagues to imagine for a moment this happening to their son or daughter. I think we can all agree that this is something that we need to be concerned about.

The American people are certainly concerned about it. In the same Kaiser study, 84 percent of the American people worry about the availability of pornography online, and 61 percent say the government should regulate it. Sixty-one percent. And I am certain that number is much higher among parents.

That is why I believe this legislation is so important. I understand that these websites are protected by the First Amendment. This bill does not intrude upon these sites' right to free speech. Instead, it would set up a whole new domain name for pornographic material. A domain name, as my colleagues know, is the three letters at the end of the web address. Dot-com, dot-gov, dot-org, dot-net—these are all domain names. My legislation would instruct the Internet Corporation for Assigned Names and Numbers to set up a new domain name for pornographic websites. The owners of these sites would have 12 months to move their sites to the new domain.

This is a very simple yet effective method of protecting our children from these sites. A new domain would make "filter" programs, which screen out these pornographic sites, much more effective. It would eliminate mistakes like the whitehouse dot-gov, dot-com, problem that I mentioned earlier. And, I firmly believe this bill passes First Amendment tests for freedom of speech.

I understand that some people will not agree with me, saying that this bill does not go far enough and that this type of material should be banned altogether. But the First Amendment to the Constitution protects even material of this kind, whether or not we may agree with it. My bill would not infringe on the right of free speech, but would simply restrict where this type of speech could be presented on the Internet. As one of my constituents from Louisiana said, "We need to put it where the people who want to see it can get to it, and the ones who don't want to see it don't have to." That is all this provision does.

Finally, a similar provision in the bill provides protection for children from pornographic e-mails. This language is very similar to a bill that was introduced in the House of Representatives by Congresswoman ZOE LOFGREN of California. I wanted to take a second to acknowledge Congresswoman LOF-

GREN for her efforts, and I hope to work with her on this initiative.

In short, the bill would require that e-mail advertisements be clearly labeled as containing sexually oriented material. We are all familiar with receive e-mails with subjects that say "Lose weight now" or "You have won!" that in reality contain pornographic material. Many of us simply delete these e-mails without look at them, knowing them to be deceptive or junk. However, it is easy to be fooled. I have received letters from several constituents who were offended, and rightly so, after opening falsely labeled e-mails.

As you can imagine, children are particularly vulnerable to this type of deceptive e-mail. In a study done for Congress by the Crimes Against Children Research Center, 25 percent of children studied were exposed to unwanted sexual pictures in the previous year. Of these exposures, 28 percent occurred by opening or clicking on an e-mail.

There is one case that upsets me in particular. A 12-year-old girl, a little girl who collects Beanie Babies, received an e-mail with a subject line saying "Free Beanie Babies." As you can imagine, this excited little girl quickly opened the e-mail, only to be confronted with pictures of naked people. Again, I'd like my colleagues to stop for a moment and imagine that this was their child.

Let me just conclude with a few more facts. The Kaiser study also looked at the consequence on these children from encountering these pornographic websites and e-mails. Fifty-seven percent of those age 15-17 who were studied believed that exposure to online pornography could have a serious impact on those under 18. And 76 percent of children surveyed by Kaiser said that pornography that kids can see is a "big problem."

I just want to add that I am hopeful that, in the future, we can take even stronger steps to address the problem of pornographic e-mails. However, at the moment, this bill will at least ensure that Internet users, particularly children, know that an e-mail contains sexually oriented material before opening it.

I hope that my colleagues will join me in support of this important legislation. It is intended to protect our most vulnerable citizens, our children, while protecting the right of individuals to free speech. I believe this is something that we can all support.●

#### STATEMENTS ON SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 242—DESIGNATING AUGUST 16, 2002 AS "NATIONAL AIRBORNE DAY"

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 242

Whereas the airborne forces of the United States Armed Forces have a long and honor-

able history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16, 2002, marks the anniversary of the first official validation of the innovative concept of inserting United States ground combat forces behind battle lines by means of parachute;

Whereas the United States' experiment of airborne infantry attack was begun on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the United States Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that, since then, have served with distinction and repeated success in armed hostilities;

Whereas among those units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Infantry (Ranger) regiment, the 173rd, 187th, 503rd, 507th, 508th, 517th, 541st, and 542nd airborne infantry regiments, the 88th Glider Infantry Battalion, and the 509th, 550th, 551st, and 555th airborne infantry battalions;

Whereas the achievements of the airborne forces during World War II provided a basis for evolution into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Infantry (Ranger) regiment which, together with other units, comprise the quick reaction force of the Army's XVIIIth Airborne Corps when not operating separately under the command of a Commander in Chief of one of the regional unified combatant commands;

Whereas that modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance, Navy SEALs, Air Force Combat Control Teams, Air Sea Rescue, and Airborne Engineer Aviation Battalions, all or most of which comprise the forces of the United States Special Operations Command;

Whereas, in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Infantry (ranger) regiment, Special Forces units, and units of the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas, of the members and former members of the Nation's combat airborne forces, all have achieved distinction by earning the



right to wear the airborne's "Silver Wings of Courage", thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas, the members and former members of the Nation's combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operations forces, and (in former days) glider troops; and

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2002, as the 62nd anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it

*Resolved*, That the Senate requests and urges the President to issue a proclamation—

(1) designating August 16, 2002, as "National Airborne Day"; and

(2) calling on Federal, State, and local administrators and the people of the United States to observe "National Airborne Day" with appropriate programs, ceremonies, and activities.

Mr. THURMOND. Mr. President, I am pleased to rise today to submit a Senate resolution which designates August 16, 2002 as "National Airborne Day."

On June 25, 1940, the War Department authorized the Parachute Test Platoon to experiment with the potential use of airborne troops. The Parachute Test Platoon, which was composed of 48 volunteers, performed the first official army parachute jump on August 16, 1940. The success of the Platoon led to the formation of a large and successful airborne contingent that has served from World War Two until the present.

I was privileged to serve with the 82nd Airborne Division, one of the first airborne divisions to be organized. In a two-year period during World War Two, the regiments of the 82nd served in Italy at Anzio, in France at Normandy (where I landed with them), and at the Battle of the Bulge.

The 11th, 13th, 17th, and 101st Airborne Divisions and numerous other regimental and battalion size airborne units were also organized following the success of the Parachute Test Platoon. In the last sixty-two years, these airborne forces have performed in important military and peace-keeping operations all over the world, and it is only appropriate that we designate a day to salute the contributions they have made to this Nation.

Through passage of "National Airborne Day," the Senate will reaffirm our support for the members of the airborne community and also show our gratitude for their tireless commitment to our Nation's defense and ideals.

# SENATE RESOLUTION 243—DESIGNATING THE WEEK OF APRIL 21 THROUGH APRIL 28, 2002, AS "NATIONAL BIOTECHNOLOGY WEEK"

Mr. HUTCHINSON (for himself, Mr. DODD, Mrs. MURRAY, Mr. HATCH, Mr. SPECTER, Mr. BOND, Mr. BINGAMAN, Mr. CRAIG, Mr. TORRICELLI, Mr. BIDEN, Mr. JEFFORDS, Mr. CORZINE, Mr. SARBANES, Ms. MIKULSKI, Mr. KENNEDY, Mr. HELMS, Mr. FRIST, Mr. BREAUX, Mr. EDWARDS, Mr. CRAPO, Ms. COLLINS, Mr. CAMPBELL, Mr. SESSIONS, Mr. INHOFE, Mrs. CARNAHAN, Mr. DURBIN, Mr. KERRY, and Mr. THURMOND) submitted the following resolution; which was referred to the Committee on the Judiciary.

## S. RES. 243

Whereas biotechnology is a strategic industry and is increasingly important to the research and development of products that improve health care, agriculture, industrial processes, environmental remediation, and biological defense;

Whereas biotechnology has been responsible for medical breakthroughs that have benefited millions of people worldwide through the development of vaccines, antibiotics, and other drugs;

Whereas biotechnology is central to research into cures and treatments for conditions such as cancer, diabetes, epilepsy, multiple sclerosis, heart and lung disease, Alzheimer's disease, Acquired Immune Deficiency Syndrome, Parkinson's disease, spinal cord injuries, and many other ailments;

Whereas biotechnology contributes to crop yields and farm productivity, reduces chemical pesticide use, and enhances the quality, value, and suitability of crops for food and other uses that are critical to the agriculture of the United States;

Whereas biotechnology offers the potential for increasing food production, particularly in developing nations facing chronic food shortages;

Whereas biotechnology, through industrial applications, is creating an abundance of efficient enzymes and other biobased products, which foster cleaner industrial processes and can help produce energy, fine chemicals, and biobased plastics from renewable resources;

Whereas biotechnology contributes to homeland defense and national security by providing the tools to develop a new generation of vaccines, therapeutics, and diagnostics for defense against bioterrorism;

Whereas biotechnology contributes to the success of the United States as the global leader in research and development, and international commerce;

Whereas biotechnology will be an important catalyst for creating more high-skilled jobs throughout the 21st century and will help reinvigorate rural economies; and

Whereas it is important for all people of the United States to understand the beneficial role biotechnology plays in an improved quality of life: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of April 21 through April 28, 2002, as "National Biotechnology Week"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

• Mr. HUTCHINSON. Mr. President, I rise today with Senators DODD, MURRAY, HATCH, SPECTER, BOND, BINGAMAN, CRAIG, TORRICELLI, BIDEN, JEFFORDS, CORZINE, SARBANES, MIKULSKI, KEN-

NEDY, HELMS, FRIST, BREAUX, EDWARDS, CRAPO, COLLINS, CAMPBELL, SESSIONS, INHOFE, CARNAHAN, DURBIN, KERRY, and THURMOND to submit a Senate Resolution declaring the Week of April 21–April 27, 2002, as "National Biotechnology Week."

There have been incredible advancements in science over the last few years that are allowing us to improve health care, increase crop yields, reduce the use of pesticides, and replace costly industrial processes involving harsh chemicals with cheaper, safer, biological processes. These advancements have occurred due to the hard work and diligence of scientists and researchers in the United States, and all around the world, who have spent their lives promoting and perfecting the practice of biotechnology.

In addition, biotechnology and the tools and devices developed for this technology will be essential as our country continues to heighten its efforts to combat bioterrorism. One of the first challenges in combating bioterrorism is detection. Quick analysis of pathogens using gene chips and advanced techniques derived from biotechnology will allow health providers to quickly identify the type and nature of any biological attack. Also, there is a need to be able to respond to a biological attack. The tools of biotechnology will allow us to develop the vaccines and treatments needed for this purpose. Because of its great potential, biotechnology is a key component of promoting national security.

In my home State of Arkansas, the potential for biotechnology as a motor for driving economic growth is just taking hold. Innovative research at the University of Arkansas in Fayetteville and the University of Arkansas Medical School is paving the way for many small start-up companies at the state's incubation centers. In addition, research at Arkansas Children's Hospital and new genomics research at the National Center for Toxicological Research is leading to greater understanding of the impact that diets have on health. Also, there is great economic potential for a biotechnology corridor between Little Rock and the Pine Bluff Arsenal where the research community would be welcome to grow and thrive in our State.

With all of these benefits, there is no doubt that biotechnology is touching our lives and improving our world. But, along with this technology comes the responsibility to understand and carefully evaluate it. It is essential that this technology be used to improve our world and preserve our humanity. If there is to be a future for this technology, and we are to fully realize its benefits and potential, elected officials and the public must be informed and engaged about the basics of technology itself and its incredible benefits.

This is why my colleagues and I are pleased to introduce this resolution declaring April 21–27, 2002, as "National Biotechnology Week." It is our hope

that public officials, community leaders, researchers, professors, and school teachers across the country will take this week to actively promote understanding of biotechnology in their communities and their classrooms.●

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3132. Mr. MURKOWSKI (for himself, Mr. BREAUX, and Mr. STEVENS) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 3133. Mr. STEVENS proposed an amendment to amendment SA 3132 proposed by Mr. MURKOWSKI (for himself, Mr. BREAUX, and Mr. STEVENS) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3134. Mr. REID (for Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. FRIST, Mr. BINGAMAN, Mr. ROBERTS, Mr. HARKIN, Mr. BOND, Mr. DASCHLE, Ms. COLLINS, Mr. WELLSTONE, Mr. ENZI, Mrs. MURRAY, Mr. HUTCHINSON, Ms. MIKULSKI, Mr. DODD, Mr. REED, Mr. EDWARDS, and Mrs. CLINTON)) proposed an amendment to the bill S. 1533, to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program which will help coordinate services for the uninsured and underinsured, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 3132.** Mr. MURKOWSKI (for himself, Mr. BREAUX, and Mr. STEVENS) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 590, after line 14, insert the following:

#### DIVISION H—DOMESTIC ENERGY SECURITY

#### TITLE XIX—AMERICAN HOMELAND ENERGY SECURITY

#### SEC. 1901. SHORT TITLE AND PRESIDENTIAL DETERMINATION.

(a) This title may be cited as the "American Homeland Energy Security Act of 2002".

(b) PRESIDENTIAL NATIONAL ECONOMIC AND SECURITY INTEREST CERTIFICATION TO CONGRESS.—

(1) The provisions of this title, other than this subsection, shall take effect upon a determination by the President and certification by the President to the Senate and the House of Representatives that exploration, development, and production of the oil and gas resources of the Coastal Plain (as defined in section 1902(1) of this title) are in the national economic and security interests of the United States.

(2) The President shall base a determination under paragraph (1) upon the President's judgment of the contribution that production of the oil and gas resources of the Coastal Plain would make in—

(A) meeting the energy requirements of the United States in a time of national emer-

gency, taking into account foreseeable military contingencies in the war on terrorism and international commitments;

(B) reducing dependence on imported foreign oil, including from Iraq and other potentially hostile nations; and

(C) creating new jobs for American men and women.

(3) The determination and certification by the President shall be made in his sole discretion and shall not be reviewable.

#### SEC. 1902. DEFINITIONS.

In this title:

(1) **COASTAL PLAIN.**—The term "Coastal Plain" means that area identified as such in the map entitled "Arctic National Wildlife Refuge", dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres, and as legally described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) **SECRETARY.**—The term "Secretary", except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

(3) **KAKTOVIK.**—The term "Kaktovik" means the home of the only human residents of the Arctic National Wildlife Refuge.

#### SEC. 1903. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) **IN GENERAL.**—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this title a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain;

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased; and

(3) to consult with the representatives of the City of Kaktovik and the Kaktovik Inupiat Corporation to ensure that the oil and gas exploration, development and production activities authorized by this title are conducted in a manner that recognizes the interests of the city, the corporation, and the residents of Kaktovik, their culture, their traditional subsistence activities, and their use of the resources of the Coastal Plain.

(b) **REPEAL.**—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) **COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.**—

(1) **COMPATIBILITY.**—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) **ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IM-**

**FACT STATEMENT.**—The "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) **COMPLIANCE WITH NEPA FOR OTHER ACTIONS.**—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify non-leasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) **RELATIONSHIP TO STATE AND LOCAL AUTHORITY.**—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) **SPECIAL AREAS.**—

(1) **IN GENERAL.**—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section 1902(1).

(2) **MANAGEMENT.**—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) **EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.**—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) **DIRECTIONAL DRILLING.**—Notwithstanding the other provisions of this section, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) **LIMITATION ON CLOSED AREAS.**—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) **REGULATIONS.**—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this title.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

#### SEC. 1904. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this title within 22 months after the date of the enactment of this title; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

#### SEC. 1905. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 1904 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

#### SEC. 1906. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 1903(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease, except exports to Israel; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

(b) ENERGY SECURITY OF ISRAEL.—To further the purposes of paragraph (a)(8), the oil supply arrangement between the United States and Israel, as memorialized in a Memorandum of Agreement which entered into force on November 25, 1979, as extended through 2004, and the related Contingency Implementing Arrangements for the Memorandum of Agreement, as extended through 2004, are extended through 2014.

(c) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

#### SEC. 1907. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 1903, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers

for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the 'Final Legislative Environmental Impact Statement' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if—

(A) the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year; and

(B) the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain. (4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from

the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIM-ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact

on fish and wildlife, their habitat, and the environment.

(D) Using existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

#### SEC. 1908. EXPEDITED JUDICIAL REVIEW.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any federal agency or officer under this title;

(2) the constitutionality of any provision of this title, or any decision made or action taken thereunder; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 with respect to any action under this title.

(b) DEADLINE FOR FILING CLAIM.—Claims arising under this title may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) EXPEDITED CONSIDERATION.—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) of this section for expedited consideration.

(d) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this title and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this title shall be presumed to be correct unless the Court determines that there is no rational basis for the final action of the Secretary.

(e) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

#### SEC. 1909. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 1903(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

#### SEC. 1910. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(a) to the Kaktovik Inupiat Corporation the surface estate of the lands described in

paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(b) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

#### SEC. 1911. COASTAL PLAIN LOCAL GOVERNMENT IMPACT AID ASSISTANCE FUND.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Interior may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly affected by the exploration for or production of oil and gas on the Coastal Plain under this title.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance made available under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects; and

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary of the Interior, in such form and under such procedures as the Secretary of the Interior may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary of the Interior shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—A separate account is hereby established in the U.S. Treasury which shall be known as the "Coastal Plain Local Government Impact Aid Assistance Fund".

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section and shall be available to the Secretary of the Interior without further appropriation and without fiscal year limitation.

(3) DEPOSITS.—Subject to paragraph (4), and in accordance with section 1912(a)(2) of this title, there shall be deposited into the fund amounts received by the United States as revenues derived from bonus bids on leases and lease sales authorized under this title.

(4) INVESTMENT OF BALANCES.—The Secretary of the U.S. Treasury shall invest amounts in the fund in interest bearing government securities.

#### SEC. 1912. REVENUE ALLOCATION.

(a) BONUS BIDS.—Notwithstanding section 1904 of this title, the Mineral Leasing Act (30 U.S.C. 181 et. Seq.), or any other law, of the amount of the adjusted bonus bids from oil and gas leasing and operations authorized under this title—

(1) 50 percent shall be paid to the State of Alaska;

(2) 1 percent shall be deposited into the Coastal Plain Local Government Impact Aid Assistance Fund as authorized under section 1911 of this title; and

(3) The balance of such revenues shall be distributed as follows:

(i) \$10 million shall be available to the Secretary of Energy, without further appropriation and without fiscal year limitation, to fill the Strategic Petroleum Reserve, including terminalling, transportation, power and third party inspections, and to the extent the Secretary of Energy determines that geographic dispersal of the Reserve would enhance its use for national security, the Secretary of Energy shall consider adding Strategic Petroleum Reserves to the West Coast and Hawaii, consistent with current law; and

(ii) the remainder of the balance shall be distributed as follows: 50 percent shall be deposited into the Renewable Energy Technology Investment Fund as provided in this section and 50 percent shall be deposited into the Habitat Conservation and Federal Maintenance and Improvements Backlog Fund.

(b) RENEWABLE ENERGY TECHNOLOGY INVESTMENT FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—A separate account is hereby established in the U.S. Treasury of the United States which shall be known as the "Renewable Energy Technology Investment Fund".

(2) USE, GENERALLY.—Not to exceed \$80,000,000 of the funds deposited into the Renewable Energy Technology Investment Fund shall be available in each fiscal year to the Secretary of Energy, without further appropriation, to finance research grants, contracts, and cooperative agreements and expenses of direct research by Federal agencies, including the costs of administering and reporting on such a program of research, to improve and demonstrate technology and develop basic science information for development and use of renewable and alternative fuels including wind energy, solar energy, geothermal energy, hydroelectric energy and energy from biomass. Such research may include studies on deployment of such technology including research on how to lower the costs of introduction of such technology and of barriers to entry into the market of such technology.

(3) CONSULTATION AND COORDINATION.—Any specific use of the Renewable Energy Technology Investment Fund shall be determined only after the Secretary of Energy consults and coordinates with the heads of other appropriate Federal agencies.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter, the Secretary of Energy shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the use of funds under this section and the impact of and efforts to integrate such uses with other energy research efforts.

(c) HABITAT CONSERVATION AND FEDERAL MAINTENANCE AND IMPROVEMENTS BACKLOG FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—A separate account is hereby established in the

U.S. Treasury of the United States which shall be known as the "Habitat Conservation and Federal Maintenance and Improvements Backlog Fund".

(2) USE, GENERALLY.—Funds shall be deposited into the Habitat Conservation and Federal Maintenance and Improvements Backlog Fund shall be available to the Secretary of the Interior, without further appropriation and without fiscal year limitation, and may be used by the Secretary of the Interior to finance grants, contracts, cooperative agreements (including Memoranda of Understanding), and programs for direct activities of the Department of the Interior to:

(A) eliminate maintenance and improvement backlogs on Federal lands;

(B) restore and protect uplands, wetlands, and coastal habitat;

(C) provide public access and necessary facilities for visitor accommodations;

(D) restore and improve historic landmarks and property; and

(E) develop urban parks through the Urban Park Recreation and Recovery Program and state and local recreation areas.

(3) CONSULTATION AND COORDINATION.—Any specific use of the Habitat Conservation and Federal Maintenance and Improvements Backlog Fund shall be determined only after the Secretary of the Interior consults and coordinates with the heads of other appropriate Federal agencies.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter, the Secretary of the Interior shall transmit to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Appropriations Committees of both the House of Representatives and the Senate a report on the use of funds under this section.

(d) RENTS AND ROYALTIES.—Notwithstanding section 1904 of this title, the Mineral Leasing Act (30 U.S.C. 181, et. seq.), or any other law, of the amount of the rents and royalties from oil and gas leasing and operations authorized under this title—

(1) 50 percent shall be paid to the State of Alaska; and

(2) 50 percent shall be deposited into the U.S. Treasury as miscellaneous receipts.

(e) ADJUSTMENTS.—Adjustments to rental and royalty amounts from oil and gas leasing and operations authorized under this title shall be made as necessary for overpayments and refunds from lease revenues received in current or subsequent periods before distribution of such revenues pursuant to this section.

(f) PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be made quarterly.

#### SEC. 1913. ADDITIONAL WILDERNESS DESIGNATION

Notwithstanding Sections 101(d) and 1326 of the Alaska National Interest Lands Conservation Act, Section 702(3) of the Alaska National Interest Lands Conservation Act (P.L. 96-487) is amended to read as follows:

"(3) Mollie Beattie Wilderness of approximately 9.5 million acres generally depicted on a map entitled "Arctic National Wildlife Refuge" dated April 2002 on file in the Office of the Director of the U.S. Fish and Wildlife Service;"

**SA 3133.** Mr. STEVENS proposed an amendment to amendment SA 3132 proposed by Mr. MURKOWSKI (for himself, Mr. BREAUX, and Mr. STEVENS) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through

technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

(a) On page 3, strike all after line 1 and insert the following:

#### "SEC. 1903. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

"(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

"(1) to establish and implement in accordance with this title a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain;

"(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased; and

"(3) to consult with the representatives of the City of Kaktovik and the Kaktovik Inupiat Corporation to ensure that the oil and gas exploration, development and production activities authorized by this title are conducted in a manner that recognizes the interests of the city, the corporation, and the residents of Kaktovik, their culture, their traditional subsistence activities, and their use of the resources of the Coastal Plain.

"(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

"(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

"(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

"(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The 'Final Legislative Environmental Impact Statement' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

"(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify non-

leasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 6 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

“(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

“(e) SPECIAL AREAS.—

“(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section 1902(1).

“(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

“(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

“(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this section, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

“(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

“(g) REGULATIONS.—

“(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 4 months after the date of the enactment of this title.

“(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

#### “SEC. 1904. LEASE SALES.

“(a) IN GENERAL.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

“(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

“(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

“(2) the holding of lease sales after such nomination process; and

“(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

“(c) LEASE SALE BIDS.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

“(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

“(e) TIMING OF LEASE SALES.—The Secretary shall—

“(1) conduct the first lease sale under this title within 8 months after the date of the enactment of this title; and

“(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

“(f) AUTHORIZATION FOR APPROPRIATIONS.—The Secretary of the Interior is authorized and directed to make available from funds available to the Secretary under Public Law 107-63 under the Bureau of Land Management, “Management of Lands and Resources” such sums as are necessary to carry out the provisions of this section.”

#### “SEC. 1905. GRANT OF LEASES BY THE SECRETARY.

“(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 1904 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

“(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

#### “SEC. 1906. LEASE TERMS AND CONDITIONS.

“(a) IN GENERAL.—An oil or gas lease issued pursuant to this title shall—

“(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

“(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

“(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

“(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

“(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses

which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

“(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 1903(a)(2);

“(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

“(8) prohibit the export of oil produced under the lease, except exports to Israel; and

“(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

“(b) ENERGY SECURITY OF ISRAEL.—To further the purposes of paragraph (a)(8), the oil supply arrangement between the United States and Israel, as memorialized in a Memorandum of Agreement which entered into force on November 25, 1979, as extended through 2004, and the related Contingency Implementing Arrangements for the Memorandum of Agreement, as extended through 2004, are extended through 2014.

“(c) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

#### “SEC. 1907. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

“(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 1903, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

“(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

“(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

“(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

“(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

“(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

“(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and



“(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

“(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

“(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

“(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ‘Final Legislative Environmental Impact Statement’ (April 1987) on the Coastal Plain.

“(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

“(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if—

“(A) the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year; and

“(B) the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

“(4) Design safety and construction standards for all pipelines and any access and service roads, that—

“(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

“(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

“(5) Prohibitions on public access and use on all pipeline access and service roads.

“(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

“(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

“(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

“(9) Consolidation of facility siting.

“(10) Appropriate prohibitions or restrictions on use of explosives.

“(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

“(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

“(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

“(14) Fuel storage and oil spill contingency planning.

“(15) Research, monitoring, and reporting requirements.

“(16) Field crew environmental briefings.

“(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

“(18) Compliance with applicable air and water quality standards.

“(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

“(20) Reasonable stipulations for protection of cultural and archeological resources.

“(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

“(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

“(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

“(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

“(3) The land use stipulations for exploratory drilling on the KIC-ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

“(f) FACILITY CONSOLIDATION PLANNING.—

“(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

“(2) OBJECTIVES.—The plan shall have the following objectives:

“(A) Avoiding unnecessary duplication of facilities and activities.

“(B) Encouraging consolidation of common facilities and activities.

“(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

“(D) Using existing facilities wherever practicable.

“(E) Enhancing compatibility between wildlife values and development activities.

“SEC. 1908. EXPEDITED REVIEW.

The provisions and limitations in subsections 203(c), “(d) and (e) of Public Law 93-153 shall apply to all actions and decisions

concerning pre-leasing, leasing and development activities authorized in this title.”

“SEC. 1909. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

“(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

“(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

“(c) REGULATIONS.—The Secretary shall include in regulations under section 1903(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

“SEC. 1910. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

“(a) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

“(b) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

“SEC. 1911. COASTAL PLAIN LOCAL GOVERNMENT IMPACT AID ASSISTANCE FUND.

“(a) FINANCIAL ASSISTANCE AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of the Interior may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly affected by the exploration for or production of oil and gas on the Coastal Plain under this title.

“(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

“(b) USE OF ASSISTANCE.—Financial assistance made available under this section may be used only for—

“(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

“(2) implementing mitigation plans and maintaining mitigation projects; and

“(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting,

police, water, waste treatment, medivac, and medical services.

“(c) APPLICATION.—

“(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary of the Interior, in such form and under such procedures as the Secretary of the Interior may prescribe by regulation.

“(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

“(3) APPLICATION ASSISTANCE.—The Secretary of the Interior shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

“(d) ESTABLISHMENT OF FUND.—

“(1) IN GENERAL.—A separate account is hereby established in the U.S. Treasury which shall be known as the “Coastal Plain Local Government Impact Aid Assistance Fund”.

“(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section and shall be available to the Secretary of the Interior without further appropriation and without fiscal year limitation.

“(3) DEPOSITS.—Subject to paragraph (4), and in accordance with section 1912(a)(2) of this title, there shall be deposited into the fund amounts received by the United States as revenues derived from bonus bids on leases and lease sales authorized under this title.

“(4) INVESTMENT OF BALANCES.—The Secretary of the U.S. Treasury shall invest amounts in the fund in interest bearing government securities.

#### “SEC. 1912. REVENUE ALLOCATION.

“(a) BONUS BIDS.—Notwithstanding section 1904 of this title, the Mineral Leasing Act (30 U.S.C. 181 et. seq.), or any other law, of the amount of the adjusted bonus bids from oil and gas leasing and operations authorized under this title—

“(1) 50 percent shall be paid to the State of Alaska;

“(2) 1 percent shall be deposited into the Coastal Plain Local Government Impact Aid Assistance Fund as authorized under section 1911 of this title; and

“(3) The balance of such revenues shall be distributed as follows:

“(i) \$10 million shall be available to the Secretary of Energy, without further appropriation and without fiscal year limitation, to fill the Strategic Petroleum Reserve, including terminalling, transportation, power and third party inspections, and to the extent the Secretary of Energy determines that geographic dispersal of the Reserve would enhance its use for national security, the Secretary of Energy shall consider adding Strategic Petroleum Reserves to the West Coast and Hawaii, consistent with current law; and

“(ii) the remainder of the balance shall be deposited into the Conservation, Jobs, and Steel Reinvestment Trust Fund as provided in section 1914.

“(b) RENTS AND ROYALTIES.—Notwithstanding section 1904 of this title, the Mineral Leasing Act (30 U.S.C. 181, et. seq.), or any other law, of the amount of the rents and royalties from oil and gas leasing and operations authorized under this title—

“(1) 50 percent shall be paid to the State of Alaska; and

“(2) 50 percent shall be deposited into the Conservation, Jobs, and Steel Reinvestment

Trust Fund, in accordance with the provisions of section 1914, and thereafter into the U.S. Treasury as miscellaneous receipts.

“(c) PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be transferred on the 15th day of each month as a direct lump sum payment from the Treasury without further appropriation.

#### “SEC. 1913. ADDITIONAL WILDERNESS DESIGNATION.—

Notwithstanding Sections 101(d) and 1326 of the Alaska National Interest Lands Conservation Act, Section 702(3) of the Alaska National Interest Lands Conservation Act (P.L. 96-487) is amended to read as follows:

“(3) Mollie Beattie Wilderness of approximately 9.5 million acres generally depicted on a map entitled “Arctic National Wildlife Refuge” dated April 2002 on file in the Office of the Director of the U.S. Fish and Wildlife Service;.”

#### “1914. CONSERVATION, JOBS, AND STEEL REINVESTMENT TRUST FUND.

“(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a separate account which shall be known as the “Conservation, Jobs, and Steel Reinvestment Trust Fund”.

“(b) DEPOSITS.—Deposits described in subsection (g), the bonus bid revenues described in section 1912(a)(3)(ii) from leases authorized or issued under this title, and for 30 years following the production from leases issued under this title fifty percent of the rents, royalties and other payments, as described in section 1912(b)(2), shall be deposited into the Conservation, Jobs, and Steel Reinvestment Trust Fund. Amounts described at subsections (c)(2), (3), (4) and (5) of this section and deposited in such Fund each fiscal year shall be available until expended without further appropriation. Amounts described at subsections (c)(1) and (g) and deposited in such Fund shall be available in accordance with subsection (g).

“(c) USE GENERALLY.—Subject to paragraph (d), of the funds deposited into the Conservation, Jobs, and Steel Reinvestment Trust Fund—

“(1)(A) 57 percent of bonus bids in Fiscal Year 2003;

“(B) 48 percent of bonus bids in Fiscal Year 2005; and

“(C) 90 percent of rents, royalties and payments for the first 30 years of production shall be available for activities described in subsection (g).

“(2)(A) 10 percent of bonus bids in Fiscal Year 2003; and

“(B) 10 percent of bonus bids in Fiscal Year 2005

may be used by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Energy to finance grants, contracts, cooperative agreements (including Memoranda of Understanding), and programs for direct activities of the Departments of the Interior, Energy, and Agriculture to—

“(i) eliminate maintenance and improvement backlogs on Federal lands;

“(ii) restore and protect upland and coastal habitat;

“(iii) provide public access and necessary facilities for visitor accommodations;

“(iv) restore and improve historic landmarks and property;

“(v) develop urban parks through the Urban Park Recreation and Recovery Program and state and local recreation areas;

“(vi) support renewable energy programs, expand energy efficiency programs (including the Steel Industry of the Future program), and develop alternative energy sources; and

“(vii) support other related authorized programs within the jurisdiction of the House and Senate Committees on Appropriations.

“(3)(A) 15 percent of bonus bids in Fiscal Year 2003; and

“(B) 15 percent of bonus bids in Fiscal Year 2005

may be used by the Secretary of Commerce to provide grants, loans, and other assistance (including federal loans with deferred or forgivable payments) to modernize the United States steel, heavy equipment, and related manufacturing industries, and to produce the necessary materials and equipment and construct the necessary infrastructure to support such industries, with emphasis on the transportation systems and infrastructure necessary to transport domestic petroleum products, under authorized programs including, but not limited to—

“(i) the Manufacturing Enterprise Program to stimulate manufacturing capacity;

“(ii) the Economic Development Administration;

“(iii) the International Trade Administration; and

“(iv) federal loan guarantees to finance private sector construction of such transportation systems and infrastructure; and

“(v) other related authorized programs within the jurisdiction of the House and Senate Committees on Appropriations to improve or increase manufacturing capacities and capabilities in the United States.

“(4)(A) 10 percent of bonus bids in Fiscal Year 2003; and

“(B) 10 percent in Fiscal Year 2005

may be used by the Secretary of Labor, except as provided under subsection (e), to train American workers to fabricate, construct, operate, and transport materials for systems and infrastructure necessary to transport domestic petroleum products using authorized programs, including but not limited to—

“(i) veterans employment and training programs;

“(ii) dislocated workers program to train unemployed workers;

“(iii) the Mine Safety and Health Administration;

“(iv) the Occupational Safety and Health Administration;

“(v) employment and training administration programs; and

“(vi) other related authorized job training and worker programs within the jurisdiction of the House and Senate Committees on Appropriations.

“(5)(A) \$100 million in Fiscal Year 2003;

“(B) \$50 million in Fiscal Year 2005; and

“(C) 10 percent of the rents, royalties and payments for the first 30 years of production

shall be deposited into the Fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231), and shall be available without further appropriation for transfer, as needed, to the Combined Fund identified in section 402(h)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) to pay the amount of any shortfall in any premium account for any plan year under the Combined Fund.”

In the event bonus bids received exceed the amounts specified in subparagraphs (1)(A) and (B), 2(A) and (B), 3(A) and (B), 4(A) and (B) and 5(A) and (B), 90 percent of such excess funds shall be available for uses as described in paragraph (1), and 10 percent of such excess funds shall be available for use as described in paragraph (5) of this subsection.

“(d) ASSURANCE.—The President, at his discretion, may request that amounts available in any fiscal year under paragraphs (c)(2), (3), and (4) be reallocated among the qualified uses in paragraphs (c)(2), (c)(3), and (c)(4) through appropriations acts.

“(e) MAXIMIZING AMERICAN EMPLOYMENT.—The Secretary of State is authorized to enter

into agreements with foreign countries to allow American workers to enter foreign countries to construct, operate, and maintain projects that will increase production and transportation of domestic energy resources and reduce America's reliance on foreign oil and natural gas.

“(f) SEVERABILITY CLAUSE.—If any provision of this section, including subsections, sentences, clauses, phrases, or individual words, or the application thereof is held invalid, the validity of the remainder of the section and of the application of any such provision, subsection, sentence, clause, phrase, or individual word shall not be affected thereby.”

“(g) ESTABLISHMENT OF STEEL INDUSTRY RETIREE BENEFITS PROTECTION PROGRAM.—The Trade Act of 1974 is amended by adding at the end the following new title:

“TITLE IX—PROTECTION FOR STEEL INDUSTRY RETIREMENT BENEFITS

“SUBTITLE A. Definitions.

“SUBTITLE B. Steel Industry Retiree Benefits Protection Program.

“SUBTITLE C. Conservation Jobs, and Steel Reinvestment Trust Fund.

“SubTitle A—Definitions

“Sec. 901. Definitions.

“SEC. 901. DEFINITIONS.

“(a) TERMS RELATING TO BENEFITS PROGRAM.—For purposes of this title—

“(1) RETIREE BENEFITS PROGRAM.—The term ‘retiree benefits program’ means the Steel Industry Retiree Benefits Protection Program established under this title to provide medical and death benefits to eligible retirees and beneficiaries.

“(2) STEEL RETIREE BENEFITS.—

“(A) IN GENERAL.—The term ‘steel retiree benefits’ means medical, surgical, or hospital benefits, and death benefits, whether furnished through insurance or otherwise, which are provided to retirees and eligible beneficiaries in accordance with an employee benefit plan (within the meaning of section 3(3) of the Employee Retirement Income Security Act of 1974) which—

“(i) is established or maintained by a qualified steel company or an applicable acquiring company, and

“(ii) is in effect on or after January 1, 2000. Such term includes benefits provided under a plan without regard to whether the plan is established or maintained pursuant to a collective bargaining agreement.

“(B) RETIREE.—

“(i) IN GENERAL.—The term ‘retiree’ means an individual who has met any years of service or disability requirements under an employee benefit plan described in subparagraph (A) which are necessary to receive steel retiree benefits under the plan.

“(ii) CERTAIN RETIREES INCLUDED.—An individual shall not fail to be treated as a retiree because the individual—

“(I) retired before January 1, 2000, or

“(II) was not employed at the steelmaking assets of a qualified steel company.

“(b) TERMS RELATING TO STEEL COMPANIES.—For purposes of this title—

“(1) QUALIFIED STEEL COMPANY.—

“(A) IN GENERAL.—The term ‘qualified steel company’ means any person which on January 1, 2000, was engaged in—

“(i) the production or manufacture of a steel mill product,

“(ii) the mining or processing of iron ore or beneficiated iron ore products, or

“(iii) the production of coke for use in a steel mill product.

“(B) TRANSPORTATION.—The term ‘qualified steel company’ includes any person which on January 1, 2000, was engaged in the transportation of any steel mill product solely or principally for another person described in

subparagraph (A), but only if such person and such other person are related persons.

“(C) SUCCESSORS IN INTEREST.—The term ‘qualified steel company’ includes any successor in interest of a person described in subparagraph (A) or (B).

“(2) STEELMAKING ASSETS AND STEEL MILL PRODUCTS.—

“(A) STEELMAKING ASSETS.—The term ‘steelmaking assets’ means any land, building, machinery, equipment, or other fixed assets located in the United States which, at any time on or after January 1, 2000, have been used in the activities described in subparagraph (A) or (B) of paragraph (1).

“(B) STEEL MILL PRODUCT.—The term ‘steel mill product’ means any product defined by the American Iron and Steel Institute as a steel mill product.

“(3) ACQUIRING COMPANY.—The term ‘acquiring company’ means any person which acquired on or after January 1, 2000, steelmaking assets of a qualified steel company with respect to which a qualifying event has occurred.

“(c) OTHER DEFINITIONS.—For purposes of this title—

“(1) RELATED PERSON.—The term ‘related person’ means, with respect to any person, a person who—

“(A) is a member of the same controlled group of corporations (within the meaning of section 52(a)) as such person, or

“(B) is under common control (within the meaning of section 52(b)) with such person.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.

“(3) TRUST FUND.—The term ‘Trust Fund’ means the Conservation, Jobs, and Steel Reinvestment Trust Fund established under section 1914 of the Energy Policy Act of 2002.

“SubTitle B—Steel Industry Retiree Benefits Protection Program

“I. Establishment.

“II. Relief and assumption of liability, eligibility, and certification.

“III. Program benefits.

“PART I—ESTABLISHMENT

“Sec. 902. Establishment.

“SEC. 902. ESTABLISHMENT.

“There is established a Steel Industry Retiree Benefits Protection program to be administered by the Secretary and the Board of Trustees for the amounts of the Trust Fund described in section 1914(c)(1) of the Energy Policy Act of 2002 and this title in accordance with the provisions of this title for the purpose of providing medical and death benefits to eligible retirees and eligible beneficiaries certified as participants in the program under part II.

“PART II—RELIEF AND ASSUMPTION OF LIABILITY, ELIGIBILITY, AND CERTIFICATION

“Sec. 911. Relief and assumption of liability.

“Sec. 912. Qualifying events.

“Sec. 913. Eligibility and certification of eligibility.

“SEC. 911. RELIEF AND ASSUMPTION OF LIABILITY.

“(a) IN GENERAL.—If—

“(1) the Secretary certifies under section 912 that there was a qualifying event with respect to a qualified steel company,

“(2) the asset transfer requirements of subsection (b) and the contribution requirements of subsection (c) are met with respect to the qualifying event, then the United States shall assume liability, subject to amounts available in the Trust Fund and additional funds made available in appropriations acts, for the provision of steel retiree benefits for each eligible retiree and eligible beneficiary certified for participation in the retiree benefits program under section 913 (and the qualified steel company, any prede-

cessor or successor, and any related person to such company, predecessor, or successor shall be relieved of any liability for the provision of such benefits). The United States shall be treated as satisfying any liability assumed under this subsection if benefits are provided to eligible retirees and eligible beneficiaries under the retiree benefits program provided in part III, and

“(3) the qualified steel company and any acquiring company assumes their respective liability to make any contributions required under subsection(c),

then the United States shall assume liability, subject to amounts available in the Trust Fund and additional funds made available in appropriations acts, for the provision of steel retiree benefits for each eligible retiree and eligible beneficiary certified for participation in the retiree benefits program under section 913 (and the qualified steel company, any predecessor or successor, and any related person to such company, predecessor, or successor shall be relieved of any liability for the provision of such benefits). The United States shall be treated as satisfying any liability assumed under this subsection if benefits are provided to eligible retirees and eligible beneficiaries under the retiree benefits program provided in part III.

“(b) REQUIRED ASSET TRANSFERS.—

“(1) IN GENERAL.—The requirements of this subsection are met if the qualified steel company and any applicable acquiring company transfer to the Trust Fund all assets, as determined in accordance with rules prescribed by the Secretary, which, under the terms of an applicable collective bargaining agreement, were required to be set aside under an employee benefit plan or otherwise for the provision of the steel retiree benefits the liability for which (determined without regard to this subsection) is relieved by operation of subsection (a). The assets required to be transferred shall not include voluntary contributions, including voluntary contributions made pursuant to a voluntary employees beneficiary association trust, which are in excess of the contributions described in the preceding sentence.

“(2) DETERMINATION.—The amount of the assets to be transferred under paragraph (1) shall be determined at the time of the certification under section 912 and shall include interest from the time of the determination to the time of transfer. Such amount shall be reduced by any payments from such assets which are made after the determination by the qualified steel company or applicable acquiring company for the provision of steel retiree benefits for which such assets were set aside and the liability for which (determined without regard to this subsection) is relieved by operation of subsection (a).

“(c) CONTRIBUTION REQUIREMENTS.—

“(1) CONTRIBUTIONS BASED ON OWNERSHIP OF STEELMAKING ASSETS.—

“(A) IN GENERAL.—If there is a qualifying event certified under section 912 with respect to a qualified steel company—

“(i) the qualified steel company shall assume the obligation to pay, and

“(ii) if the qualified steel company transferred on or after January 1, 2000, any of its steelmaking assets, the qualified steel company and any acquiring company acquiring such assets as part of a qualifying event shall assume the obligation to pay,

to the Trust Fund for each of the years in the period beginning on the date of the qualifying event its ratable share of the amount determined under subparagraph (B) with respect to the steelmaking assets owned by such company or person.

“(B) AMOUNT OF LIABILITY.—

“(i) IN GENERAL.—The amount required to be paid under subparagraph (A) for any year

shall be equal to \$6 per ton of products described in section 901(b)(1)(A) attributable to the steelmaking assets which are subject to the qualifying event. If 2 or more persons own steelmaking capacity or assets, the liability under this clause shall be allocated ratably on the basis of their respective ownership interests. The determination under this clause for any year shall be made on the basis of shipments during the calendar year preceding the calendar year in which such year begins. In the event the cost of the program is reduced the amount paid by qualified steel companies per ton of products described in 901(b)(1)(A) shall be reduced by the same percentage.

“(ii) **REDUCTIONS IN LIABILITY.**—The amount of any liability under clause (i) for any year shall be reduced by the amount of any assets transferred to the Trust Fund under subsection (b), reduced by any portion of such amount applied to a liability for any preceding year. If 2 or more persons are liable under subparagraph (A) with respect to any qualifying event, the reduction under clause (i) shall be allocated ratably among such persons on the basis of their respective liabilities or in such other manner as such persons may agree.

“(2) **FASB LIABILITY IN CASE OF CERTAIN QUALIFYING EVENTS.**—

“(A) **IN GENERAL.**—If there is a qualifying event (other than a qualified acquisition) with respect to a qualified steel company, then, subject to the provisions of subparagraphs (C) and (D), the qualified steel company shall be liable for payment to the Trust Fund of the amount determined under subparagraph (B). If a qualified acquisition occurs after another qualifying event, such other qualifying event shall be disregarded for purposes of this paragraph.

“(B) **AMOUNT OF LIABILITY.**—The amount determined under this subparagraph shall be equal to the excess (if any) of—

“(i) the amount determined under the Financial Accounting Standards Board Rule 106 as being equal to the present value of the steel retiree benefits of eligible retirees and beneficiaries of the qualified steel company the liability for which (determined without regard to any modification pursuant to section 1114 of title 11, United States Code) is relieved under subsection (a), over

“(ii) the sum of—

“(i) the value of the assets transferred under subsection (b) with respect to the retirees and beneficiaries, and

“(ii) the present value of any payments (other than payments determined under this subparagraph) to be made under this subsection with respect to steelmaking assets of the qualified steel company.

“(C) **DISCHARGES IN BANKRUPTCY.**—The amount of any liability under subparagraph (B) shall be reduced by the portion of such liability which, in accordance with the provisions of title 11, United States Code, is discharged in any bankruptcy proceeding.

“(D) **NO LIABILITY IF INDUSTRY-WIDE ELECTION MADE.**—If a qualifying event occurs by reason of a qualified election under section 912(d)(2)(B), then—

“(i) any liability that arose under this paragraph for any qualifying event occurring before such election is extinguished (and any payment of such liability shall be refunded from the Trust Fund with interest), and

“(ii) this paragraph shall not apply to the qualifying event occurring by reason of such election or any subsequent qualifying event.

“(3) **JOINT AND SEVERAL LIABILITY.**—Any related person of any person liable for any payment under this subsection shall be jointly and severally liable for the payment.

“(4) **TIME AND MANNER OF PAYMENT.**—The Secretary shall establish the time and manner of any payment required to be made

under this subsection, including the payment of interest.

#### SEC. 912. QUALIFYING EVENTS.

“(a) **IN GENERAL.**—For purposes of this title, the term ‘qualifying event’ means any—

- “(1) qualified acquisition,
- “(2) qualified closing,
- “(3) qualified election, and
- “(4) qualified bankruptcy transfer.

“(b) **QUALIFIED ACQUISITION.**—For purposes of this title, the term ‘qualified acquisition’ means any arms-length transaction or series of related transactions—

“(1) under which a person (whether or not a qualified steel company) acquires by purchase, merger, stock acquisition, or otherwise all or substantially all of the steelmaking assets held by the qualified steel company as of January 1, 2000, and

“(2) which occur on and after January 1, 2000, and before the date which is 2 years after the date of the enactment of this title.

Such term shall not include any acquisition by a related person.

“(c) **QUALIFIED CLOSING.**—For purposes of this title—

“(1) **IN GENERAL.**—The term ‘qualified closing’ means—

“(A) the permanent cessation on or after January 1, 2000, and before January 1, 2004, by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, of all activities described in subparagraph (A) or (B) of paragraph (1) of section 901(b), or

“(B) the transfer on or after January 1, 2000, and before January 1, 2004, by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, of all or substantially all of its steelmaking assets to 1 or more persons other than related persons in an arms-length transaction or series of related transactions which do not constitute a qualified acquisition.

“(2) **COMPANIES IN IMMINENT DANGER OF CLOSURE.**—A qualified closing of a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, shall be treated as having occurred if the company—

“(A) meets the acquisition effort requirements of paragraph (3),

“(B) establishes to the satisfaction of the Secretary that—

“(i) it is in imminent danger of becoming a closed company, or

“(ii) in the case of a company operating under protection of chapter 11 of title 11, United States Code, it is unable to reorganize without the relief provided under this title, and

“(C) elects, in such manner as the Secretary prescribes, at any time after the date of the enactment of this title and before the date which is 2 years after the date of the enactment of this title, to avail itself of the relief provided under this title.

“(3) **ACQUISITION EFFORT REQUIREMENTS.**—

“(A) **IN GENERAL.**—The requirements of this paragraph are met by a qualified steel company if—

“(i) the company files with the Secretary within 10 days of the date of the enactment of this title—

“(I) a notice of intent to be acquired, and

“(II) a description of the actions the company will undertake to have its steelmaking assets acquired in a qualified acquisition, and

“(ii) the company at all times after the filing under clause (i) and the date which is 2 years after the date of the enactment of this title (or, if earlier, the date on which the requirement of paragraph (2)(B) is satisfied) makes a continuing, good faith effort to have

its steelmaking assets acquired in a qualified acquisition.

“(B) **GOOD FAITH EFFORT.**—A continuing, good faith effort under subparagraph (A)(ii) shall include—

“(i) the active marketing of a company's steelmaking assets through the retention of an investment banker, the preparation and distribution of offering materials to prospective purchasers, allowing due diligence and investigatory activities by prospective purchasers, the active and good faith consideration of all expressions of interest by prospective purchasers, and any other affirmative action designed to result in a qualified acquisition of a company's steelmaking assets, and

“(ii) a demonstration to the Secretary by the company that no bona fide and fair offer which would have resulted in a qualified acquisition of the company's steelmaking assets has been unreasonably refused.

“(d) **QUALIFIED ELECTION.**—For purposes of this title—

“(1) **IN GENERAL.**—The term ‘qualified election’ means an election by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, meeting the acquisition effort requirements of subsection (c)(3) to transfer its obligations for steel retiree benefits to the retiree benefit program. Such an election shall be made not earlier than the date which is 2 years after the date of the enactment of this title, and in such manner as the Secretary may prescribe.

“(2) **INDUSTRY-WIDE ELECTION.**—Notwithstanding paragraph (1), a qualified election shall be treated as having occurred with respect to a qualified steel company (whether or not operating under the protection of chapter 11 or 7 of title 11, United States Code) if—

“(A) the Secretary determines that at least 200,000 eligible retirees and beneficiaries have been certified under section 913 for participation in the retiree benefits program, and

“(B) the qualified steel company elects to avail itself of the relief provided under this title on or after the date of the determination under subparagraph (A).

“(e) **QUALIFIED BANKRUPTCY TRANSFER.**—For purposes of this title, the term ‘qualified bankruptcy transfer’ means any transaction or series of transactions—

“(1) under which the qualified steel company, operating under the protection of chapter 11 or 7 of title 11, United States Code, transfers by any means (including but not limited to a plan of reorganization) its control over at least 30 percent of the production capacity of its steelmaking assets to 1 or more persons which are not related persons of such company,

“(2) which are not part of a qualified acquisition or qualified closing of a qualified steel company, and

“(3) which occur on and after January 1, 2000, and before January 1, 2004.

“(f) **CERTIFICATION.**—

“(1) **IN GENERAL.**—The Secretary shall certify a qualifying event with respect to a qualified steel company if the Secretary determines that the requirements of this title are met with respect to such event and that the asset transfer and contribution requirements of section 911 will be met.

“(2) **TIME FOR DECISION.**—The Secretary shall make any determination under this subsection as soon as possible after a request is filed (and in the case of a request for certification as a qualified acquisition filed at least 60 days before the proposed date of the acquisition, before such proposed date).

“(3) **ELIGIBILITY TO FILE REQUEST.**—A request for certification under this subsection may be made by the qualified steel company

or any labor organization acting on behalf of retirees of such company.

**"SEC. 913. ELIGIBILITY AND CERTIFICATION.**

"(a) RETIREES.—

"(1) IN GENERAL.—Any individual who is a retiree of a qualified steel company with respect to which the Secretary has certified under section 912 that a qualifying event has occurred shall be treated as an eligible retiree for purposes of this title if—

"(A) the individual was receiving steel retiree benefits under an employee benefit plan described in section 901(a)(2)(A) as of the date of the qualifying event, or

"(B) the individual was eligible to receive such benefits on such date but was not receiving such benefits because the plan ceased to provide such benefits.

"(2) CERTAIN INDIVIDUALS INCLUDED.—An individual shall be treated as an eligible retiree under paragraph (1) if the individual—

"(A) was an employee of the qualified steel company before a qualified acquisition,

"(B) became an employee of the acquiring company as a result of the acquisition, and

"(C) voluntarily retires within 3 years of the acquisition.

"(b) BENEFICIARIES.—An individual shall be treated as an eligible beneficiary for purposes of this title if the individual is the spouse, surviving spouse, or dependent of an eligible retiree (or an individual who would have been an eligible retiree but for the individual's death before the date of the qualifying event).

"(c) CERTIFICATION OF ELIGIBLE RETIREES AND BENEFICIARIES.—

"(1) IN GENERAL.—The Board of Trustees shall certify an individual as an eligible retiree or eligible beneficiary if the individual meets the requirements of this section.

"(2) ELIGIBILITY TO FILE REQUEST.—A request for certification under this subsection may be filed by any individual seeking to be certified under this subsection, the qualified steel company, an acquiring company, a labor organization acting on behalf of retirees of such company, or a committee appointed under section 1114 of title 11, United States Code.

"(d) RECORDS.—A qualified steel company, an acquiring company, and any successor in interest shall on and after the date of the enactment of this title maintain and make available to the Secretary and the Board of Trustees, all records, documents, and materials (including computer programs) necessary to make the certifications under this section.

**PART III—PROGRAM BENEFITS**

"Sec. 921. Program benefits.

**"SEC. 921. PROGRAM BENEFITS.**

"(a) GENERAL RULE.—Each eligible retiree and eligible beneficiary who is certified for participation in the retiree benefits program shall be entitled subject only to amounts available in the Trust Fund and additional funds made available in appropriations acts—

"(1) to receive health care benefits coverage described in subsection (b), and

"(2) in the case of an eligible retiree, payment of \$5,000 death benefits coverage to the beneficiary of the retiree upon the retiree's death.

"(b) HEALTH CARE BENEFITS COVERAGE.—

"(1) IN GENERAL.—The Board of Trustees shall establish health care benefits coverage under which eligible retirees and beneficiaries are provided benefits for health care items and services that are substantially the same as the benefits offered as of January 1, 2002, under the Blue Cross/Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code, to Federal employees and annuitants. In providing the

benefits under such program, the secondary payer provisions and the provisions relating to benefits provided when an individual is eligible for benefits under the medicare program under title XVIII of the Social Security Act that are applicable under such Plan shall apply in the same manner as such provisions apply to Federal employees and annuitants under such Plan.

"(2) CONTRACTING AUTHORITY.—The Board of Trustees shall have the authority to enter into such contracts as are necessary to carry out the provisions of this subsection, including contracts necessary to ensure adequate geographic coverage and cost control. The Board of Trustees may use the authority under this subsection to establish preferred provider organizations or other alternative delivery systems.

"(3) PREMIUMS, DEDUCTIBLES, AND COST SHARING.—The Board of Trustees of the Trust 15 Fund shall establish premiums, deductibles, and cost sharing for eligible retirees and beneficiaries provided health care benefits coverage under paragraph (1) which are substantially the same as those required under the Blue Cross/Blue Shield Standard Plan described in paragraph (1).

"Subtitle C.—Conservation, Jobs, and Steel Reinvestment Trust Fund

**"SEC. 931. CONSERVATION, JOBS AND STEEL REINVESTMENT TRUST FUND.**

"(a) TRANSFERS TO THE CONSERVATION, JOBS AND STEEL REINVESTMENT TRUST FUND.—

"(1) IN GENERAL.—There are appropriated to the Trust Fund established in section 1914 of the Energy Policy Act of 2002 amounts equivalent to—

"(A) tariffs on steel mill products received in the Treasury under title II of this Act,

"(B) amounts received in the Treasury from asset transfers and contributions under section 911,

"(C) amounts credited to the Trust Fund under section 9602(b) of the Internal Revenue Code of 1986,

"(D) the premiums paid by retirees under the program; and

"(E) bonus bids and rents, royalties and payments from the production of oil deposited pursuant to section 1914(b) and (c)(1) of the Energy Policy Act of 2002.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Trust Fund each fiscal year an amount equal to the excess (if any) of—

"(A) expenditures from the amounts in the Trust Fund for the fiscal year, over

"(B) the assets of the Trust Fund for the fiscal year without regard to this paragraph.

"(b) EXPENDITURES.—Amounts in the Trust Fund described in section 1914(c)(1) of the Energy Policy Act of 2002 and this section shall be available only for purposes of making expenditures—

"(1) to meet the obligations of the United States with respect to liability for steel retiree benefits transferred to the United States under this title, and

"(2) incurred by the Secretary and the Board of Trustees in the administration of this title.

"(c) BOARD OF TRUSTEES.—

"(1) IN GENERAL.—Amounts in the Trust Fund described in section 1914(c)(1) of the Energy Policy Act of 2002 and this section and the retiree benefits program shall be administered by a Board of Trustees, consisting of—

"(A) 2 individuals designated by agreement of the 5 qualified steel companies which, as of the date of the enactment of this title—

"(i) are conducting activities described in subparagraph (A) or (B) of section 901(b)(1), and

"(ii) have the largest number of retirees, and

"(B) 2 individuals designated by the United Steelworkers of America in consultation with the Independent Steelworkers Union, and

"(C) 3 individuals designated by individuals designated under subparagraphs (A) and (B).

"(2) DUTIES.—Except for those duties and responsibilities designated to the Secretary, the Board of Trustees shall have the responsibility to administer the amounts in the Trust Fund described in section 1914(c)(1) of the Energy Policy Act of 2002 and this section and the retiree benefits program, including—

"(A) enrolling eligible retirees and beneficiaries under the program,

"(B) procuring the medical services to be provided under the program,

"(C) entering into contracts, leases, or other arrangements necessary for the implementation of the program,

"(D) implementing cost-containment measures under the program,

"(E) collecting revenues and enforcing claims and rights of the program,

"(F) making disbursements as necessary under the program, and

"(G) acquiring and maintaining such records as may be necessary for the administration and implementation of the program.

"(3) REPORT.—The Board of Trustees report to Congress each year on the financial condition and the results of the operations of the retiree benefits program during the preceding fiscal year and on its expected condition and operations during the next 2 fiscal years. Such report shall be printed as a House document of the session of Congress to which the report is made.

"(d) TRANSFER INVESTMENT OF ASSETS.—Sections 9601 and 9602(b) of the Internal Revenue Code of 1986 shall apply to the amounts in the Trust Fund described in section 1914(c)(1) of the Energy Policy Act of 2002 and in this section."

**SA 3134.** Mr. REID (for Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. FRIST, Mr. BINGAMAN, Mr. ROBERTS, Mr. HARKIN, Mr. BOND, Mr. DASCHLE, Ms. COLLINS, Mr. WELLSTONE, Mr. ENZI, Mrs. MURRAY, Mr. HUTCHINSON, Ms. MIKULSKI, Mr. DODD, Mr. REED, Mr. EDWARDS, and Mrs. CLINTON)) proposed an amendment to the bill S. 1533, to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Health Care Safety Net Amendments of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONSOLIDATED HEALTH CENTER PROGRAM AMENDMENTS

Sec. 101. Health centers.

TITLE II—RURAL HEALTH

Subtitle A—Rural Health Care Services Outreach, Rural Health Network Development, and Small Health Care Provider Quality Improvement Grant Programs

Sec. 201. Grant programs.

Subtitle B—Telehealth Grant Consolidation

Sec. 211. Short title.

Sec. 212. Consolidation and reauthorization of provisions.

Subtitle C—Mental Health Services Telehealth Program and Rural Emergency Medical Service Training and Equipment Assistance Program

Sec. 221. Programs.

Subtitle D—School-Based Health Center Networks

Sec. 231. Networks.

### TITLE III—NATIONAL HEALTH SERVICE CORPS PROGRAM

Sec. 301. National Health Service Corps.

Sec. 302. Designation of health professional shortage areas.

Sec. 303. Assignment of corps personnel.

Sec. 304. Priorities in assignment of corps personnel.

Sec. 305. Cost-sharing.

Sec. 306. Eligibility for Federal funds.

Sec. 307. Facilitation of effective provision of corps services.

Sec. 308. Authorization of appropriations.

Sec. 309. National Health Service Corps Scholarship Program.

Sec. 310. National Health Service Corps Loan Repayment Program.

Sec. 311. Obligated service.

Sec. 312. Private practice.

Sec. 313. Breach of scholarship contract or loan repayment contract.

Sec. 314. Authorization of appropriations.

Sec. 315. Grants to States for loan repayment programs.

Sec. 316. Demonstration grants to States for community scholarship programs.

Sec. 317. Demonstration project.

### TITLE IV—HEALTHY COMMUNITIES ACCESS PROGRAM ACT

Sec. 401. Purpose.

Sec. 402. Creation of Healthy Communities Access Program.

Sec. 403. Expanding availability of dental services.

### TITLE V—RURAL HEALTH CLINICS

Sec. 501. Exemptions for rural health clinics.

### TITLE VI—STUDY

Sec. 601. Guarantee study.

### TITLE VII—CONFORMING AMENDMENTS

Sec. 701. Conforming amendments.

### TITLE I—CONSOLIDATED HEALTH CENTER PROGRAM AMENDMENTS

#### SEC. 101. HEALTH CENTERS.

Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i)(III)(bb), by striking “screening for breast and cervical cancer” and inserting “appropriate cancer screening”;

(B) in clause (ii), by inserting “(including specialty referral when medically indicated)” after “medical services”; and

(C) in clause (iii), by inserting “housing,” after “social.”;

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) in clause (vi), by striking “and”;

(ii) by redesignating clause (vii) as clause (x); and

(iii) by inserting after clause (vi) the following:

“(vii) the detection and alleviation of chemical and pesticide exposures;

“(viii) the promotion of indoor and outdoor air quality;

“(ix) the detection and remediation of lead exposures; and”;

(B) by redesignating subparagraphs (A) and (B) as subparagraphs (D) and (E), respectively;

(C) by inserting before subparagraph (D) (as redesignated by subparagraph (B)) the following:

“(A) behavioral and mental health and substance abuse services;

“(B) recuperative care services;

“(C) public health services;”;

(D) in subparagraph (B)—

(i) in the heading, by striking “COMPREHENSIVE SERVICE DELIVERY” and inserting “MANAGED CARE”;

(ii) in the matter preceding clause (i), by striking “network or plan” and all that follows to the period and inserting “managed care network or plan.”; and

(iii) in the matter following clause (ii), by striking “Any such grant may include” and all that follows through the period; and

(E) by adding at the end the following:

“(C) PRACTICE MANAGEMENT NETWORKS.—The Secretary may make grants to health centers that receive assistance under this section to enable the centers to plan and develop practice management networks that will enable the centers to—

“(i) reduce costs associated with the provision of health care services;

“(ii) improve access to, and availability of, health care services provided to individuals served by the centers;

“(iii) enhance the quality and coordination of health care services; or

“(iv) improve the health status of communities.

“(D) USE OF FUNDS.—The activities for which a grant may be made under subparagraph (B) or (C) may include the purchase or lease of equipment, which may include data and information systems (including paying for the costs of amortizing the principal of, and paying the interest on, loans for equipment), the provision of training and technical assistance related to the provision of health care services on a prepaid basis or under another managed care arrangement, and other activities that promote the development of practice management or managed care networks and plans.”;

(3) in subsection (d)—

(A) by striking the subsection heading and inserting “LOAN GUARANTEE PROGRAM.—”;

(B) in paragraph (1)—

(i) in subparagraph (A), by striking “the principal and interest on loans” and all that follows through the period and inserting “up to 90 percent of the principal and interest on loans made by non-Federal lenders to health centers, funded under this section, for the costs of developing and operating managed care networks or plans described in subsection (c)(1)(B), or practice management networks described in subsection (c)(1)(C).”;

(ii) in subparagraph (B)—

(I) in clause (i), by striking “or”;

(II) in clause (ii), by striking the period and inserting “; or”; and

(III) by adding at the end the following:

“(iii) to refinance an existing loan (as of the date of refinancing) to the center or centers, if the Secretary determines such refinancing will be beneficial to the health center and the Federal Government and will result in more favorable terms.”; and

(iii) by adding at the end the following:

“(D) LOAN GUARANTEES.—Notwithstanding any other provision of law, the following funds shall be made available until expended for loan guarantees under this subsection:

“(i) Funds appropriated for fiscal year 1997 under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, which were made available for loan guarantees for loans to health centers for the costs of developing and operating managed care networks or plans, and which have not been expended.

“(ii) Funds appropriated for fiscal year 1998 under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, which were made available for loan guarantees for

loans to health centers under this subsection (as in effect on the day before the date of enactment of the Health Care Safety Net Amendments of 2001), and which have not been expended.

“(E) PROVISION DIRECTLY TO NETWORKS OR PLANS.—At the request of health centers receiving assistance under this section, loan guarantees provided under this paragraph may be made directly to networks or plans that are at least majority controlled and, as applicable, at least majority owned by those health centers.

“(F) FEDERAL CREDIT REFORM.—The requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) shall apply with respect to loans refinanced under subparagraph (B)(iii).”;

(C)(i) by striking paragraphs (6) and (7); and

(ii) by redesignating paragraph (8) as paragraph (6);

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “subsection (j)(3)” and inserting “subsection (l)(3)”;

(ii) by adding at the end the following:

“(C) OPERATION OF NETWORKS AND PLANS.—The Secretary may make grants to health centers that receive assistance under this section, or at the request of the health centers, directly to a network or plan (as described in subparagraphs (B) and (C) of subsection (c)(1)) that is at least majority controlled and, as applicable, at least majority owned by such health centers receiving assistance under this section, for the costs associated with the operation of such network or plan, including the purchase or lease of equipment (including the costs of amortizing the principal of, and paying the interest on, loans for equipment).”;

(B) in paragraph (2) by adding at the end the following: “The costs for which a grant may be made under paragraph (1)(C) may include the costs of providing such training.”;

(C) in paragraph (5)—

(i) in subparagraph (A), by inserting “subparagraphs (A) and (B) of” after “any fiscal year under”;

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(iii) by inserting after subparagraph (A) the following:

“(B) NETWORKS AND PLANS.—The total amount of grant funds made available for any fiscal year under paragraph (1)(C) and subparagraphs (B) and (C) of subsection (c)(1) to a health center or to a network or plan shall be determined by the Secretary, but may not exceed 2 percent of the total amount appropriated under this section for such fiscal year.”; and

(D) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(5) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting “and seasonal agricultural worker” after “agricultural worker”; and

(ii) in subparagraph (B), by striking “and members of their families” and inserting “and seasonal agricultural workers, and members of their families.”; and

(B) in paragraph (3)(A), by striking “on a seasonal basis”;

(6) in subsection (h)—

(A) in paragraph (1), by striking “homeless children and children at risk of homelessness” and inserting “homeless children and youth and children and youth at risk of homelessness”;

(B)(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following:



“(4) TEMPORARY CONTINUED PROVISION OF SERVICES TO CERTAIN FORMER HOMELESS INDIVIDUALS.—If any grantee under this subsection has provided services described in this section under the grant to a homeless individual, such grantee may, notwithstanding that the individual is no longer homeless as a result of becoming a resident in permanent housing, expend the grant to continue to provide such services to the individual for not more than 12 months.”; and

(C) in paragraph (5)(C) (as redesignated by subparagraph (B)), by striking “and residential treatment” and inserting “, risk reduction, outpatient treatment, residential treatment, and rehabilitation”;

(7) in subsection (j)(3)—

(A) in subparagraph (E)—

(i) in clause (i)—

(I) by striking “(i)” and inserting “(i)(I)”;

(II) by striking “plan; or” and inserting “plan; and”; and

(III) by adding at the end the following:

“(II) has or will have a contractual or other arrangement with the State agency administering the program under title XXI of such Act (42 U.S.C. 1397aa et seq.) with respect to individuals who are State children’s health insurance program beneficiaries; or”; and

(ii) by striking clause (ii) and inserting the following:

“(ii) has made or will make every reasonable effort to enter into arrangements described in subclauses (I) and (II) of clause (i);”; and

(B) in subparagraph (G)—

(i) in clause (ii)(II), by striking “; and” and inserting “;”; and

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

“(iii)(I) will assure that no patient will be denied health care services due to an individual’s inability to pay for such services; and

“(II) will assure that any fees or payments required by the center for such services will be reduced or waived to enable the center to fulfill the assurance described in subclause (I); and”; and

(C) in subparagraph (H)—

(i) in clause (ii), by inserting “reviews any internal outreach plans for specific subpopulations served by the center,” after “such services will be provided.”; and

(ii) in the matter following clause (iii), by striking “or (p)” and inserting “or (q)”;

(8)(A) by redesignating subsection (l) as subsection (s) and moving that subsection (s) to the end of the section;

(B) by redesignating subsections (j), (k), and (m) through (q) as subsections (l), (m), and (n) through (r), respectively; and

(C) by inserting after subsection (i) the following:

“(j) ENVIRONMENTAL CONCERNS.—The Secretary may make grants to health centers for the purpose of assisting such centers in identifying and detecting environmental factors and conditions, and providing services, including environmental health services described in subsection (b)(2)(D), to reduce the disease burden related to environmental factors and exposure of populations to such factors, and alleviate environmental conditions that affect the health of individuals and communities served by health centers funded under this section.

“(k) LINGUISTIC ACCESS GRANTS.—

“(1) IN GENERAL.—The Secretary may award grants to eligible health centers with a substantial number of clients with limited English speaking proficiency to provide translation, interpretation, and other such services for such clients with limited English speaking proficiency.

“(2) ELIGIBLE HEALTH CENTER.—In this subsection, the term ‘eligible health center’ means an entity that—

“(A) is a health center as defined under subsection (a); and

“(B) provides health care services for clients for whom English is a second language.

“(3) GRANT AMOUNT.—The amount of a grant awarded to a center under this subsection shall be determined by the Administrator. Such determination of such amount shall be based on the number of clients for whom English is a second language that is served by such center, and larger grant amounts shall be awarded to centers serving larger numbers of such clients.

“(4) USE OF FUNDS.—An eligible health center that receives a grant under this subsection may use funds received through such grant to—

“(A) provide translation, interpretation, and other such services for clients for whom English is a second language, including hiring professional translation and interpretation services; and

“(B) compensate bilingual or multilingual staff for language assistance services provided by the staff for such clients.

“(5) APPLICATION.—An eligible health center desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

“(A) an estimate of the number of clients that the center serves for whom English is a second language;

“(B) the ratio of the number of clients for whom English is a second language to the total number of clients served by the center; and

“(C) a description of any language assistance services that the center proposes to provide to aid clients for whom English is a second language.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, in addition to any funds authorized to be appropriated or appropriated for health centers under any other subsection of this section, \$10,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.”;

(9) by striking subsection (m) (as redesignated by paragraph (9)(B)) and inserting the following:

“(m) TECHNICAL ASSISTANCE.—The Secretary shall establish a program through which the Secretary shall provide technical and other assistance to eligible entities to assist such entities to meet the requirements of subsection (l)(3) in developing plans for, or operating, health centers. Services provided through the program may include necessary technical and nonfinancial assistance, including fiscal and program management assistance, training in fiscal and program management, operational and administrative support, and the provision of information to the entities of the variety of resources available under this title and how those resources can be best used to meet the health needs of the communities served by the entities.”;

(10) in subsection (q) (as redesignated by paragraph (9)(B)), by striking “(j)(3)(G)” and inserting “(l)(3)(G)”;

(11) in subsection (s) (as redesignated by paragraph (9)(A))—

(A) in paragraph (1), by striking “\$802,124,000” and all that follows through the period and inserting “\$1,369,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “(j)(3))” and inserting “(l)(3))”; and

(II) by striking “(j)(3)(G)(ii)” and inserting “(l)(3)(H))”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) DISTRIBUTION OF GRANTS.—For fiscal year 2002 and each of the following fiscal years, the Secretary, in awarding grants under this section, shall ensure that the proportion of the amount made available under each of subsections (g), (h), and (i), relative to the total amount appropriated to carry out this section for that fiscal year, is equal to the proportion of the amount made available under that subsection for fiscal year 2001, relative to the total amount appropriated to carry out this section for fiscal year 2001.”.

## TITLE II—RURAL HEALTH

### Subtitle A—Rural Health Care Services Outreach, Rural Health Network Development, and Small Health Care Provider Quality Improvement Grant Programs

#### SEC. 201. GRANT PROGRAMS.

Section 330A of the Public Health Service Act (42 U.S.C. 254c) is amended to read as follows:

#### “SEC. 330A. RURAL HEALTH CARE SERVICES OUTREACH, RURAL HEALTH NETWORK DEVELOPMENT, AND SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANT PROGRAMS.

“(a) PURPOSE.—The purpose of this section is to provide grants for expanded delivery of health care services in rural areas, for the planning and implementation of integrated health care networks in rural areas, and for the planning and implementation of small health care provider quality improvement activities.

“(b) DEFINITIONS.—

“(1) DIRECTOR.—The term ‘Director’ means the Director specified in subsection (d).

“(2) FEDERALLY QUALIFIED HEALTH CENTER; RURAL HEALTH CLINIC.—The terms ‘Federally qualified health center’ and ‘rural health clinic’ have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

“(3) HEALTH PROFESSIONAL SHORTAGE AREA.—The term ‘health professional shortage area’ means a health professional shortage area designated under section 332.

“(4) MEDICALLY UNDERSERVED COMMUNITY.—The term ‘medically underserved community’ has the meaning given the term in section 799B.

“(5) MEDICALLY UNDERSERVED POPULATION.—The term ‘medically underserved population’ has the meaning given the term in section 330(b)(3).

“(c) PROGRAM.—The Secretary shall establish, under section 301, a small health care provider quality improvement grant program.

“(d) ADMINISTRATION.—

“(1) PROGRAMS.—The rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs established under section 301 shall be administered by the Director of the Office of Rural Health Policy of the Health Resources and Services Administration, in consultation with State offices of rural health or other appropriate State government entities.

“(2) GRANTS.—

“(A) IN GENERAL.—In carrying out the programs described in paragraph (1), the Director may award grants under subsections (e), (f), and (g) to expand access to, coordinate, and improve the quality of essential health care services, and enhance the delivery of health care, in rural areas.

“(B) TYPES OF GRANTS.—The Director may award the grants—

“(i) to promote expanded delivery of health care services in rural areas under subsection (e);

“(ii) to provide for the planning and implementation of integrated health care networks in rural areas under subsection (f); and

“(iii) to provide for the planning and implementation of small health care provider quality improvement activities under subsection (g).

“(e) RURAL HEALTH CARE SERVICES OUTREACH GRANTS.—

“(1) GRANTS.—The Director may award grants to eligible entities to promote rural health care services outreach by expanding the delivery of health care services to include new and enhanced services in rural areas. The Director may award the grants for periods of not more than 3 years.

“(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection for a project, an entity—

“(A) shall be a rural public or rural nonprofit private entity;

“(B) shall represent a consortium composed of members—

“(i) that include 3 or more health care providers; and

“(ii) that may be nonprofit or for-profit entities; and

“(C) shall not previously have received a grant under this subsection for the same or a similar project, unless the entity is proposing to expand the scope of the project or the area that will be served through the project.

“(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

“(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

“(B) a description of the manner in which the project funded under the grant will meet the health care needs of rural underserved populations in the local community or region to be served;

“(C) a description of how the local community or region to be served will be involved in the development and ongoing operations of the project;

“(D) a plan for sustaining the project after Federal support for the project has ended;

“(E) a description of how the project will be evaluated; and

“(F) other such information as the Secretary determines to be appropriate.

“(f) RURAL HEALTH NETWORK DEVELOPMENT GRANTS.—

“(1) GRANTS.—

“(A) IN GENERAL.—The Director may award rural health network development grants to eligible entities to promote, through planning and implementation, the development of integrated health care networks that have combined the functions of the entities participating in the networks in order to—

“(i) achieve efficiencies;

“(ii) expand access to, coordinate, and improve the quality of essential health care services; and

“(iii) strengthen the rural health care system as a whole.

“(B) GRANT PERIODS.—The Director may award such a rural health network development grant for implementation activities for a period of 3 years. The Director may also award such a rural health network development grant for planning activities for a period of 1 year, to assist in the development of an integrated health care network, if the

proposed participants in the network do not have a history of collaborative efforts and a 3-year grant would be inappropriate.

“(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity—

“(A) shall be a rural public or rural nonprofit private entity;

“(B) shall represent a network composed of participants—

“(i) that include 3 or more health care providers; and

“(ii) that may be nonprofit or for-profit entities; and

“(C) shall not previously have received a grant under this subsection (other than a grant for planning activities) for the same or a similar project.

“(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

“(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

“(B) an explanation of the reasons why Federal assistance is required to carry out the project;

“(C) a description of—

“(i) the history of collaborative activities carried out by the participants in the network;

“(ii) the degree to which the participants are ready to integrate their functions; and

“(iii) how the local community or region to be served will benefit from and be involved in the activities carried out by the network;

“(D) a description of how the local community or region to be served will experience increased access to quality health care services across the continuum of care as a result of the integration activities carried out by the network;

“(E) a plan for sustaining the project after Federal support for the project has ended;

“(F) a description of how the project will be evaluated; and

“(G) other such information as the Secretary determines to be appropriate.

“(g) SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—

“(1) GRANTS.—The Director may award grants to provide for the planning and implementation of small health care provider quality improvement activities. The Director may award the grants for periods of 1 to 3 years.

“(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an entity—

“(A)(i) shall be a rural public or rural nonprofit private health care provider or provider of health care services, such as a critical access hospital or a rural health clinic; or

“(ii) shall be another rural provider or network of small rural providers identified by the Secretary as a key source of local care; and

“(B) shall not previously have received a grant under this subsection for the same or a similar project.

“(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, such as a hospital association, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

“(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

“(B) an explanation of the reasons why Federal assistance is required to carry out the project;

“(C) a description of the manner in which the project funded under the grant will assure continuous quality improvement in the provision of services by the entity;

“(D) a description of how the local community or region to be served will experience increased access to quality health care services across the continuum of care as a result of the activities carried out by the entity;

“(E) a plan for sustaining the project after Federal support for the project has ended;

“(F) a description of how the project will be evaluated; and

“(G) other such information as the Secretary determines to be appropriate.

“(4) EXPENDITURES FOR SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—In awarding a grant under this subsection, the Director shall ensure that the funds made available through the grant will be used to provide services to residents of rural areas. The Director shall award not less than 50 percent of the funds made available under this subsection to providers located in and serving rural areas.

“(h) GENERAL REQUIREMENTS.—

“(1) PROHIBITED USES OF FUNDS.—An entity that receives a grant under this section may not use funds provided through the grant—

“(A) to build or acquire real property; or

“(B) for construction, except that such funds may be expended for minor renovations relating to the installation of equipment.

“(2) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in this section, to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar grant programs, to maximize the effect of public dollars in funding meritorious proposals.

“(3) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to entities that—

“(A) are located in health professional shortage areas or medically underserved communities, or serve medically underserved populations; or

“(B) propose to develop projects with a focus on primary care, and wellness and prevention strategies.

“(i) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsections (e), (f), and (g).

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$40,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.”

#### Subtitle B—Telehealth Grant Consolidation

##### SEC. 211. SHORT TITLE.

This subtitle may be cited as the “Telehealth Grant Consolidation Act of 2001”.

##### SEC. 212. CONSOLIDATION AND REAUTHORIZATION OF PROVISIONS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq) is amended by adding at the end the following:

#### “SEC. 330I. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.

“(a) DEFINITIONS.—In this section:

“(1) DIRECTOR; OFFICE.—The terms ‘Director’ and ‘Office’ mean the Director and Office specified in subsection (c).

“(2) **FEDERALLY QUALIFIED HEALTH CENTER AND RURAL HEALTH CLINIC.**—The term ‘Federally qualified health center’ and ‘rural health clinic’ have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

“(3) **FRONTIER COMMUNITY.**—The term ‘frontier community’ shall have the meaning given the term in regulations issued under subsection (r).

“(4) **MEDICALLY UNDERSERVED AREA.**—The term ‘medically underserved area’ has the meaning given the term ‘medically underserved community’ in section 799B.

“(5) **MEDICALLY UNDERSERVED POPULATION.**—The term ‘medically underserved population’ has the meaning given the term in section 330(b)(3).

“(6) **TELEHEALTH SERVICES.**—The term ‘telehealth services’ means services provided through telehealth technologies.

“(7) **TELEHEALTH TECHNOLOGIES.**—The term ‘telehealth technologies’ means technologies relating to the use of electronic information, and telecommunications technologies, to support and promote, at a distance, health care, patient and professional health-related education, health administration, and public health.

“(b) **PROGRAMS.**—The Secretary shall establish, under section 301, telehealth network and telehealth resource centers grant programs.

“(c) **ADMINISTRATION.**—

“(1) **ESTABLISHMENT.**—There is established in the Health and Resources and Services Administration an Office for the Advancement of Telehealth. The Office shall be headed by a Director.

“(2) **DUTIES.**—The telehealth network and telehealth resource centers grant programs established under section 301 shall be administered by the Director, in consultation with the State offices of rural health, State offices concerning primary care, or other appropriate State government entities.

“(d) **GRANTS.**—

“(1) **TELEHEALTH NETWORK GRANTS.**—The Director may, in carrying out the telehealth network grant program referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used through telehealth networks in rural areas, frontier communities, and medically underserved areas, and for medically underserved populations, to—

“(A) expand access to, coordinate, and improve the quality of health care services;

“(B) improve and expand the training of health care providers; and

“(C) expand and improve the quality of health information available to health care providers, and patients and their families, for decisionmaking.

“(2) **TELEHEALTH RESOURCE CENTERS GRANTS.**—The Director may, in carrying out the telehealth resource centers grant program referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used in the areas and communities, and for the populations, described in paragraph (1), to establish telehealth resource centers.

“(e) **GRANT PERIODS.**—The Director may award grants under this section for periods of not more than 4 years.

“(f) **ELIGIBLE ENTITIES.**—

“(1) **TELEHEALTH NETWORK GRANTS.**—

“(A) **GRANT RECIPIENT.**—To be eligible to receive a grant under subsection (d)(1), an entity shall be a nonprofit entity.

“(B) **TELEHEALTH NETWORKS.**—

“(i) **IN GENERAL.**—To be eligible to receive a grant under subsection (d)(1), an entity shall demonstrate that the entity will provide services through a telehealth network.

“(ii) **NATURE OF ENTITIES.**—Each entity participating in the telehealth network may be a nonprofit or for-profit entity.

“(iii) **COMPOSITION OF NETWORK.**—The telehealth network shall include at least 2 of the following entities (at least 1 of which shall be a community-based health care provider):

“(I) Community or migrant health centers or other Federally qualified health centers.

“(II) Health care providers, including pharmacists, in private practice.

“(III) Entities operating clinics, including rural health clinics.

“(IV) Local health departments.

“(V) Nonprofit hospitals, including community access hospitals.

“(VI) Other publicly funded health or social service agencies.

“(VII) Long-term care providers.

“(VIII) Providers of health care services in the home.

“(IX) Providers of outpatient mental health services and entities operating outpatient mental health facilities.

“(X) Local or regional emergency health care providers.

“(XI) Institutions of higher education.

“(XII) Entities operating dental clinics.

“(2) **TELEHEALTH RESOURCE CENTERS GRANTS.**—To be eligible to receive a grant under subsection (d)(2), an entity shall be a nonprofit entity.

“(g) **APPLICATIONS.**—To be eligible to receive a grant under subsection (d), an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of the project that the eligible entity will carry out using the funds provided under the grant;

“(2) a description of the manner in which the project funded under the grant will meet the health care needs of rural or other populations to be served through the project, or improve the access to services of, and the quality of the services received by, those populations;

“(3) evidence of local support for the project, and a description of how the areas, communities, or populations to be served will be involved in the development and ongoing operations of the project;

“(4) a plan for sustaining the project after Federal support for the project has ended;

“(5) information on the source and amount of non-Federal funds that the entity will provide for the project;

“(6) information demonstrating the long-term viability of the project, and other evidence of institutional commitment of the entity to the project;

“(7) in the case of an application for a project involving a telehealth network, information demonstrating how the project will promote the integration of telehealth technologies into the operations of health care providers, to avoid redundancy, and improve access to and the quality of care; and

“(8) other such information as the Secretary determines to be appropriate.

“(h) **TERMS; CONDITIONS; MAXIMUM AMOUNT OF ASSISTANCE.**—The Secretary shall establish the terms and conditions of each grant program described in subsection (b) and the maximum amount of a grant to be awarded to an individual recipient for each fiscal year under this section. The Secretary shall publish, in a publication of the Health Resources and Services Administration, notice of the application requirements for each grant program described in subsection (b) for each fiscal year.

“(i) **PREFERENCES.**—

“(1) **TELEHEALTH NETWORKS.**—In awarding grants under subsection (d)(1) for projects involving telehealth networks, the Secretary shall give preference to an eligible entity that meets at least 1 of the following requirements:

“(A) **ORGANIZATION.**—The eligible entity is a rural community-based organization or another community-based organization.

“(B) **SERVICES.**—The eligible entity proposes to use Federal funds made available through such a grant to develop plans for, or to establish, telehealth networks that provide mental health, public health, long-term care, home care, preventive, or case management services.

“(C) **COORDINATION.**—The eligible entity demonstrates how the project to be carried out under the grant will be coordinated with other relevant federally funded projects in the areas, communities, and populations to be served through the grant.

“(D) **NETWORK.**—The eligible entity demonstrates that the project involves a telehealth network that includes an entity that—

“(i) provides clinical health care services, or educational services for health care providers and for patients or their families; and

“(ii) is—

“(I) a public school;

“(II) a public library;

“(III) an institution of higher education; or

“(IV) a local government entity.

“(E) **CONNECTIVITY.**—The eligible entity proposes a project that promotes local connectivity within areas, communities, or populations to be served through the project.

“(F) **INTEGRATION.**—The eligible entity demonstrates that health care information has been integrated into the project.

“(2) **TELEHEALTH RESOURCE CENTERS.**—In awarding grants under subsection (d)(2) for projects involving telehealth resource centers, the Secretary shall give preference to an eligible entity that meets at least 1 of the following requirements:

“(A) **PROVISION OF SERVICES.**—The eligible entity has a record of success in the provision of telehealth services to medically underserved areas or medically underserved populations.

“(B) **COLLABORATION AND SHARING OF EXPERTISE.**—The eligible entity has a demonstrated record of collaborating and sharing expertise with providers of telehealth services at the national, regional, State, and local levels.

“(C) **BROAD RANGE OF TELEHEALTH SERVICES.**—The eligible entity has a record of providing a broad range of telehealth services, which may include—

“(i) a variety of clinical specialty services;

“(ii) patient or family education;

“(iii) health care professional education; and

“(iv) rural residency support programs.

“(j) **DISTRIBUTION OF FUNDS.**—

“(1) **IN GENERAL.**—In awarding grants under this section, the Director shall ensure, to the greatest extent possible, that such grants are equitably distributed among the geographical regions of the United States.

“(2) **TELEHEALTH NETWORKS.**—In awarding grants under subsection (d)(1) for a fiscal year, the Director shall ensure that—

“(A) not less than 50 percent of the funds awarded shall be awarded for projects in rural areas; and

“(B) the total amount of funds awarded for such projects for that fiscal year shall be not less than the total amount of funds awarded for such projects for fiscal year 2001 under section 330A (as in effect on the day before the date of enactment of the Health Care Safety Net Amendments of 2001).

“(k) **USE OF FUNDS.**—

“(1) TELEHEALTH NETWORK PROGRAM.—The recipient of a grant under subsection (d)(1) may use funds received through such grant for salaries, equipment, and operating or other costs, including the cost of—

“(A) developing and delivering clinical telehealth services that enhance access to community-based health care services in rural areas, frontier communities, or medically underserved areas, or for medically underserved populations;

“(B) developing and acquiring, through lease or purchase, computer hardware and software, audio and video equipment, computer network equipment, interactive equipment, data terminal equipment, and other equipment that furthers the objectives of the telehealth network grant program;

“(C)(i) developing and providing distance education, in a manner that enhances access to care in rural areas, frontier communities, or medically underserved areas, or for medically underserved populations; or

“(ii) mentoring, precepting, or supervising health care providers and students seeking to become health care providers, in a manner that enhances access to care in the areas and communities, or for the populations, described in clause (i);

“(D) developing and acquiring instructional programming;

“(E)(i) providing for transmission of medical data, and maintenance of equipment; and

“(ii) providing for compensation (including travel expenses) of specialists, and referring health care providers, who are providing telehealth services through the telehealth network, if no third party payment is available for the telehealth services delivered through the telehealth network;

“(F) developing projects to use telehealth technology to facilitate collaboration between health care providers;

“(G) collecting and analyzing usage statistics and data to document the cost-effectiveness of the telehealth services; and

“(H) carrying out such other activities as are consistent with achieving the objectives of this section, as determined by the Secretary.

“(2) TELEHEALTH RESOURCE CENTERS.—The recipient of a grant under subsection (d)(2) may use funds received through such grant for salaries, equipment, and operating or other costs for—

“(A) providing technical assistance, training, and support, and providing for travel expenses, for health care providers and a range of health care entities that provide or will provide telehealth services;

“(B) disseminating information and research findings related to telehealth services;

“(C) promoting effective collaboration among telehealth resource centers and the Office;

“(D) conducting evaluations to determine the best utilization of telehealth technologies to meet health care needs;

“(E) promoting the integration of the technologies used in clinical information systems with other telehealth technologies;

“(F) fostering the use of telehealth technologies to provide health care information and education for health care providers and consumers in a more effective manner; and

“(G) implementing special projects or studies under the direction of the Office.

“(I) PROHIBITED USES OF FUNDS.—An entity that receives a grant under this section may not use funds made available through the grant—

“(1) to acquire real property;

“(2) for expenditures to purchase or lease equipment, to the extent that the expenditures would exceed 40 percent of the total grant funds;

“(3) in the case of a project involving a telehealth network, to purchase or install transmission equipment (such as laying cable or telephone lines, or purchasing or installing microwave towers, satellite dishes, amplifiers, or digital switching equipment), except on the premises of an entity participating in the telehealth network;

“(4) to pay for any equipment or transmission costs not directly related to the purposes for which the grant is awarded;

“(5) to purchase or install general purpose voice telephone systems;

“(6) for construction, except that such funds may be expended for minor renovations relating to the installation of equipment; or

“(7) for expenditures for indirect costs (as determined by the Secretary), to the extent that the expenditures would exceed 20 percent of the total grant funds.

“(m) COLLABORATION.—In providing services under this section, an eligible entity shall collaborate, if feasible, with entities that—

“(1)(A) are private or public organizations, that receive Federal or State assistance; or

“(B) are public or private entities that operate centers, or carry out programs, that receive Federal or State assistance; and

“(2) provide telehealth services or related activities.

“(n) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in subsection (b), to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar programs, to maximize the effect of public dollars in funding meritorious proposals.

“(o) OUTREACH ACTIVITIES.—The Secretary shall establish and implement procedures to carry out outreach activities to advise potential end users of telehealth services in rural areas, frontier communities, medically underserved areas, and medically underserved populations in each State about the grant programs described in subsection (b).

“(p) TELEHEALTH.—It is the sense of Congress that, for purposes of this section, States should develop reciprocity agreements so that a provider of services under this section who is a licensed or otherwise authorized health care provider under the law of 1 or more States, and who, through telehealth technology, consults with a licensed or otherwise authorized health care provider in another State, is exempt, with respect to such consultation, from any State law of the other State that prohibits such consultation on the basis that the first health care provider is not a licensed or authorized health care provider under the law of that State.

“(q) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsection (b).

“(r) REGULATIONS.—The Secretary shall issue regulations specifying, for purposes of this section, a definition of the term ‘frontier area’. The definition shall be based on factors that include population density, travel distance in miles to the nearest medical facility, travel time in minutes to the nearest medical facility, and such other factors as the Secretary determines to be appropriate. The Secretary shall develop the definition in consultation with the Director of the Bureau of the Census and the Administrator of the Economic Research Service of the Department of Agriculture.

“(s) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) for grants under subsection (d)(1), \$40,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006; and

“(2) for grants under subsection (d)(2), \$20,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.

#### “SEC. 330J. TELEHOMECARE DEMONSTRATION PROJECT.

“(a) DEFINITIONS.—In this section:

“(1) DISTANT SITE.—The term ‘distant site’ means a site at which a certified home care provider is located at the time at which a health care service (including a health care item) is provided through a telecommunication system.

“(2) TELEHOMECARE.—The term ‘telehomecare’ means the provision of health care services through technology relating to the use of electronic information, or through telemedicine or telecommunication technology, to support and promote, at a distant site, the monitoring and management of home health care services for a resident of a rural area.

“(b) ESTABLISHMENT.—Not later than 9 months after the date of enactment of the Health Care Safety Net Amendments of 2001, the Secretary shall establish and carry out a telehomecare demonstration project.

“(c) GRANTS.—In carrying out the demonstration project referred to in subsection (b), the Secretary shall make not more than 5 grants to eligible certified home care providers, individually or as part of a network of home health agencies, for the provision of telehomecare to improve patient care, prevent health care complications, improve patient outcomes, and achieve efficiencies in the delivery of care to patients who reside in rural areas.

“(d) PERIODS.—The Secretary shall make the grants for periods of not more than 3 years.

“(e) APPLICATIONS.—To be eligible to receive a grant under this section, a certified home care provider shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(f) USE OF FUNDS.—A provider that receives a grant under this section shall use the funds made available through the grant to carry out objectives that include—

“(1) improving access to care for home care patients served by home health care agencies, improving the quality of that care, increasing patient satisfaction with that care, and reducing the cost of that care through direct telecommunications links that connect the provider with information networks;

“(2) developing effective care management practices and educational curricula to train home care registered nurses and increase their general level of competency through that training; and

“(3) developing curricula to train health care professionals, particularly registered nurses, serving home care agencies in the use of telecommunications.

“(g) COVERAGE.—Nothing in this section shall be construed to supersede or modify the provisions relating to exclusion of coverage under section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)), or the provisions relating to the amount payable to a home health agency under section 1895 of that Act (42 U.S.C. 1395fff).

“(h) REPORT.—

“(1) INTERIM REPORT.—The Secretary shall submit to Congress an interim report describing the results of the demonstration project.

“(2) FINAL REPORT.—Not later than 6 months after the end of the last grant period

for a grant made under this section, the Secretary shall submit to Congress a final report—

“(A) describing the results of the demonstration project; and

“(B) including an evaluation of the impact of the use of telehomecare, including telemedicine and telecommunications, on—

“(i) access to care for home care patients; and

“(ii) the quality of, patient satisfaction with, and the cost of, that care.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.”.

**Subtitle C—Mental Health Services Telehealth Program and Rural Emergency Medical Service Training and Equipment Assistance Program**

**SEC. 221. PROGRAMS.**

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 212) is further amended by adding at the end the following:

**“SEC. 330K. RURAL EMERGENCY MEDICAL SERVICE TRAINING AND EQUIPMENT ASSISTANCE PROGRAM.**

“(a) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the ‘Secretary’) shall award grants to eligible entities to enable such entities to provide for improved emergency medical services in rural areas.

“(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

“(1) be—

“(A) a State emergency medical services office;

“(B) a State emergency medical services association;

“(C) a State office of rural health;

“(D) a local government entity;

“(E) a State or local ambulance provider; or

“(F) any other entity determined appropriate by the Secretary; and

“(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

“(A) a description of the activities to be carried out under the grant; and

“(B) an assurance that the eligible entity will comply with the matching requirement of subsection (e).

“(c) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (a), either directly or through grants to emergency medical service squads that are located in, or that serve residents of, a nonmetropolitan statistical area, an area designated as a rural area by any law or regulation of a State, or a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification, originally published in a notice of availability of funds in the Federal Register on February 27, 1992, 57 Fed. Reg. 6725), to—

“(1) recruit emergency medical service personnel;

“(2) recruit volunteer emergency medical service personnel;

“(3) train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

“(4) fund specific training to meet Federal or State certification requirements;

“(5) develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

“(6) acquire emergency medical services equipment, including cardiac defibrillators;

“(7) acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; and

“(8) educate the public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

“(d) PREFERENCE.—In awarding grants under this section the Secretary shall give preference to—

“(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (F) of subsection (b)(1); and

“(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (c).

“(e) MATCHING REQUIREMENT.—The Secretary may not award a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 25 percent of the amount received under the grant.

“(f) EMERGENCY MEDICAL SERVICES.—In this section, the term ‘emergency medical services’—

“(1) means resources used by a qualified public or private nonprofit entity, or by any other entity recognized as qualified by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur—

“(A) as a result of the condition of the patient; or

“(B) as a result of a natural disaster or similar situation; and

“(2) includes services delivered by an emergency medical services provider (either compensated or volunteer) or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or its equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical services provider.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.

“(2) ADMINISTRATIVE COSTS.—The Secretary may use not more than 10 percent of the amount appropriated under paragraph (1) for a fiscal year for the administrative expenses of carrying out this section.

**“SEC. 330L. MENTAL HEALTH SERVICES DELIVERED VIA TELEHEALTH.**

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a public or nonprofit private telehealth provider network that offers services that include mental health services provided by qualified mental health providers.

“(2) QUALIFIED MENTAL HEALTH EDUCATION PROFESSIONALS.—The term ‘qualified mental health education professionals’ refers to teachers, community mental health professionals, nurses, and other entities as determined by the Secretary who have additional training in the delivery of information on mental illness to children and adolescents or who have additional training in the delivery of information on mental illness to the elderly.

“(3) QUALIFIED MENTAL HEALTH PROFESSIONALS.—The term ‘qualified mental health

professionals’ refers to providers of mental health services reimbursed under the medicare program carried out under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) who have additional training in the treatment of mental illness in children and adolescents or who have additional training in the treatment of mental illness in the elderly.

“(4) SPECIAL POPULATIONS.—The term ‘special populations’ refers to the following 2 distinct groups:

“(A) Children and adolescents located in public elementary and public secondary schools in mental health underserved rural areas or in mental health underserved urban areas.

“(B) Elderly individuals located in long-term care facilities in mental health underserved rural areas.

“(5) TELEHEALTH.—The term ‘telehealth’ means the use of electronic information and telecommunications technologies to support long distance clinical health care, patient and professional health-related education, public health, and health administration.

“(b) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Office for the Advancement of Telehealth of the Health Resources and Services Administration, shall award grants to eligible entities to establish demonstration projects for the provision of mental health services to special populations as delivered remotely by qualified mental health professionals using telehealth and for the provision of education regarding mental illness as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth.

“(2) POPULATIONS SERVED.—The Secretary shall award the grants under paragraph (1) in a manner that distributes the grants so as to serve equitably the populations described in subparagraphs (A) and (B) of subsection (a)(4).

“(c) AMOUNT.—Each entity that receives a grant under subsection (b) shall receive not less than \$1,200,000 under the grant, and shall use not more than 40 percent of the grant funds for equipment.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use the grant funds—

“(A) for the populations described in subsection (a)(4)(A)—

“(i) to provide mental health services, including diagnosis and treatment of mental illness, in public elementary and public secondary schools as delivered remotely by qualified mental health professionals using telehealth;

“(ii) to provide education regarding mental illness (including suicide and violence) in public elementary and public secondary schools as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth, including education regarding early recognition of the signs and symptoms of mental illness, and instruction on coping and dealing with stressful experiences of childhood and adolescence (such as violence, social isolation, and depression); and

“(iii) to collaborate with local public health entities to provide the mental health services; and

“(B) for the populations described in subsection (a)(4)(B)—

“(i) to provide mental health services, including diagnosis and treatment of mental illness, in long-term care facilities as delivered remotely by qualified mental health professionals using telehealth;

“(ii) to provide education regarding mental illness to primary staff (including physicians, nurses, and nursing aides) as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth, including education regarding early recognition of the signs and symptoms of mental illness, and instruction on coping and dealing with stressful experiences of old age (such as loss of physical and cognitive capabilities, death of loved ones and friends, social isolation, and depression); and

“(iii) to collaborate with local public health entities to provide the mental health services.

“(2) OTHER USES.—An eligible entity that receives a grant under this section may also use the grant funds to—

“(A) acquire telehealth equipment to use in public elementary and public secondary schools and long-term care facilities for the objectives of this section;

“(B) develop curricula to support activities described in subparagraphs (A)(i) and (B)(ii) of paragraph (1);

“(C) pay telecommunications costs; and

“(D) pay qualified mental health professionals and qualified mental health education professionals on a reasonable cost basis as determined by the Secretary for services rendered.

“(3) PROHIBITED USES.—An eligible entity that receives a grant under this section shall not use the grant funds to—

“(A) purchase or install transmission equipment (other than such equipment used by qualified mental health professionals to deliver mental health services using telehealth under the project involved); or

“(B) build upon or acquire real property (except for minor renovations related to the installation of reimbursable equipment).

“(e) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among geographical regions of the United States.

“(f) APPLICATION.—An entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be reasonable.

“(g) REPORT.—Not later than 4 years after the date of enactment of the Health Care Safety Net Amendments of 2001, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate activities funded with grants under this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$20,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 through 2006.”

#### **Subtitle D—School-Based Health Center Networks**

##### **SEC. 231. NETWORKS.**

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.), as amended in section 221, is further amended by adding at the end the following:

##### **“SEC. 330M. SCHOOL-BASED HEALTH CENTER NETWORKS.**

“(a) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means a nonprofit organization, such as a State school-based health center association, academic institution, or primary care association, that has experience working with low-income communities, schools, families, and school-based health centers.

“(b) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to establish statewide technical assistance cen-

ters and carry out activities described in subsection (c) through the centers.

“(c) USE OF FUNDS.—An eligible entity that receives a grant under this section may use funds received through such grant to—

“(1) establish a statewide technical assistance center that shall coordinate local, State, and Federal health care services, including primary, dental, and behavioral and mental health services, that contribute to the delivery of school-based health care for medically underserved individuals;

“(2) conduct operational and administrative support activities for statewide school-based health center networks to maximize operational effectiveness and efficiency;

“(3) provide technical support training, including training on topics regarding—

“(A) identifying parent and community interests and priorities;

“(B) assessing community health needs and resources;

“(C) implementing accountability and management information systems;

“(D) integrating school-based health centers with care provided by any other school-linked provider, and with community-based primary and specialty health care systems;

“(E) securing third party payments through effective billing and collection systems;

“(F) developing shared services and joint purchasing arrangements across provider networks;

“(G) linking services with health care services provided by other programs, especially services provided under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

“(H) contracting with managed care organizations; and

“(I) assuring and improving clinical quality and improvement; and

“(4) provide to interested communities technical assistance for the planning and implementation of school-based health centers.

“(d) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

“(1) a description of the region that will receive service and the potential partners in such region;

“(2) a description of the policy and program environment and the needs of the community that will receive service;

“(3) a 1- to 3-year work plan that describes the goals and objectives of the entity, and any activities that the entity proposes to carry out; and

“(4) a description of the organizational capacity of the entity and its experience in serving the region's school-based health center community.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$5,000,000 for fiscal year 2002, and such sums as may be necessary for subsequent fiscal years.”

#### **TITLE III—NATIONAL HEALTH SERVICE CORPS PROGRAM**

##### **SEC. 301. NATIONAL HEALTH SERVICE CORPS.**

(a) IN GENERAL.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by adding at the end of subsection (a)(3) the following:

“(E)(i) The term ‘behavioral and mental health professionals’ means health service psychologists, licensed clinical social workers, licensed professional counselors, marriage and family therapists, psychiatric nurse specialists, and psychiatrists.

“(ii) The term ‘graduate program of behavioral and mental health’ means a program that trains behavioral and mental health professionals.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “health professions” and inserting “health professions, including schools at which graduate programs of behavioral and mental health are offered,”; and

(B) in paragraph (2), by inserting “behavioral and mental health professionals,” after “dentists,”; and

(3) by striking subsection (c) and inserting the following:

“(c)(1) The Secretary may reimburse an applicant for a position in the Corps (including an individual considering entering into a written agreement pursuant to section 338D) for the actual and reasonable expenses incurred in traveling to and from the applicant's place of residence to an eligible site to which the applicant may be assigned under section 333 for the purpose of evaluating such site with regard to being assigned at such site. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.

“(2) The Secretary may also reimburse the applicant for the actual and reasonable expenses incurred for the travel of 1 family member to accompany the applicant to such site. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.

“(3) In the case of an individual who has entered into a contract for obligated service under the Scholarship Program or under the Loan Repayment Program, the Secretary may reimburse such individual for all or part of the actual and reasonable expenses incurred in transporting the individual, the individual's family, and the family's possessions to the site of the individual's assignment under section 333. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.”

(b) DEMONSTRATION PROJECTS.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

“(i)(1) In carrying out subpart III, the Secretary may, in accordance with this subsection, carry out demonstration projects in which individuals who have entered into a contract for obligated service under the Loan Repayment Program receive waivers under which the individuals are authorized to satisfy the requirement of obligated service through providing clinical service that is not full-time.

“(2) A waiver described in paragraph (1) may be provided by the Secretary only if—

“(A) the entity for which the service is to be performed—

“(i) has been approved under section 333A for assignment of a Corps member; and

“(ii) has requested in writing assignment of a health professional who would serve less than full time;

“(B) the Secretary has determined that assignment of a health professional who would serve less than full time would be appropriate for the area where the entity is located;

“(C) a Corps member who is required to perform obligated service has agreed in writing to be assigned for less than full-time service to an entity described in subparagraph (A);

“(D) the entity and the Corps member agree in writing that the less than full-time



service provided by the Corps member will not be less than 16 hours of clinical service per week;

“(E) the Corps member agrees in writing that the period of obligated service pursuant to section 338B will be extended so that the aggregate amount of less than full-time service performed will equal the amount of service that would be performed through full-time service under section 338C; and

“(F) the Corps member agrees in writing that if the Corps member begins providing less than full-time service but fails to begin or complete the period of obligated service, the method stated in 338E(c) for determining the damages for breach of the individual's written contract will be used after converting periods of obligated service or of service performed into their full-time equivalents.

“(3) In evaluating a demonstration project described in paragraph (1), the Secretary shall examine the effect of multidisciplinary teams.”.

#### **SEC. 302. DESIGNATION OF HEALTH PROFESSIONAL SHORTAGE AREAS.**

(a) IN GENERAL.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting after the first sentence the following: “All Federally qualified health centers and rural health clinics, as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)), that meet the requirements of section 334 shall be automatically designated, on the date of enactment of the Health Care Safety Net Amendments of 2001, as having such a shortage. Not later than 5 years after such date of enactment, and every 5 years thereafter, each such center or clinic shall demonstrate that the center or clinic meets the applicable requirements of the Federal regulations, issued after the date of enactment of this Act, that revise the definition of a health professional shortage area for purposes of this section.”; and

(B) in paragraph (3), by striking “(340(r)) may be a population group” and inserting “(330(h)(4)), seasonal agricultural workers (as defined in section 330(g)(3)) and migratory agricultural workers (as so defined)), and residents of public housing (as defined in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1))) may be population groups”;

(2) in subsection (b)(2), by striking “with special consideration to the indicators of” and all that follows through “services.” and inserting a period; and

(3) in subsection (c)(2)(B), by striking “XVIII or XIX” and inserting “XVIII, XIX, or XXI”.

(b) REGULATIONS.—

(1) REPORT.—

(A) IN GENERAL.—The Secretary shall submit the report described in subparagraph (B) if the Secretary, acting through the Administrator of the Health Resources and Services Administration, issues—

(i) a regulation that revises the definition of a health professional shortage area for purposes of section 332 of the Public Health Service Act (42 U.S.C. 254e); or

(ii) a regulation that revises the standards concerning priority of such an area under section 333A of that Act (42 U.S.C. 254f-1).

(B) REPORT.—On issuing a regulation described in subparagraph (A), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that describes the regulation.

(2) EFFECTIVE DATE.—Each regulation described in paragraph (1)(A) shall take effect

180 days after the committees described in paragraph (1)(B) receive a report referred to in paragraph (1)(B) describing the regulation.

(c) SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.—The Secretary of Health and Human Services, in consultation with the American Dental Association, the American Dental Education Association, the American Dental Hygienists Association, the American Academy of Pediatric Dentistry, the Association of State and Territorial Dental Directors, and the National Association of Community Health Centers, shall develop and implement a plan for increasing the participation of dentists and dental hygienists in the National Health Service Corps Scholarship Program under section 338A of the Public Health Service Act (42 U.S.C. 254l) and the Loan Repayment Program under section 338B of such Act (42 U.S.C. 254l-1).

(d) SITE DESIGNATION PROCESS.—

(1) IMPROVEMENT OF DESIGNATION PROCESS.—The Administrator of the Health Resources and Services Administration, in consultation with the Association of State and Territorial Dental Directors, dental societies, and other interested parties, shall revise the criteria on which the designations of dental health professional shortage areas are based so that such criteria provide a more accurate reflection of oral health care need, particularly in rural areas.

(2) PUBLIC HEALTH SERVICE ACT.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended by adding at the end the following:

“(i) DISSEMINATION.—The Administrator of the Health Resources and Services Administration shall disseminate information concerning the designation criteria described in subsection (b) to—

“(1) the Governor of each State;

“(2) the representative of any area, population group, or facility selected by any such Governor to receive such information;

“(3) the representative of any area, population group, or facility that requests such information; and

“(4) the representative of any area, population group, or facility determined by the Administrator to be likely to meet the criteria described in subsection (b).”.

#### **SEC. 303. ASSIGNMENT OF CORPS PERSONNEL.**

Section 333 of the Public Health Service Act (42 U.S.C. 254f) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A), by striking “(specified in the agreement described in section 334)”;

(ii) in subparagraph (A), by striking “non-profit”; and

(iii) by striking subparagraph (C) and inserting the following:

“(C) the entity agrees to comply with the requirements of section 334; and”;

(B) in paragraph (3), by adding at the end “In approving such applications, the Secretary shall give preference to applications in which a nonprofit entity or public entity shall provide a site to which Corps members may be assigned.”; and

(2) in subsection (d)—

(A) in paragraphs (1), (2), and (4), by striking “nonprofit” each place it appears; and

(B) in paragraph (1)—

(i) in the first sentence, by striking “may” and inserting “shall”;

(ii) in the second sentence—

(I) in subparagraph (C), by striking “and” at the end; and

(II) by striking the period and inserting “, and (E) developing long-term plans for addressing health professional shortages and improving access to health care.”; and

(iii) by adding at the end the following: “The Secretary shall encourage entities that

receive technical assistance under this paragraph to communicate with other communities, State Offices of Rural Health, State Primary Care Associations and Offices, and other entities concerned with site development and community needs assessment.”.

#### **SEC. 304. PRIORITIES IN ASSIGNMENT OF CORPS PERSONNEL.**

Section 333A of the Public Health Service Act (42 U.S.C. 254f-1) is amended—

(1) in subsection (a)(1)(A), by striking “, as determined in accordance with subsection (b)”;

(2) by striking subsection (b);

(3) in subsection (c), by striking the second sentence;

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

“(1) PROPOSED LIST.—The Secretary shall prepare and publish a proposed list of health professional shortage areas and entities that would receive priority under subsection (a)(1) in the assignment of Corps members. The list shall contain the information described in paragraph (2), and the relative scores and relative priorities of the entities submitting applications under section 333, in a proposed format. All such entities shall have 30 days after the date of publication of the list to provide additional data and information in support of inclusion on the list or in support of a higher priority determination and the Secretary shall reasonably consider such data and information in preparing the final list under paragraph (2).”;

(C) in paragraph (2) (as redesignated by subparagraph (A)), in the matter before subparagraph (A)—

(i) by striking “paragraph (2)” and inserting “paragraph (3)”;

(ii) by striking “prepare a list of health professional shortage areas” and inserting “prepare and, as appropriate, update a list of health professional shortage areas and entities”; and

(iii) by striking “for the period applicable under subsection (f)”;

(D) by striking paragraph (3) (as redesignated by subparagraph (A)) and inserting the following:

“(3) NOTIFICATION OF AFFECTED PARTIES.—

“(A) ENTITIES.—Not later than 30 days after the Secretary has added to a list under paragraph (2) an entity specified as described in subparagraph (A) of such paragraph, the Secretary shall notify such entity that the entity has been provided an authorization to receive assignments of Corps members in the event that Corps members are available for the assignments.

“(B) INDIVIDUALS.—In the case of an individual obligated to provide service under the Scholarship Program, not later than 3 months before the date described in section 338C(b)(5), the Secretary shall provide to such individual the names of each of the entities specified as described in paragraph (2)(B)(i) that is appropriate for the individual's medical specialty and discipline.”; and

(E) by striking paragraph (4) (as redesignated by subparagraph (A)) and inserting the following:

“(4) REVISIONS.—If the Secretary proposes to make a revision in the list under paragraph (2), and the revision would adversely alter the status of an entity with respect to the list, the Secretary shall notify the entity of the revision. Any entity adversely affected by such a revision shall be notified in writing by the Secretary of the reasons for the revision and shall have 30 days to file a written appeal of the determination involved which shall be reasonably considered by the

Secretary before the revision to the list becomes final. The revision to the list shall be effective with respect to assignment of Corps members beginning on the date that the revision becomes final.”;

(5) by striking subsection (e) and inserting the following:

“(e) **LIMITATION ON NUMBER OF ENTITIES OFFERED AS ASSIGNMENT CHOICES IN SCHOLARSHIP PROGRAM.**—

“(1) **DETERMINATION OF AVAILABLE CORPS MEMBERS.**—By April 1 of each calendar year, the Secretary shall determine the number of participants in the Scholarship Program who will be available for assignments under section 333 during the program year beginning on July 1 of that calendar year.

“(2) **DETERMINATION OF NUMBER OF ENTITIES.**—At all times during a program year, the number of entities specified under subsection (c)(2)(B)(i) shall be—

“(A) not less than the number of participants determined with respect to that program year under paragraph (1); and

“(B) not greater than twice the number of participants determined with respect to that program year under paragraph (1).”;

(6) by striking subsection (f); and

(7) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d) respectively.

#### SEC. 305. COST-SHARING.

Subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) is amended by striking section 334 and inserting the following:

#### “SEC. 334. CHARGES FOR SERVICES BY ENTITIES USING CORPS MEMBERS.

“(a) **AVAILABILITY OF SERVICES REGARDLESS OF ABILITY TO PAY OR PAYMENT SOURCE.**—An entity to which a Corps member is assigned shall not deny requested health care services, and shall not discriminate in the provision of services to an individual—

“(1) because the individual is unable to pay for the services; or

“(2) because payment for the services would be made under—

“(A) the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

“(B) the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.); or

“(C) the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.).

“(b) **CHARGES FOR SERVICES.**—The following rules shall apply to charges for health care services provided by an entity to which a Corps member is assigned:

“(1) **IN GENERAL.**—

“(A) **SCHEDULE OF FEES OR PAYMENTS.**—Except as provided in paragraph (2), the entity shall prepare a schedule of fees or payments for the entity's services, consistent with locally prevailing rates or charges and designed to cover the entity's reasonable cost of operation.

“(B) **SCHEDULE OF DISCOUNTS.**—Except as provided in paragraph (2), the entity shall prepare a corresponding schedule of discounts (including, in appropriate cases, waivers) to be applied to such fees or payments. In preparing the schedule, the entity shall adjust the discounts on the basis of a patient's ability to pay.

“(C) **USE OF SCHEDULES.**—The entity shall make every reasonable effort to secure from patients fees and payments for services in accordance with such schedules, and fees or payments shall be sufficiently discounted in accordance with the schedule described in subparagraph (B).

“(2) **SERVICES TO BENEFICIARIES OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS.**—In the case of health care services furnished to an

individual who is a beneficiary of a program listed in subsection (a)(2), the entity—

“(A) shall accept an assignment pursuant to section 1842(b)(3)(B)(ii) of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii)) with respect to an individual who is a beneficiary under the medicare program; and

“(B) shall enter into an appropriate agreement with—

“(i) the State agency administering the program under title XIX of such Act with respect to an individual who is a beneficiary under the medicaid program; and

“(ii) the State agency administering the program under title XXI of such Act with respect to an individual who is a beneficiary under the State children's health insurance program.

“(3) **COLLECTION OF PAYMENTS.**—The entity shall take reasonable and appropriate steps to collect all payments due for health care services provided by the entity, including payments from any third party (including a Federal, State, or local government agency and any other third party) that is responsible for part or all of the charge for such services.”.

#### SEC. 306. ELIGIBILITY FOR FEDERAL FUNDS.

Section 335(e)(1)(B) of the Public Health Service Act (42 U.S.C. 254h(e)(1)(B)) is amended by striking “XVIII or XIX” and inserting “XVIII, XIX, or XXI”.

#### SEC. 307. FACILITATION OF EFFECTIVE PROVISION OF CORPS SERVICES.

(a) **HEALTH PROFESSIONAL SHORTAGE AREAS.**—Section 336 of the Public Health Service Act (42 U.S.C. 254h-1) is amended—

(1) in subsection (c), by striking “health manpower” and inserting “health professional”; and

(2) in subsection (f)(1), by striking “health manpower” and inserting “health professional”.

(b) **TECHNICAL AMENDMENT.**—Section 336A(8) of the Public Health Service Act (42 U.S.C. 254i(8)) is amended by striking “agreements under”.

#### SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

Section 338(a) of the Public Health Service Act (42 U.S.C. 254k(a)) is amended—

(1) by striking “(1) For” and inserting “For”;

(2) by striking “1991 through 2000” and inserting “2002 through 2006”; and

(3) by striking paragraph (2).

#### SEC. 309. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.

Section 338A of the Public Health Service Act (42 U.S.C. 254l) is amended—

(1) in subsection (a)(1), by inserting “behavioral and mental health professionals,” after “dentists.”;

(2) in subsection (b)(1)(B), by inserting “, or an appropriate degree from a graduate program of behavioral and mental health” after “other health profession”;

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking “338D” and inserting “338E”; and

(B) in subparagraph (B), by striking “338C” and inserting “338D”;

(4) in subsection (d)(1)—

(A) in subparagraph (A), by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) the Secretary, in considering applications from individuals accepted for enrollment or enrolled in dental school, shall consider applications from all individuals accepted for enrollment or enrolled in any accredited dental school in a State; and”;

(5) in subsection (f)—

(A) in paragraph (1)(B)—

(i) in clause (iii), by striking “and” after the semicolon;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause:

“(iv) if pursuing a degree from a school of medicine or osteopathic medicine, to complete a residency in a specialty that the Secretary determines is consistent with the needs of the Corps; and”;

(B) in paragraph (3), by striking “338D” and inserting “338E”; and

(6) by striking subsection (i).

#### SEC. 310. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.

Section 338B of the Public Health Service Act (42 U.S.C. 254l-1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “behavioral and mental health professionals,” after “dentists.”; and

(B) in paragraph (2), by striking “(including mental health professionals)”;

(2) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

“(A) have a degree in medicine, osteopathic medicine, dentistry, or another health profession, or an appropriate degree from a graduate program of behavioral and mental health, or be certified as a nurse midwife, nurse practitioner, or physician assistant.”;

(3) in subsection (e), by striking “(1) IN GENERAL.—”; and

(4) by striking subsection (i).

#### SEC. 311. OBLIGATED SERVICE.

Section 338C of the Public Health Service Act (42 U.S.C. 254m) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “section 338A(f)(1)(B)(iv)” and inserting “section 338A(f)(1)(B)(v)”;

(B) in paragraph (5)—

(i) by striking all that precedes subparagraph (C) and inserting the following:

“(5)(A) In the case of the Scholarship Program, the date referred to in paragraphs (1) through (4) shall be the date on which the individual completes the training required for the degree for which the individual receives the scholarship, except that—

“(i) for an individual receiving such a degree after September 30, 2000, from a school of medicine or osteopathic medicine, such date shall be the date the individual completes a residency in a specialty that the Secretary determines is consistent with the needs of the Corps; and

“(ii) at the request of an individual, the Secretary may, consistent with the needs of the Corps, defer such date until the end of a period of time required for the individual to complete advanced training (including an internship or residency).”;

(ii) by striking subparagraph (D);

(iii) by redesignating subparagraphs (C) and (E) as subparagraphs (B) and (C), respectively; and

(iv) in clause (i) of subparagraph (C) (as redesignated by clause (iii)) by striking “subparagraph (A), (B), or (D)” and inserting “subparagraph (A)”;

(2) by striking subsection (e).

#### SEC. 312. PRIVATE PRACTICE.

Section 338D of the Public Health Service Act (42 U.S.C. 254n) is amended by striking subsection (b) and inserting the following:

“(b)(1) The written agreement described in subsection (a) shall—

“(A) provide that, during the period of private practice by an individual pursuant to the agreement, the individual shall comply with the requirements of section 334 that apply to entities; and

“(B) contain such additional provisions as the Secretary may require to carry out the objectives of this section.

“(2) The Secretary shall take such action as may be appropriate to ensure that the

conditions of the written agreement prescribed by this subsection are adhered to.”.

**SEC. 313. BREACH OF SCHOLARSHIP CONTRACT OR LOAN REPAYMENT CONTRACT.**

(a) IN GENERAL.—Section 338E of the Public Health Service Act (42 U.S.C. 254o) is amended—

(1) in subsection (a)(1)—  
(A) in subparagraph (A), by striking the comma and inserting a semicolon;

(B) in subparagraph (B), by striking the comma and inserting “; or”;

(C) in subparagraph (C), by striking “or” at the end; and

(D) by striking subparagraph (D);

(2) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking “338F(d)” and inserting “338G(d)”;

(ii) by striking “either”;

(iii) by striking “338D or” and inserting “338D.”; and

(iv) by inserting “or to complete a required residency as specified in section 338A(f)(1)(B)(iv),” before “the United States”;

(B) by adding at the end the following new paragraph:

“(3) The Secretary may terminate a contract with an individual under section 338A if, not later than 30 days before the end of the school year to which the contract pertains, the individual—

“(A) submits a written request for such termination; and

“(B) repays all amounts paid to, or on behalf of, the individual under section 338A(g).”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “338F(d)” and inserting “338G(d)”;

(ii) by striking subparagraphs (A) through (C) and inserting the following:

“(A) the total of the amounts paid by the United States under section 338B(g) on behalf of the individual for any period of obligated service not served;

“(B) an amount equal to the product of the number of months of obligated service that were not completed by the individual, multiplied by \$7,500; and

“(C) the interest on the amounts described in subparagraphs (A) and (B), at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of the breach.”;

(B) by striking paragraphs (2) and (3) and inserting the following:

“(2) The Secretary may terminate a contract with an individual under section 338B if, not later than 45 days before the end of the fiscal year in which the contract was entered into, the individual—

“(A) submits a written request for such termination; and

“(B) repays all amounts paid on behalf of the individual under section 338B(g).”;

(C) by redesignating paragraph (4) as paragraph (3);

(4) in subsection (d)(3)(A), by striking “only if such discharge is granted after the expiration of the five-year period” and inserting “only if such discharge is granted after the expiration of the 7-year period”;

(5) by adding at the end the following new subsection:

“(e) Notwithstanding any other provision of Federal or State law, there shall be no limitation on the period within which suit may be filed, a judgment may be enforced, or an action relating to an offset or garnishment, or other action, may be initiated or taken by the Secretary, the Attorney General, or the head of another Federal agency, as the case may be, for the repayment of the

amount due from an individual under this section.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall apply to any obligation for which a discharge in bankruptcy has not been granted before the date that is 31 days after the date of enactment of this Act.

**SEC. 314. AUTHORIZATION OF APPROPRIATIONS.**

Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended to read as follows:

**“SEC. 338H. AUTHORIZATION OF APPROPRIATIONS.**

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this subpart, there are authorized to be appropriated \$146,250,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.

“(b) SCHOLARSHIPS FOR NEW PARTICIPANTS.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall obligate not less than 30 percent for the purpose of providing contracts for scholarships under this subpart to individuals who have not previously received such scholarships.

“(c) SCHOLARSHIPS AND LOAN REPAYMENTS.—With respect to certification as a nurse practitioner, nurse midwife, or physician assistant, the Secretary shall, from amounts appropriated under subsection (a) for a fiscal year, obligate not less than a total of 10 percent for contracts for both scholarships under the Scholarship Program under section 338A and loan repayments under the Loan Repayment Program under section 338B to individuals who are entering the first year of a course of study or program described in section 338A(b)(1)(B) that leads to such a certification or individuals who are eligible for the loan repayment program as specified in section 338B(b) for a loan related to such certification.”.

**SEC. 315. GRANTS TO STATES FOR LOAN REPAYMENT PROGRAMS.**

Section 338I of the Public Health Service Act (42 U.S.C. 254q-1) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) AUTHORITY FOR GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of assisting the States in operating programs described in paragraph (2) in order to provide for the increased availability of primary health care services in health professional shortage areas. The National Advisory Council established under section 337 shall advise the Administrator regarding the program under this section.”;

(2) in subsection (e), by striking paragraph (1) and inserting the following:

“(1) to submit to the Secretary such reports regarding the States loan repayment program, as are determined to be appropriate by the Secretary; and”;

(3) in subsection (i), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—For the purpose of making grants under subsection (a), there are authorized to be appropriated \$12,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.”.

**SEC. 316. DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS.**

Section 338L of the Public Health Service Act (42 U.S.C. 254t) is repealed.

**SEC. 317. DEMONSTRATION PROJECT.**

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended by adding at the end the following:

**“SEC. 338L. DEMONSTRATION PROJECT.**

“(a) PROGRAM AUTHORIZED.—The Secretary shall establish a demonstration project to provide for the participation of individuals who are chiropractic doctors or pharmacists in the Loan Repayment Program described in section 338B.

“(b) PROCEDURE.—An individual that receives assistance under this section with regard to the program described in section 338B shall comply with all rules and requirements described in such section (other than subparagraphs (A) and (B) of section 338B(b)(1)) in order to receive assistance under this section.

“(c) LIMITATIONS.—The demonstration project described in this section shall provide for the participation of individuals who shall provide services in rural and urban areas, and shall also provide for the participation of enough individuals to allow the Secretary to properly analyze the effectiveness of such project.

“(d) DESIGNATIONS.—The demonstration project described in this section, and any providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of a health professional shortage area under section 332 during fiscal years 2002 through 2004.

“(e) RULE OF CONSTRUCTION.—This section shall not be construed to require any State to participate in the project described in this section.

“(f) REPORT.—

“(1) IN GENERAL.—The Secretary shall prepare and submit a report describing the information described in paragraph (2) to—

“(A) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(B) the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;

“(C) the Committee on Energy and Commerce of the House of Representatives; and

“(D) the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives.

“(2) CONTENT.—The report described in paragraph (1) shall detail—

“(A) the manner in which the demonstration project described in this section has affected access to primary care services, patient satisfaction, quality of care, and health care services provided for traditionally underserved populations;

“(B) how the participation of chiropractic doctors and pharmacists in the Loan Repayment Program might affect the designation of health professional shortage areas; and

“(C) the feasibility of adding chiropractic doctors and pharmacists as permanent members of the National Health Service Corps.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal years 2002 through 2004.”.

**TITLE IV—HEALTHY COMMUNITIES ACCESS PROGRAM ACT**

**SEC. 401. PURPOSE.**

The purpose of this title is to provide assistance to communities and consortia of health care providers and others, to develop or strengthen integrated community health care delivery systems that coordinate health care services for individuals who are uninsured or underinsured and to develop or strengthen activities related to providing coordinated care for individuals with chronic conditions who are uninsured or underinsured, through the—

(1) coordination of services to allow individuals to receive efficient and higher quality care and to gain entry into and receive services from a comprehensive system of care;

(2) development of the infrastructure for a health care delivery system characterized by effective collaboration, information sharing, and clinical and financial coordination among all providers of care in the community; and

(3) provision of new Federal resources that do not supplant funding for existing Federal categorical programs that support entities providing services to low-income populations.

#### SEC. 402. CREATION OF HEALTHY COMMUNITIES ACCESS PROGRAM.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting after subpart IV the following new subpart:

##### “Subpart V—Healthy Communities Access Program

#### “SEC. 340. GRANTS TO STRENGTHEN THE EFFECTIVENESS, EFFICIENCY, AND COORDINATION OF SERVICES FOR THE UNINSURED AND UNDERINSURED.

“(a) IN GENERAL.—The Secretary may award grants to eligible entities to assist in the development of integrated health care delivery systems to serve communities of individuals who are uninsured and individuals who are underinsured—

“(1) to improve the efficiency of, and coordination among, the providers providing services through such systems;

“(2) to assist communities in developing programs targeted toward preventing and managing chronic diseases; and

“(3) to expand and enhance the services provided through such systems.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a public or nonprofit entity that—

“(1) represents a consortium—

“(A) whose principal purpose is to provide a broad range of coordinated health care services for a community defined in the entity's grant application as described in paragraph (2); and

“(B) that includes a provider (unless such provider does not exist within the community, declines or refuses to participate, or places unreasonable conditions on their participation) that—

“(i) serves the community; and

“(ii) (I) is a Federally qualified health center (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)));

“(II) is a hospital with a low-income utilization rate (as defined in section 1923(b)(3) of the Social Security Act (42 U.S.C. 1396r-4(b)(3))), that is greater than 25 percent;

“(III) is a public health department; and

“(IV) is an interested public or private sector health care provider or an organization that has traditionally served the medically uninsured and underserved;

“(2) submits to the Secretary an application, in such form and manner as the Secretary shall prescribe, that—

“(A) defines a community of uninsured and underinsured individuals that consists of all such individuals—

“(i) in a specified geographical area, such as a rural area; or

“(ii) in a specified population within such an area, such as American Indians, Native Alaskans, Native Hawaiians, Hispanics, homeless individuals, migrant and seasonal farmworkers, individuals with disabilities, and public housing residents;

“(B) identifies the providers who will participate in the consortium's program under the grant, and specifies each provider's contribution to the care of uninsured and underinsured individuals in the community, including the volume of care the provider provides to beneficiaries under the medicare, medicaid, and State child health insurance programs carried out under titles XVIII,

XIX, and XXI of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., and 1397aa et seq.) and to patients who pay privately for services;

“(C) describes the activities that the applicant and the consortium propose to perform under the grant to further the objectives of this section;

“(D) demonstrates the consortium's ability to build on the current system (as of the date of submission of the application) for serving a community of uninsured and underinsured individuals by involving providers who have traditionally provided a significant volume of care for that community;

“(E) demonstrates the consortium's ability to develop coordinated systems of care that either directly provide or ensure the prompt provision of a broad range of high-quality, accessible services, including, as appropriate, primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services in a manner that assures continuity of care in the community;

“(F) demonstrates the consortium's ability to create comprehensive programs to address the prevention and management of chronic diseases of high importance within the community, where applicable;

“(G) provides evidence of community involvement in the development, implementation, and direction of the program that the entity proposes to operate;

“(H) demonstrates the consortium's ability to ensure that individuals participating in the program are enrolled in public insurance programs for which the individuals are eligible;

“(I) presents a plan for leveraging other sources of revenue, which may include State and local sources and private grant funds, and integrating current and proposed new funding sources in a way to assure long-term sustainability of the program;

“(J) describes a plan for evaluation of the activities carried out under the grant, including measurement of progress toward the goals and objectives of the program and the use of evaluation findings to improve program performance;

“(K) demonstrates fiscal responsibility through the use of appropriate accounting procedures and appropriate management systems;

“(L) demonstrates the consortium's commitment to serve the community without regard to the ability of an individual or family to pay by arranging for or providing free or reduced charge care for the poor; and

“(M) includes such other information as the Secretary may prescribe;

“(3) agrees along with each of the participating providers identified under paragraph (2)(B) that each will commit to use grant funds awarded under this section to supplement, not supplant, any other sources of funding (including the value of any in-kind contributions) available to cover the expenditures of the consortium and of the participating providers in carrying out the activities for which the grant would be awarded; and

“(4) has established or will establish before the receipt of any grant under this section, a decision-making body that has full and complete authority to determine and oversee all the activities undertaken by the consortium with funds made available through such grant and that includes representation from each of the following providers listed in (b)(1)(B) if they participate in the consortium.

“(c) PRIORITIES.—In awarding grants under this section, the Secretary—

“(1) shall accord priority to applicants that demonstrate the extent of unmet need

in the community involved for a more coordinated system of care; and

“(2) may accord priority to applicants that best promote the objectives of this section, taking into consideration the extent to which the application involved—

“(A) identifies a community whose geographical area has a high or increasing percentage of individuals who are uninsured;

“(B) demonstrates that the applicant has included in its consortium providers, support systems, and programs that have a tradition of serving uninsured individuals and underinsured individuals in the community;

“(C) shows evidence that the program would expand utilization of preventive and primary care services for uninsured and underinsured individuals and families in the community, including behavioral and mental health services, oral health services, or substance abuse services;

“(D) proposes a program that would improve coordination between health care providers and appropriate social service providers, including local and regional human services agencies, school systems, and agencies on aging;

“(E) demonstrates collaboration with State and local governments;

“(F) demonstrates that the applicant makes use of non-Federal contributions to the greatest extent possible; or

“(G) demonstrates a likelihood that the proposed program will continue after support under this section ceases.

“(d) USE OF FUNDS.—

“(1) USE BY GRANTEES.—

“(A) IN GENERAL.—Except as provided in paragraphs (2) and (3), a grantee may use amounts provided under this section only for—

“(i) direct expenses associated with planning and developing the greater integration of a health care delivery system, and operating the resulting system, so that the system either directly provides or ensures the provision of a broad range of culturally competent services, as appropriate, including primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services; and

“(ii) direct patient care and service expansions to fill identified or documented gaps within an integrated delivery system.

“(B) SPECIFIC USES.—The following are examples of purposes for which a grantee may use grant funds under this section, when such use meets the conditions stated in subparagraph (A):

“(i) Increases in outreach activities.

“(ii) Improvements to case management.

“(iii) Improvements to coordination of transportation to health care facilities.

“(iv) Development of provider networks and other innovative models to engage physicians in voluntary efforts to serve the medically underserved within a community.

“(v) Recruitment, training, and compensation of necessary personnel.

“(vi) Acquisition of technology, such as telehealth technologies to increase access to tertiary care.

“(vii) Identifying and closing gaps in health care services being provided.

“(viii) Improvements to provider communication, including implementation of shared information systems or shared clinical systems.

“(ix) Development of common processes for determining eligibility for the programs provided through the system, including creating common identification cards and single sliding scale discounts.

“(x) Creation of a triage system to coordinate referrals and to screen and route individuals to appropriate locations of primary, specialty, and inpatient care.

“(xi) Development of specific prevention and disease management tools and processes, including—

“(I) carrying out a protocol or plan for each individual patient concerning what needs to be done, at what intervals, and by whom, for the patient;

“(II) redesigning practices to incorporate regular patient contact, collection of critical data on health and disease status, and use of strategies to meet the educational and psychosocial needs of patients who may need to make lifestyle and other changes to manage their diseases;

“(III) the promotion of the availability of specialized expertise through the use of—

“(aa) teams of providers with specialized knowledge;

“(bb) collaborative care arrangements;

“(cc) computer decision support services; or

“(dd) telehealth technologies.

“(IV) providing patient educational and support tools that are culturally competent and meet appropriate health literacy and literacy requirements; and

“(V) the collection of data related to patient care and outcomes.

“(xii) Translation services.

“(xiii) Carrying out other activities that may be appropriate to a community and that would increase access by the uninsured to health care, such as access initiatives for which private entities provide non-Federal contributions to supplement the Federal funds provided through the grants for the initiatives.

“(2) DIRECT PATIENT CARE LIMITATION.—Not more than 15 percent of the funds provided under a grant awarded under this section may be used for providing direct patient care and services.

“(3) RESERVATION OF FUNDS FOR NATIONAL PROGRAM PURPOSES.—The Secretary may use not more than 3 percent of funds appropriated to carry out this section for providing technical assistance to grantees, obtaining assistance of experts and consultants, holding meetings, development of tools, dissemination of information, evaluation, and carrying out activities that will extend the benefits of a program funded under this section to communities other than the community served by the program funded.

“(e) GRANTEE REQUIREMENTS.—

“(1) IN GENERAL.—A grantee under this section shall—

“(A) report to the Secretary annually regarding—

“(i) progress in meeting the goals and measurable objectives set forth in the grant application submitted by the grantee under subsection (b); and

“(ii) such additional information as the Secretary may require; and

“(B) provide for an independent annual financial audit of all records that relate to the disposition of funds received through the grant.

“(2) PROGRESS.—The Secretary may not renew an annual grant under this section for an entity for a fiscal year unless the Secretary is satisfied that the consortium represented by the entity has made reasonable and demonstrable progress in meeting the goals and measurable objectives set forth in the entity's grant application for the preceding fiscal year.

“(f) TECHNICAL ASSISTANCE.—The Secretary may, either directly or by grant or contract, provide any entity that receives a grant under this section with technical and other nonfinancial assistance necessary to meet the requirements of this section.

“(g) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments

of the grant programs described in this section.

“(h) DEMONSTRATION AUTHORITY.—The Secretary may make demonstration awards under this section to historically black medical schools for the purposes of—

“(1) developing patient-based research infrastructure at historically black medical schools, which have an affiliation, or affiliations, with any of the providers identified in section (b)(1)(B);

“(2) establishment of joint and collaborative programs of medical research and data collection between historically black medical schools and such providers, whose goal is to improve the health status of medically underserved populations; or

“(3) supporting the research-related costs of patient care, data collection, and academic training resulting from such affiliations.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$125,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.”.

#### **SEC. 403. EXPANDING AVAILABILITY OF DENTAL SERVICES.**

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

##### **“Subpart X—Primary Dental Programs**

#### **“SEC. 340F. DESIGNATED DENTAL HEALTH PROFESSIONAL SHORTAGE AREA.**

“In this subpart, the term ‘designated dental health professional shortage area’ means an area, population group, or facility that is designated by the Secretary as a dental health professional shortage area under section 332 or designated by the applicable State as having a dental health professional shortage.

#### **“SEC. 340G. GRANTS FOR INNOVATIVE PROGRAMS.**

“(a) GRANT PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, is authorized to award grants to States for the purpose of helping States develop and implement innovative programs to address the dental workforce needs of designated dental health professional shortage areas in a manner that is appropriate to the States' individual needs.

“(b) STATE ACTIVITIES.—A State receiving a grant under subsection (a) may use funds received under the grant for—

“(1) loan forgiveness and repayment programs for dentists who—

“(A) agree to practice in designated dental health professional shortage areas;

“(B) are dental school graduates who agree to serve as public health dentists for the Federal, State, or local government; and

“(C) agree to—

“(i) provide services to patients regardless of such patients' ability to pay; and

“(ii) use a sliding payment scale for patients who are unable to pay the total cost of services;

“(2) dental recruitment and retention efforts;

“(3) grants and low-interest or no-interest loans to help dentists who participate in the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to establish or expand practices in designated dental health professional shortage areas by equipping dental offices or sharing in the overhead costs of such practices;

“(4) the establishment or expansion of dental residency programs in coordination with accredited dental training institutions in States without dental schools;

“(5) programs developed in consultation with State and local dental societies to expand or establish oral health services and fa-

cilities in designated dental health professional shortage areas, including services and facilities for children with special needs, such as—

“(A) the expansion or establishment of a community-based dental facility, free-standing dental clinic, consolidated health center dental facility, school-linked dental facility, or United States dental school-based facility;

“(B) the establishment of a mobile or portable dental clinic; and

“(C) the establishment or expansion of private dental services to enhance capacity through additional equipment or additional hours of operation;

“(6) placement and support of dental students, dental residents, and advanced dentistry trainees;

“(7) continuing dental education, including distance-based education;

“(8) practice support through teledentistry conducted in accordance with State laws;

“(9) community-based prevention services such as water fluoridation and dental sealant programs;

“(10) coordination with local educational agencies within the State to foster programs that promote children going into oral health or science professions;

“(11) the establishment of faculty recruitment programs at accredited dental training institutions whose mission includes community outreach and service and that have a demonstrated record of serving underserved States;

“(12) the development of a State dental officer position or the augmentation of a State dental office to coordinate oral health and access issues in the State; and

“(13) any other activities determined to be appropriate by the Secretary.

“(c) APPLICATION.—

“(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) ASSURANCES.—The application shall include assurances that the State will meet the requirements of subsection (d) and that the State possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

“(d) MATCHING REQUIREMENT.—The Secretary may not make a grant to a State under this section unless that State agrees that, with respect to the costs to be incurred by the State in carrying out the activities for which the grant was awarded, the State will provide non-Federal contributions in an amount equal to not less than 40 percent of Federal funds provided under the grant. The State may provide the contributions in cash or in kind, fairly evaluated, including plant, equipment, and services and may provide the contributions from State, local, or private sources.

“(e) REPORT.—Not later than 5 years after the date of enactment of the Health Care Safety Net Amendments of 2001, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to dental services in designated dental health professional shortage areas.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$50,000,000 for the 5-fiscal year period beginning with fiscal year 2002.”.

**TITLE V—RURAL HEALTH CLINICS****SEC. 501. EXEMPTIONS FOR RURAL HEALTH CLINICS.**

(a) EXEMPTIONS FROM COINSURANCE REQUIREMENTS.—Section 1128B(b)(3)(D) of the Social Security Act (42 U.S.C. 1320a-7b(b)(3)(D)) is amended by striking “a Federally qualified health care center” and inserting “a rural health clinic (as defined in section 1861(aa))” to which members of the National Health Service Corps are assigned under section 333 of the Public Health Service Act, or a Federally qualified health center (as defined in section 1861(aa)).”

(b) EXEMPTIONS FROM DEDUCTIBLE REQUIREMENTS.—Section 1833(b)(4) of the Social Security Act (42 U.S.C. 1395l(b)(4)) is amended by striking “such deductible shall not apply to Federally qualified health center services.” and inserting “such deductible shall not apply to rural health clinic services made available through a rural health clinic to which members of the National Health Service Corps are assigned under section 333 of the Public Health Service Act, provided to an individual who qualifies for subsidized services under the Public Health Service Act or Federally qualified health center services.”.

**TITLE VI—STUDY****SEC. 601. GUARANTEE STUDY.**

The Secretary of Health and Human Services shall conduct a study regarding the ability of the Department of Health and Human Services to provide for solvency for managed care networks involving health centers receiving funding under section 330 of the Public Health Service Act. The Secretary shall prepare and submit a report to the appropriate Committees of Congress regarding such ability not later than 2 years after the date of enactment of the Health Care Safety Net Amendments of 2001.

**TITLE VII—CONFORMING AMENDMENTS****SEC. 701. CONFORMING AMENDMENTS.**

(a) HOMELESS PROGRAMS.—Subsections (g)(1)(G)(ii), (k)(2), and (n)(1)(C) of section 224, and sections 317A(a)(2), 317E(c), 318A(e), 332(a)(2)(C), 340D(c)(5), 799B(6)(B), 1313, and 2652(2) of the Public Health Service Act (42 U.S.C. 233, 247b-1(a)(2), 247b-6(c), 247c-1(e), 254e(a)(2)(C), 256d(c)(5), 295p(6)(B), 300e-12, and 300ff-52(2)) are amended by striking “340” and inserting “330(h)”.

(b) HOMELESS INDIVIDUAL.—Section 534(2) of the Public Health Service Act (42 U.S.C. 290cc-34(2)) is amended by striking “340(r)” and inserting “330(h)(5)”.

**AUTHORITY FOR COMMITTEES TO MEET****COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 16, 2002, at 9:30 am on the Technology Administration and the National Institute of Standards and Technology, including the Advanced Technology Program (ATP).

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

**COMMITTEE ON FOREIGN RELATIONS**

Mrs. CLINTON. Mr. President, I ask unanimous consent that the subcommittee on Western Hemisphere, Peace Corps, and Narcotics affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 16, 2002

at 2:30 p.m. to hold a hearing titled, “U.S. Mexican Relations: Unfinished Agenda.”

**Witnesses****AGENDA**

Panel 1: The Honorable Silvestre Reyes, Chairman, Congressional Hispanic Caucus, Washington, DC.

Panel 2: The Honorable Alan P. Larson, Undersecretary for Economic, Business, and Agricultural Affairs, Department of State, Washington, DC; the Honorable John Taylor, Undersecretary for International Affairs, Department of Treasury, Washington, DC; and Mr. Stuart Levey, Associate Deputy Attorney General, Department of Justice, Washington, DC.

Panel 3: Ms. Barbara Shailor, Director, International Affairs Department, AFL-CIO, Washington, DC; Mr. Steven M. Ladik, President, American Immigration Lawyers Association, Washington, DC; Mr. Gregori Lebedev, Chief Operating Officer and Executive Vice President, International Policy, U.S. Chamber of Commerce, Washington, DC; and Ms. M. Delal Bear, Senior Fellow and Director, Mexico Project, Deputy Director, Americas Program Center for Strategic and International Studies; Washington, DC.

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on medical privacy during the session of the Senate on Tuesday, April 16, 2002, at 10 a.m.

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

**SPECIAL COMMITTEE ON AGING**

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, April 16, 2002 from 2:30 p.m. in Dirksen 192 for the purpose of conducting a forum.

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

**SUBCOMMITTEE ON CRIME AND DRUGS**

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Judiciary Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on “Leading the Fight: The Violence Against Women Office” on Tuesday, April 16, 2002 at 10:15 a.m. in Dirksen 226.

Panel I: Diane Stuart, Director, Violence Against Women Office, Office of Justice Programs, U.S. Department of Justice, Washington, DC.

Panel II: Attorney General Thurbert E. Baker (to be introduced by the Honorable Max Cleland), Office of the Attorney General of Georgia, Atlanta, GA; Chief Judge Vincent J. Poppiti, Family Court for the State of Delaware, Wilmington, DE; Lynn Rosenthal, Executive Director, National Network to End Domestic Violence, Wash-

ington, DC; Laurie E. Ekstrand, Director, Justice Issues, U.S. General Accounting Office, Washington, DC; and Casey Gwinn, City Attorney for San Diego, San Diego, CA.

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

**SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA**

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Government Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, April 16, 2002 at 10 a.m. for a hearing to examine “Are You Really Who You Say You Are? Improving the Reliability of State-Issued Drivers’ Licenses.”

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

**NOTICE—REGISTRATION OF MASS MAILINGS**

The filing date for 2002 first quarter mass mailing is April 25, 2002. If your office did no mass mailings during this period, please submit a form that states “none.”

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

**HEALTH CARE SAFETY NET AMENDMENTS OF 2001**

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 192, S. 1533.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1533) to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, it is my understanding Senator KENNEDY has a substitute amendment at the desk. I ask unanimous consent that the amendment be considered, agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read the third time, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

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

The amendment (No. 3134) was agreed to.



(The amendment is printed in today's RECORD under "Text of Amendments.") The bill (S. 1533), as amended, was read the third time and passed.

#### ORDERS FOR WEDNESDAY, APRIL 16, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. tomorrow, Wednesday, April 17. I further ask that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for use later in the day, and the Senate proceed to Executive session and vote on Executive Calendar No. 760—this is one of the judges I should note we have been asked to approve—that any statements therein be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session, all without intervening action or debate.

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

Mr. REID. I ask unanimous consent that it be in order to ask for the yeas and nays on this nomination.

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

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

#### PROGRAM

Mr. REID. Mr. President, the Senate will vote on the nomination of Lance Africk to be United States District Judge for the Eastern District of Louisiana at approximately 10 a.m. tomorrow; that is, after the prayer and the pledge. Following this vote, the Senate will resume consideration of the energy reform bill with the ANWR amendments pending.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Wednesday, April 17, 2002, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate April 16, 2002:

##### COMMODITY FUTURES TRADING COMMISSION

WALTER LUKKEN, OF INDIANA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2005, VICE DAVID D. SPEARS, TERM EXPIRED.

##### DEPARTMENT OF DEFENSE

VINICIO E. MADRIGAL, OF LOUISIANA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES

ICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2003, VICE CAROL JOHNSON JOHNS.

L. D. BRITT, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR THE REMAINDER OF THE TERM EXPIRING MAY 1, 2005, VICE JOHN F. POTTER.

LINDA J. STIERLE, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2007, VICE SHIRLEY LEDBETTER JONES.

WILLIAM C. DE LA PENA, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2007, VICE ROBERT E. ANDERSON, TERM EXPIRED.

##### DEPARTMENT OF JUSTICE

JAMES E. MCMAHON, OF SOUTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE KAREN ELIZABETH SCHREIER, RESIGNED.

DAVID WILLIAM THOMAS, OF DELAWARE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF DELAWARE FOR THE TERM OF FOUR YEARS, VICE TIMOTHY PATRICK MULLANEY, SR., TERM EXPIRED.

STEPHEN ROBERT MONIER, OF NEW HAMPSHIRE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF FOUR YEARS, VICE RAYMOND GERARD GAGNON, TERM EXPIRED.

JOSE GERARDO TRONCOSO, OF NEBRASKA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS. (REAPPOINTMENT)

GARY EDWARD SHOVLIN, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE ALAN D. LEWIS.

THOMAS M. FITZGERALD, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE FRANK POLICARO, JR., TERM EXPIRED.

RANDY PAUL ELY, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE D. W. BRANSOM, JR., TERM EXPIRED.

RUBEN MONZON, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE HIRAN ARTHUR CONTRERAS, TERM EXPIRED.

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be vice admiral

VICE ADM. RICHARD W. MAYO, 0000

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

##### To be colonel

MICHAEL B. TIERNEY, 0000

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

##### To be major

DONALD R. COPSEY, 0000

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

MICHAEL D. ARMOUR, 0000  
WILLIAM A. BANKHEAD JR., 0000  
PHILLIP H. GLISE, 0000  
LAWRENCE H. ROSS, 0000  
ALEXANDRA P. SHATTUCK, 0000  
DAVID J. WHEELER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### To be colonel

BRYAN T. MUCH, 0000  
LIONEL D. ROBINSON, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### To be colonel

CARL V. HOPPER, 0000  
TIMOTHY A. REISCH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major

JOHN R. CARLISLE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major

BRYAN C. SLEIGH, 0000

##### IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

LESTER H. EVANS JR., 0000  
TIMOTHY M. HATHAWAY, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

MICHAEL H. GAMBLE, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

THOMAS P. BARZDITIS, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

FRANKLIN MCLAIN, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

A. D. KING JR., 0000  
RICHARD A. RATLIFF, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

DONALD C. SCOTT, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

JOHN J. FAHEY, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

MARK A. KNOWLES, 0000

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be captain

DUANE W. MALLICOAT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be captain

FRANCIS MICHAEL PASCUAL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be captain

LARRY D. PHEGLEY, 0000  
JEFFREY ROBERT VANKEUREN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be captain

ARTHUR KELSO DUNN, 0000  
CHARLES RUSSELL KRUMHOLTZ, 0000  
WAYNE TYLER NEWTON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be captain

MARK THOMAS DAVISON, 0000  
JEFFREY ROBERT MCFETRIDGE, 0000  
ROBIN ROCHELLE MCPHILLIPS, 0000  
RICHARD SHANT ROOMIAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

JENNITH ELAINE HOYT, 0000  
 MARCIA MONTGOMERY N WILSON, 0000  
 ROBERT A. WOOD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES  
 NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

EDMUND WINSTON BARNHART, 0000  
 MARTIN CHRISTIAN DEWET, 0000  
 PHILIP ALAN KING, 0000  
 MARK FRANCIS LILLY JR., 0000  
 PAUL MICHAEL SHAW, 0000  
 L M SILVESTER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES  
 NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

ROBERT M CRAIG, 0000  
 PATRICK JAMES MURPHY, 0000  
 RAYMOND CRAIG WINSLOW, 0000  
 MELANIE SUZANNE WINTERS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES  
 NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

ROBERT K BAKER, 0000  
 PETER J BLAKE, 0000  
 RICHARD J CAMARDA, 0000  
 STEVEN J DELONG, 0000  
 ROBERT A DEMARINIS, 0000  
 OWEN J DOHERTY, 0000  
 JAN S DOWNING, 0000  
 DAVID W FIELDS, 0000  
 JAMES E MERCANTE, 0000  
 PETER E PETRELIS, 0000  
 RICHARD J ROCKWOOD, 0000  
 RICHARD H RUSSELL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES  
 NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

DAVID S CARLSON, 0000  
 FRANCIS CHAN, 0000  
 CARL CHING, 0000  
 PAUL S GLANDT, 0000  
 ALMA M GROCKI, 0000  
 FREDERICK HOOVER, 0000  
 ERIC J KARELL, 0000  
 ROLF G LUND, 0000  
 DREW D NELSON, 0000  
 RAYMOND D OTOOLE JR., 0000  
 THADDEUS A PEAKE III, 0000  
 ANTHONY PELLEGRINO, 0000  
 PHILIP A PERRY, 0000  
 GREGORY A PORPORA, 0000  
 JOHN G POSADAS, 0000  
 THOMAS A JR ROLLOW, 0000  
 CHRISTOPHER S TAGGART, 0000  
 MICHAEL J ZULICH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES  
 NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

JOHN J ALDA, 0000  
 CHARLES K APGAR, 0000  
 KAREN M ARMESON, 0000  
 HENRY J BABIN, 0000  
 WILLIAM E BATTLE II, 0000  
 JAMES F BIANCHI, 0000  
 CHRISTOPHER W BIRD, 0000  
 MARK D BURROWS, 0000  
 JAY S CAPUTO, 0000  
 CHRISTINE E CARTY, 0000  
 WILLIAM C DODGE, 0000  
 ROBERT L DOLEZAL, 0000  
 RANDY E DUNCAN, 0000  
 BRIAN E ERWIN, 0000  
 BRIAN D FILA, 0000  
 KAREN F GERRINGER, 0000  
 WILLIAM S GIECKEL, 0000  
 CHRISTOPHER K GIFFIN, 0000  
 ROBERT E GREGOIRE, 0000  
 GEORGE E HAPLEA, 0000  
 DON L HAYES JR., 0000  
 FRANK J HEFESTAY JR., 0000  
 CHARLTON T HOWARD II, 0000  
 DAVID R JAHN, 0000  
 JEFFREY W JOHNSON, 0000  
 MICHAEL E KENNEDY, 0000  
 PATRICK M KINSEY, 0000  
 ROBERT D LIVINGSTON, III, 0000  
 MICHAEL W LUTCHE, 0000  
 TIMOTHY P LYON, 0000  
 WILLIAM H MITCHELL, 0000  
 JENNIFER S NASH, 0000  
 JEFFREY A NELSON, 0000  
 E J NUSBAUM, 0000  
 POMPEL L ORLANDO JR., 0000  
 LAURENT C REINHARDT, 0000  
 TIMOTHY C RILEY, 0000  
 JOHN W ROGERS, 0000  
 DAVID A ROSENBERG, 0000  
 ERIC D SEELAND, 0000  
 MICHAEL A VANHORN, 0000  
 CANDACE C VESSELLA, 0000

KATHRYN D YATES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES  
 NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

MICHAEL P ARGO, 0000  
 JEFFREY M BRUSOSKI, 0000  
 JEFFREY F CARLSON, 0000  
 MARK E DONAHUE, 0000  
 ROBERT W FOWLER, 0000  
 DAVID D FOY, 0000  
 JOHN C HALL, 0000  
 KEVIN R HEMPEL, 0000  
 JAMES F IANNONE, 0000  
 KENNETH C IRELAND, 0000  
 MARK W KRAUSE, 0000  
 KENNETH R LEWKO, 0000  
 ROBERT E LOUZEK, 0000  
 KEVIN G MCCARTHY, 0000  
 CARL J MURRAY, 0000  
 GEORGE W MYERS JR., 0000  
 EDWARD M PHELPS, 0000  
 STEVEN J RICHEY, 0000  
 STEVEN L RICHTER, 0000  
 CHARLES M SAYLOR, 0000  
 GERARD B SCHOENFELD, 0000  
 MARK S SPENCER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES  
 NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

RONALD D ABATE, 0000  
 SANDRA E ADAMS, 0000  
 GARY S ALMEIDA, 0000  
 CRAIG P ARNDT, 0000  
 BRIAN O BARRETT, 0000  
 PAUL L BARRY, 0000  
 CARYN P BARRY, 0000  
 MARK W BAUCKMAN, 0000  
 JOHN L BEDKER, 0000  
 THOMAS J BELKE, 0000  
 BROOKS D BERG, 0000  
 JOHN C BISHOP, 0000  
 THOMAS M BOERUM, 0000  
 THOMAS E BOUGAN, 0000  
 GERALD L BOUTS, 0000  
 JEAN D BOUVET, 0000  
 THOMAS H BOYCE, 0000  
 STEVEN C BRADFORD, 0000  
 WILLIAM K BRISTOW, 0000  
 JOHN M BRODARICK, 0000  
 RICHARD H BROWN, 0000  
 NEAL G BUNDO, 0000  
 ROBERT D CHANDLER, 0000  
 CHARLES J CHANDONNET, 0000  
 BRIAN C CHESLACK, 0000  
 KEVIN W CHIZEK, 0000  
 MICHAEL D CHRISTOPHER, 0000  
 STEVEN W COLON, 0000  
 STANLEY K COOK, 0000  
 PETER J CORCORAN, 0000  
 RAYMOND J CRAVAACK JR., 0000  
 JACK R CROCKETT, 0000  
 ARTURO C CUELLAR, 0000  
 PHILLIP L DALTON, 0000  
 DANIEL S DAVIDSON, 0000  
 DAVID J DELANCEY, 0000  
 MARGARET A DEMING, 0000  
 GREGORY M DENKLER, 0000  
 DONALD E DENSFORD JR., 0000  
 TONEY R DOLLINS, 0000  
 BRENT A DORMAN, 0000  
 ANDREW W EBERHART, 0000  
 MICHAEL F ERICKSON, 0000  
 RUSSELL R ERVIN, 0000  
 RUDOLPH N ESCHER, 0000  
 STEVEN M FARR, 0000  
 JAMES R FENTON, 0000  
 GREGORY R FINE, 0000  
 MICHAEL R FINN, 0000  
 BERNARD L FLANK, 0000  
 ROBERT A FORD, 0000  
 DAVID M FOSTER, 0000  
 JEFFREY W FUNDERBURK, 0000  
 SIMON C GARRIOTT JR., 0000  
 BRADLEY D GAWBOY, 0000  
 HARVEY R GERRY, 0000  
 AURELIUS GIBSON JR., 0000  
 DAVID A GILLILAND, 0000  
 JOHN B GIUDA, 0000  
 KATHLEEN E GOUGH, 0000  
 JOSEPH A GRACE, 0000  
 JEFFREY H GREEN, 0000  
 MICHAEL J GUNNING, 0000  
 STEPHEN A GUSTIN, 0000  
 JAMES R GWYN, 0000  
 KENNY D HARRIS, 0000  
 JACOB A HARRISON, 0000  
 WILLIAM G HARRISON, 0000  
 KEVIN J HAUGHEY, 0000  
 GEORGE A HAYES III, 0000  
 FRANCIS C HEIL, 0000  
 THOMAS J HIGGINS, 0000  
 THOMAS G HILTZ, 0000  
 KATHRYN P HIRE, 0000  
 KEVIN D HOLWELL, 0000  
 WILLIAM G HOMAN, 0000  
 DANIEL W HUDSON, 0000  
 EUGENE G HUETHER, 0000  
 MARK G HUNN, 0000  
 DENNIS J HUNT, 0000  
 GERALD A JABLONSKI, 0000  
 ROBERT W JACKSON, 0000

THOMAS R JACOB, 0000  
 RAYMOND B JAHN, 0000  
 THOMAS J JARDINE, 0000  
 JEFFREY B JEROME, 0000  
 ELLEN M JEWETT, 0000  
 KIRK G JOHANSEN, 0000  
 ROBERT J JOHNSON, 0000  
 STEVEN E JOHNSON, 0000  
 JANET P JORDAN, 0000  
 EDWARD J KANE, 0000  
 PETER L KENNEDY, 0000  
 KRISS M KENNEDY, 0000  
 JAMES D KENT, 0000  
 JASON L KESSEL, 0000  
 ANDREW L KILGORE, 0000  
 WILLIAM R KILLEA, 0000  
 RALPH W KIVETTE, 0000  
 ALAN E KNUTH, 0000  
 ROBERT G KOERBER, 0000  
 JOHN M KREGER, 0000  
 GRANT E KRUEGER, 0000  
 DOUGLAS J KURTZ, 0000  
 RICHARD M KYNASTON, 0000  
 LESTER M LAMBERTH, 0000  
 DAVID J LEBLANC, 0000  
 MICHAEL W LEONARD, 0000  
 KENNETH A LISS, 0000  
 RANDALL P LITTLE II, 0000  
 STEPHEN R LYON, 0000  
 STEWART L MAGRUDER JR., 0000  
 KEITH J MAHOSKY, 0000  
 HARRY A MARSH, 0000  
 ARMANDO M MARTINEZ, 0000  
 VALERIE A MAURER, 0000  
 CHARLES M MCCLESKEY, 0000  
 ROBERT W MCDOWELL, 0000  
 MONI MCINTYRE, 0000  
 ERICSON W MENGGER, 0000  
 NORMAN H MESSINGER, 0000  
 CHRISTOPHER G MILLER, 0000  
 WILLIAM C MILLS, 0000  
 ROBERT V MILLS, 0000  
 ROBIN Y MORISHITA, 0000  
 ROBERT G MORISSETTE, 0000  
 TIMOTHY S MOXON, 0000  
 JORGE L MUNOZ, 0000  
 WILLIAM J MURTAGH III, 0000  
 JOHN E MYERS, 0000  
 PHILIP O NOLAN, 0000  
 KEVIN K NONAKA, 0000  
 GEORGE M NORMAN, 0000  
 KENNETH W NOVOTNY, 0000  
 JAMES P OHARA, 0000  
 PAULA L OSTROM, 0000  
 MICHAEL E OTTLINGER, 0000  
 JOSEPH C PAPALSKI, 0000  
 CONWAY D PATERNOSTRO, 0000  
 LARRY A PECK, 0000  
 DOUGLAS E PENCE, 0000  
 JOEL PICKERING, 0000  
 THOMAS J PINSON III, 0000  
 EDWARD F POSS III, 0000  
 JULIUS I PRYOR, 0000  
 BRIAN L QUISENBERRY, 0000  
 ALAN K RAGAN, 0000  
 HERMAN P REDDICK, 0000  
 PAUL J REESE, 0000  
 ALAN L RIDNOUR, 0000  
 ROBERT M RIVERA, 0000  
 ROBERT E ROCHFORD JR., 0000  
 SUSAN P SAUNDERS, 0000  
 JOSEPH T SCHARTUNG, 0000  
 STEPHEN K SCHINI, 0000  
 DAVID R SCHOENE, 0000  
 STEPHEN J SCHRADER, 0000  
 ALVIN D SEARS, 0000  
 STEPHEN E SHEELY, 0000  
 KENT E SHERRER, 0000  
 VIRGINIA R SIMPSON, 0000  
 MICHAEL P SMITH, 0000  
 JEFFRY R SPENCER, 0000  
 ROBERT C SPERO, 0000  
 JOSEPH C SPITEK, 0000  
 JAMES E STAHLMAN, 0000  
 JOHN B STANLEY, 0000  
 WILLIAM G STARK, 0000  
 DAVID R STASER, 0000  
 DANNY A STEWART, 0000  
 DAVID R STITZLEIN, 0000  
 MARK A STOFFEL, 0000  
 VICTOR B STUCKEY, 0000  
 T D STUDWELL, 0000  
 HENRY B STUEBER, 0000  
 EUGENE P SULLIVAN, 0000  
 TINA J TALLEY, 0000  
 ANDREW C TAYLOR, 0000  
 MICHAEL THOMPSON, 0000  
 DAVID P TORMA, 0000  
 JAMES J TOWNSEND, 0000  
 PAUL M ULMER, 0000  
 MICHAEL J VANBROCKLIN, 0000  
 RICHARD M VANDERHOEVEN, 0000  
 MICHAEL F VANVLECK, 0000  
 TIMOTHY C VICKERS, 0000  
 JOSEPH F VONSAUERS, 0000  
 BOBBY D WALDEN, 0000  
 DOUGLAS E WEATHERFORD, 0000  
 ERIC A WIEMAN, 0000  
 ANDREAS M WILSON, 0000  
 STEVEN W WILSON, 0000  
 BILL L YANCEY, 0000  
 GLENN L ZITKA, 0000