EC–505. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Canada Model 430 Helicopters'' ((RIN2120–AA64)(2001–0067)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–506. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–102, 103, and 301 Series Airplanes'' ((RIN2120–AA64)(2001–0048)) received on January 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–507. A communication from the Special Assistant of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotment; FM Broadcast Stations. (Lewistown, Montana)'' (Docket No. 00–150) received on January 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–508. A communication from the Special Assistant of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Strattanville and Farmington Township, Pennsylvania)'' (Docket No. 99–58) received on January 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–509. A communication from the Special Assistant of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 730202(b), Table of Allotments, FM Broadcast Stations. (Indian Wells, Indio, California)'' (Docket No. 98–29, RM–9190, RM–9275) received on January 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–510. A communication from the Special Assistant of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Susquehanna and Hallstead, Pennsylvania'' (Docket No. 00–15) received on January 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–511. A communication from the Special Assistant of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations. (Richmond, Virginia)'' (Docket No. 00–97, RM–9865) received on January 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–512. A communication from the Special Assistant of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Florence and Comobabi, Arizona)'' (Docket No. 00–107, RM–9891) received on January 16, 2001; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Special Report entitled ''Report of the Committee on Governmental Affairs United States Senate and its Subcommittees for the One Hundred Fifth Congress''.

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. BINGAMAN (for himself, Mr. CRAIG, Mr. SCHUMER, and Mrs. MURRAY):

S. 193. A bill to authorize funding for Advanced Scientific Research Computing Programs at the Department of Energy for fiscal years 2002 through 2006, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 194. A bill to authorize funding for successful reentry of criminal offenders into local communities; to the Committee on the Judiciary.

By Mr. FRIST:

S. 195. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 196. A bill to amend the Internal Revenue Code of 1986 to provide a refundable personal credit for energy conservation expenditures, and for other purposes; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. HOLLINGS):

S. 197. A bill to provide for the disclosure of the collection of information through computer software, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. CONRAD, Mr. CRAPO, Mr. DORGAN, Mr. JOHNSON, and Mr. SMITH of Oregon):

S. 198. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 199. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to oversee the competitive activities of air carriers following a concentration in the airline industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 200. A bill to establish a national policy of basic consumer fair treatment for airline passengers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER:

S. 201. A bill to require that Federal agencies be accountable for violations of anti-discrimination and whistleblower protection laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WARNER:

S. 202. A bill to rename Wolf Trap Farm Park for the Performing Arts as ''Wolf Trap National Park for the Performing Arts''; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NICKLES (for himself, Mr. DURBIN, Mr. FITZGERALD, Mr. GRAHAM, Mr. HAGEL, Mr. KYL, Mr. INHOFE, and Mr. BINGAMAN):

S. Con. Res. 4. A concurrent resolution expressing the sense of Congress regarding housing affordability and ensuring a competitive North American market for softwood lumber; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. SCHUMER, and Mrs. MURRAY):

S. 193. A bill to authorize funding for Advanced Scientific Research Computing Programs at the Department of Energy for fiscal years 2002 through 2006, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill authorizing the Secretary of Energy to provide for the Office of Science to develop a robust scientific computing infrastructure to solve a number of grand challenges in scientific computing. This bipartisan bill, which is referred to as the ''Department of Energy Advanced Scientific Computing Act'' is co-sponsored by Senators CRAIG, SCHUMER, and MURRAY. Before discussing this program in detail, let me briefly frame the proposed effort. First, I will outline the tremendous advances made in the last decade for scientific computing. Second, I will give a few examples of the ''grand challenges'' in scientific computing. Third, I will discuss how the proposed program at the Office of Science will give our nation's scientists the tools to meet these grand challenges. I will conclude by demonstrating how this program integrates with defense related computing programs at the DOE and across the interagency.

Experts agree that scientific computing R&D is at a critical juncture. If the breakthroughs proceed as predicted, the information age could affect our everyday lives far beyond what we nonexperts currently grasp. It is terribly important that we, as a nation, ensure that the U.S. maintains a leadership role in scientific computing R&D. If we fall beyond in this rapidly changing field, our nation could lose its ability to control the national security, economic and social consequences from these new information technologies.

What are the possible breakthroughs in scientific computing that merit such strong programmatic attention? Within the next five years we expect that advanced scientific computing machines will achieve peak performance speeds of 100 teraflops or 100 trillion

arithmetic operations per second; that is 100 times faster than today's most advanced civilian computers. To put things in perspective, the fastest Pentium III available today can perform about 2 gigaflops (2 billion operations per second), so a 100 teraflops machine is about 50,000 times faster than today's fastest Pentium III. We call this new wave of computing ''terascale computing''. This new level of computing will allow scientists and engineers to explore problems at a level of accuracy and detail that was unimaginable ten years ago. I will discuss the scientific and engineering opportunities in more detail later. First, let me discuss some of the challenges in terascale computing.

The major advance that led to terascale computing is the use of highly parallel computer architectures. Parallel computers send out mathematical instructions to thousands of processors at once rather than waiting for each instruction to be sequentially completed on a single processor. The problem we face in moving to terascale computers is writing the computer software that utilizes their full performance capabilities. When we say ''peak'' speeds we mean the ability to use the full capability of the computer. This happens very rarely in parallel computers. For example, in 1990 on state-of-the-art Cray supercomputers with about eight processors, we could obtain, on the average, about 40–50 percent of the computer's ''peak'' speed. Today, with massively parallel machines using thousands of processors, we often obtain only 5–10 percent of the machine's ''peak'' speed. The issue is how to tailor our traditional scientific codes to run efficiently on these terascale parallel computers. This is the foremost challenge that must be overcome to realize the full potential of terascale computing.

Another problem we face as we move to terascale computing is the amount of data we generate. Consider the following. Your PC, if it is one of the latest models, has a hard drive that will hold about 10 gigabytes of data. If we successfully begin to implement terascale computing, we will be generating ''petabytes'' of data for each calculation. A petabyte of data is one million gigabytes or the equivalent of 100,000 hard drives like the one on your PC. A teraflop machine user will make many runs on these machines. But raw data isn't knowledge. To turn data into knowledge, we must be able to analyze it—to determine what it is telling us about the phenomena that we are studying. None of the data management methods that we have today can handle petabytes data sets. This is the second challenge that must be overcome.

And, many more challenges exist.

To make effective use of today's and the future's computing capability we need to establish a scientific program that is radically different from what researchers are used to today. Future scientific computing initiatives must be broad multi-disciplinary efforts. Tomorrow's scientific computing effort will employ not only the physicist who wishes to probe the minute details of solid matter in order to say, built a better magnet, it will include a computer scientist to help ensure that the physicist's software makes efficient use of the terascale computer. Terascale computing will also require mathematicians to develop specialized routines to adapt the solution of the physicist's mathematical equations to these parallel architectures. Finally, terascale computers will require specialists in data networking and visualization who understand how to manage and analyze the massive amounts of data.

I note these problems to highlight the complexities of tomorrow's scientific computing environment from the common information technologies that we employ today. However, because computing technology moves at such a rapid rate, elements of the issues that I have described will surely impact us in the near future. Given the impact information technologies have had only in ten years, it is important that we, as a nation, lead the initiative in these breakthroughs so that we can positively control the impact that the these revolutionary technologies will have on our economy and the social fabric of our Nation.

What are the important problems that we expect terascale computing to address? We call these problems ''Grand Challenges''. Terascle computing will enable climate researchers to predict with greater certainty how our planet's climate will change in the future, allowing us to develop the best possible strategies and policy for addressing climate change. Terascale computing will help chemists understand the chemical processes involved in combustion, which will translate into more efficient, less polluting engines. Terascale computing will allow material scientists to design nanomaterials atom by atom, which will lead to stronger, yet lighter and hence more energy efficient materials. Terascale computing will assist nanoscience researchers by simulating atom manipulation before undertaking complex and expensive experiments. Nanotechnology will lead to whole new generations of computer chips, information systems, and stronger, yet lighter materials. Finally, terascale computing will enable biologists to understand the structure of the proteins encoded in the human genome, which will lead to better medicines and health for our citizens. These fundamental grand challenge problems are now addressable with the recent advances in scientific computing. Due to the impact the grand challenge problems will have on our lives, we as a nation, must take the lead in their investigation.

What are the elements of the proposed effort? The program I propose will build on the Department of Energy's decades of leadership in high performance computing and networks to ensure that terascale computing and petabyte data visualization becomes a positive force for the U.S. The proposed program has four parts. The first part is the establishment of core teams of researchers who specialize in the grand challenge problem itself. An example of a core team is one made up of geologists and geochemists allied with computer scientists and applied mathematicians to write large software programs associated with oil exploration or the diffusion of waste in the subsurface. The scientific simulation software created by these core teams will be the ''engines'' that drive the scientific discovery process. The second element of the program enhances the research efforts in computer science and computational mathematics that underlie this software development effort. These specialists will ensure that the core teams effectively use massively parallel computers—not at the current 5–10 percent but at 50 percent of the computer's peak running speed. These specialists will also develop the software to manage and visualize the petabytes of data that the core teams, as well as the next generation of experimental facilities, generate. Third, this program will fund specialists to develop the networking and electronic collaboration software that will allow researchers all across the U.S.—in national laboratories, universities, and industry to routinely use petabyte data sets. This new networking capability will translate quickly to the private sector in the areas of medicine, business transactions, and education over the internet. Fourth, this program will fund the unique computer hardware required for scientific investigations of the ''Grand Challenges'' on a continuing basis. Many of the grand challenge problems will benefit from specialized computers. This program will fund such specialized computers. For instance, IBM will build in the year 2004 or 2005 a unique 1000 teraflops (1000 trillion operations per second) computer called ''Blue Gene''. Blue Gene will be 500,000 times faster than your desk PC. This machine will be used by DNA researchers to predict the structure of proteins and in doing so allow drugs and medicines to be optimized before they are commercially produced. We propose to place these one-of-a-kind computers at national user facilities and make them available to U.S. researchers in national and government laboratories, universities, and industry.

In summary, we are proposing a program that will substantially advance our understanding of complex scientific phenomena that affect our daily lives. At the present we cannot fully understand these phenomena; it is critical that we master it in our national interest so to benefit our nation and its people.

Overall, this program will integrate into other DOE advanced computing efforts and into our national strategy for advanced scientific computing. In FY01, the DOE National Nuclear Security Agency, NNSA, funded the Accelerated Strategic Computing Initiative or ASCI at $477 million dollars. ASCI's mission—to develop the capability to simulate the safety and surety of the nuclear weapons in our stockpile—is critical to the security of our nation. The ASCI program is a focused and classified program with one primary user—the nuclear weapons community. Its problems revolve around materials and plasmas undergoing rapid changes from a nuclear explosion. The Advanced Scientific Computing Program I am proposing is unclassified and covers many other areas of science critical to the long term well being of the nation. This program will involve interaction between researchers at the nation's national and federal laboratories, universities, and industry. That is not to say that there will be no integration between these two worthy and important efforts. Both efforts involve terascale computers, so clearly we expect that many of the central tools common to both in terms of hardware design and underlying software for networks and visualization will be shared. Both programs will benefit by the two diverse communities working towards the common goal of terascale computing. And, the NNSA will be able to infuse fresh ideas from the universities and industry on parallel architectures and data visualization into their efforts in ensuring the surety of our nation's nuclear weapons stockpile.

Within the U.S. Government, this effort will fall under the purview of the National Coordinating Office for Computing, Information and Communications, ''NCO/CIC''. This Office is charged with coordinating government-sponsored information technology research programs across all of the government agencies. The NCO/CIC provides a forum for DOE to coordinate its scientific computing program with information technology programs in NSF, DOD, NASA, NIH, NOAA, and other government agencies interested in high-performance computing. Although the DOE program is focused on its energy, environmental, and scientific missions, many benefits will be derived by coordinating its activities with related computing activities in other agencies. Finally, I note that in our national implementation plan for ''Information for the Twenty First Century'', the NSF and the DOE were given the leadership for ''Advanced Scientific Computing for Science, Engineering and the Nation''. The program I have outlined supports that role.

In summary, I have outlined a scientific computing program that will advance our ability to understand complex but important physical, chemical, and biological phenomena. Advancing our understanding of global climate change will lead to a better understanding on the relationship between our energy consumption and the climate on our planet. Mastering materials and chemical processes at an atomic level will enhance U.S. industrial competitiveness in many areas such as energy efficient materials manufacturing and develop new computer chip technologies. Understanding the flow of contaminants in the groundwater will help develop better strategies for cleaning up DOE's sites and help commercial oil and gas extraction. Predicting the structure of proteins will lead to more effective drugs with minimal side effects. Beyond solution of the ''Grand Challenges'' are the advancements that will be made in advanced computing and networking technologies which will benefit users in areas as diverse as medicine and business. These problems are of national significance to the health of our citizens and our future economy in the 21st century.

By Mr. BIDEN:

S. 194. A bill to authorize funding for successful reentry of criminal offenders into local communities; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, today I am proud to introduce the ''Offender Reentry and Community Safety Act of 2001,'' a bill I first introduced last July. The bill is also a part of S. 16, the Democrat's omnibus crime legislation.

Too often we have short-term solutions for long-term problems. All too often we think about today, but not tomorrow. It's time that we start looking forward. It's time that we face the dire situation of prisoners re-entering our communities with insufficient monitoring, little or no job skills, inadequate drug treatment, insufficient housing and deficient basic life skills.

According to the Department of Justice, 1.25 million offenders are now living in prisons and another 600,000 offenders are incarcerated in local jails. A record number of those inmates—approximately 585,400 will return to communities this year. Historically, two-thirds of returning prisoners have been rearrested for new crimes within three years.

The safety threat posed by this volume of prisoner returns has been exacerbated by the fact that states and communities can't possibly properly supervise all their returning offenders, parole systems have been abolished in thirteen states and policy shifts toward more determinate sentencing have reduced the courts' authority to impose supervisory conditions on offenders returning to their communities.

State systems have also reduced the numbers of transitional support programs aimed at facilitating the return to productive community life styles. Recent studies indicate that many returning prisoners receive no help in finding employment upon release and most offenders have low literacy and other basic educational skills that can impede successful reentry.

At least 55 percent of offenders are fathers of minor children, and therefore face a number of issues related to child support and other family responsibilities during incarceration and after release. Substance abuse and mental health problems also add to concerns over community safety. Approximately 70 percent of state prisoners and 57 percent of federal prisoners have a history of drug use or abuse. Research by the Department of Justice indicates that between 60 and 75 percent of inmates with heroin or cocaine problems return to drugs within three months when untreated. An estimated 187,000 state and federal prison inmates have self-reported mental health problems. Mentally ill inmates are more likely than other offenders to have committed a violent offense and be violent recidivists. Few states connect mental health treatment in prisons with treatment in the return community. Finally, offenders with contagious diseases such as HIV/AIDS and tuberculosis are released with no viable plan to continue their medical treatment so they present a significant danger to public health. And while the federal prison population and reentry system differs from the state prison population and reentry systems, there are nonetheless significant reentry challenges at the federal level.

We need to start thinking about what to do with these people. We need to start thinking in terms of helping these people make a transition to the community so that they don't go back to a life of crime and can be productive members of our society. We need to start thinking about the long-term impact of what we do after we send people to jail.

My legislation creates demonstration reentry programs for federal, state and local prisoners. The programs are designed to assist high-risk, high-need offenders who have served their prison sentences, but who pose the greatest risk of reoffending upon release because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment and other mental and medical health services they need to successfully reintegrate into society.

Innovative strategies and emerging technologies present new opportunities to improve reentry systems. This legislation creates federal and state demonstration projects that utilize these strategies and technologies. The projects share many core components, including a more seamless reentry system, reentry officials who are more directly involved with the offender and who can swiftly impose intermediate sanctions if the offender does not follow the designated reentry plan, and the combination of enhanced service delivery and enhanced monitoring. The different projects are targeted at different prisoner populations and each has some unique features. The promise of the legislation is to establish the demonstration projects and then to rigorously evaluate them to determine

which measures and strategies most successfully reintegrate prisoners into the community as well as which measures and strategies can be promoted nationally to address the growing national problem of released prisoners.

There are currently 17 unfunded state pilot projects, including one in Delaware, which are being supported with technical assistance by the Department of Justice. My legislation will fund these pilot projects and will encourages states, territories, and Indian tribes to partner with units of local government and other non-profit organizations to establish adult offender reentry demonstration projects. The grants may be expended for implementing graduated sanctions and incentives, monitoring released prisoners, and providing, as appropriate, drug and alcohol abuse testing and treatment, mental and medical health services, victim impact educational classes, employment training, conflict resolution skills training, and other social services. My legislation also encourages state agencies, municipalities, public agencies, nonprofit organizations and tribes to make agreements with courts to establish ''reentry courts'' to monitor returning offenders, establish graduated sanctions and incentives, test and treat returning offenders for drug and alcohol abuse, and provide reentering offenders with mental and medical health services, victim impact educational classes, employment training, conflict resolution skills training, and other social services.

This legislation also re-authorizes the drug court program created by Congress in the 1994 Crime Law as a cost-effective, innovative way to deal with non-violent offenders in need of drug treatment. This is the same language as the ''Drug Court Re-authorization and Improvement Act'' that I introduced with Senator SPECTER last Congress.

Rather than just churning people through the revolving door of the criminal justice system, drug courts help these folks to get their acts together so they won't be back. When they graduate from drug court programs they are clean and sober and more prepared to participate in society. In order to graduate, they are required to finish high school or obtain a GED, hold down a job, and keep up with financial obligations including drug court fees and child support payments. They are also required to have a sponsor who will keep them on track.

This program works. And that is not just my opinion. Columbia University's National Center on Addiction and Substance Abuse (CASA) found that these courts are effective at taking offenders with little previous treatment history and keeping them in treatment; that they provide closer supervision than other community programs to which the offenders could be assigned; that they reduce crime; and that they are cost-effective.

According to the Department of Justice, drug courts save at least $5,000 per offender each year in prison costs alone. That says nothing of the cost savings associated with future crime prevention. Just as important, scarce prison beds are freed up for violent criminals.

I have saved what may be the most important statistic for last. Two-thirds of drug court participants are parents of young children. After getting sober through the coerced treatment mandated by the court, many of these individuals are able to be real parents again. More than 500 drug-free babies have been born to female drug court participants, a sizable victory for society and the budget alike.

This bill re-authorizes programs to provide for drug treatment in state and federal prisons. According to CASA, 80 percent of the men and women behind bars in the United States today are there because of alcohol or drugs. They were either drunk or high when they committed their crime, broke an alcohol or drug law, stole to support their habit, or have a history of drug or alcohol abuse. The need for drug and alcohol treatment in our nations prisons and jails is clear.

Providing treatment to criminal offenders is not ''soft.'' It is a smart crime prevention policy. If we do not treat addicted offenders before they are released, they will be turned back onto our streets with the same addiction problem that got them in trouble in the first place and they will re-offend. Inmates who are addicted to drugs and alcohol are more likely to be incarcerated repeatedly than those without a substance abuse problem. This is not my opinion, it is fact. According to CASA, 81 percent of inmates with five or more prior convictions have been habitual drug users compared to 41 percent of first-time offenders. Re-authorizing prison-based treatment programs is a good investment and is an important crime prevention initiative.

This legislation is just a first step—but a necessary one. Someday, we will look back and wonder why we didn't think of this sooner. For now, we need to implement these pilot projects, help people make it in their communities and make our streets safer at the same time. I am certain that in the end we will revel in the results.

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. 194

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 ''Offender Reentry and Community Safety Act of 2001''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) There are now nearly 1,900,000 individuals in our country's prisons and jails, including over 140,000 individuals under the jurisdiction of the Federal Bureau of Prisons.

(2) Enforcement of offender violations of conditions of releases has sharply increased the number of offenders who return to prison—while revocations comprised 17 percent of State prison admissions in 1980, they rose to 36 percent in 1998.

(3) Although prisoners generally are serving longer sentences than they did a decade ago, most eventually reenter communities; for example, in 1999, approximately 538,000 State prisoners and over 50,000 Federal prisoners a record number were returned to American communities. Approximately 100,000 State offenders return to communities and received no supervision whatsoever.

(4) Historically, two-thirds of returning State prisoners have been rearrested for new crimes within 3 years, so these individuals pose a significant public safety risk and a continuing financial burden to society.

(5) A key element to effective post-incarceration supervision is an immediate, predetermined, and appropriate response to violations of the conditions of supervision.

(6) An estimated 187,000 State and Federal prison inmates have been diagnosed with mental health problems; about 70 percent of State prisoners and 57 percent of Federal prisoners have a history of drug use or abuse; and nearly 75 percent of released offenders with heroin or cocaine problems return to using drugs within 3 months if untreated; however, few States link prison mental health treatment programs with those in the return community.

(7) Between 1987 and 1997, the volume of juvenile adjudicated cases resulting in court-ordered residential placements rose 56 percent. In 1997 alone, there were a total of 163,200 juvenile court-ordered residential placements. The steady increase of youth exiting residential placement has strained the juvenile justice aftercare system, however, without adequate supervision and services, youth are likely to relapse, recidivate, and return to confinement at the public's expense.

(8) Emerging technologies and multidisciplinary community-based strategies present new opportunities to alleviate the public safety risk posed by released prisoners while helping offenders to reenter their communities successfully.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish demonstration projects in several Federal judicial districts, the District of Columbia, and in the Federal Bureau of Prisons, using new strategies and emerging technologies that alleviate the public safety risk posed by released prisoners by promoting their successful reintegration into the community;

(2) establish court-based programs to monitor the return of offenders into communities, using court sanctions to promote positive behavior;

(3) establish offender reentry demonstration projects in the states using government and community partnerships to coordinate cost efficient strategies that ensure public safety and enhance the successful reentry into communities of offenders who have completed their prison sentences;

(4) establish intensive aftercare demonstration projects that address public safety and ensure the special reentry needs of juvenile offenders by coordinating the resources of juvenile correctional agencies, juvenile courts, juvenile parole agencies, law enforcement agencies, social service providers, and local Workforce Investment Boards; and

(5) rigorously evaluate these reentry programs to determine their effectiveness in reducing recidivism and promoting successful offender reintegration.

TITLE I—FEDERAL REENTRY DEMONSTRATION PROJECTS

SEC. 101. FEDERAL REENTRY CENTER DEMONSTRATION.

(a) AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.—From funds made available to carry out this Act, the Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, shall establish the Federal Reentry Center Demonstration project. The project shall involve appropriate prisoners from the Federal prison population and shall utilize community corrections facilities, home confinement, and a coordinated response by Federal agencies to assist participating prisoners, under close monitoring and more seamless supervision, in preparing for and adjusting to reentry into the community.

(b) PROJECT ELEMENTS.—The project authorized by subsection (a) shall include—

(1) a Reentry Review Team for each prisoner, consisting of representatives from the Bureau of Prisons, the United States Probation System, and the relevant community corrections facility, who shall initially meet with the prisoner to develop a reentry plan tailored to the needs of the prisoner and incorporating victim impact information, and will thereafter meet regularly to monitor the prisoner's progress toward reentry and coordinate access to appropriate reentry measures and resources;

(2) regular drug testing, as appropriate;

(3) a system of graduated levels of supervision within the community corrections facility to promote community safety, provide incentives for prisoners to complete the reentry plan, including victim restitution, and provide a reasonable method for imposing immediate sanctions for a prisoner's minor or technical violation of the conditions of participation in the project;

(4) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programming to promote effective reintegration into the community as needed;

(5) to the extent practicable, the recruitment and utilization of local citizen volunteers, including volunteers from the faith-based and business communities, to serve as advisers and mentors to prisoners being released into the community;

(6) a description of the methodology and outcome measures that will be used to evaluate the program; and

(7) notification to victims on the status and nature of offenders' reentry plan.

(c) PROBATION OFFICERS.—From funds made available to carry out this Act, the Director of the Administrative Office of the United States Courts shall assign one or more probation officers from each participating judicial district to the Reentry Demonstration project. Such officers shall be assigned to and stationed at the community corrections facility and shall serve on the Reentry Review Teams.

(d) PROJECT DURATION.—The Reentry Center Demonstration project shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Attorney General may extend the project for a period of up to 6 months to enable participant prisoners to complete their involvement in the project.

(e) SELECTION OF DISTRICTS.—The Attorney General, in consultation with the Judicial Conference of the United States, shall select an appropriate number of Federal judicial districts in which to carry out the Reentry Center Demonstration project.

(f) COORDINATION OF PROJECTS.—The Attorney General, may, if appropriate, include in the Reentry Center Demonstration project offenders who participated in the Enhanced In-Prison Vocational Assessment and Training Demonstration project established by section 105.

SEC. 102. FEDERAL HIGH-RISK OFFENDER REENTRY DEMONSTRATION.

(a) AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.—From funds made available to carry out this Act, the Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, shall establish the Federal High-Risk Offender Reentry Demonstration project. The project shall involve Federal offenders under supervised release who have previously violated the terms of their release following a term of imprisonment and shall utilize, as appropriate and indicated, community corrections facilities, home confinement, appropriate monitoring technologies, and treatment and programming to promote more effective reentry into the community.

(b) PROJECT ELEMENTS.—The project authorized by subsection (a) shall include—

(1) participation by Federal prisoners who have previously violated the terms of their release following a term of imprisonment;

(2) use of community corrections facilities and home confinement that, together with the technology referenced in paragraph (5), will be part of a system of graduated levels of supervision;

(3) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, and other programming to promote effective reintegration into the community as appropriate;

(4) involvement of a victim advocate and the family of the prisoner, if it is safe for the victim(s), especially in domestic violence cases, to be involved;

(5) the use of monitoring technologies, as appropriate and indicated, to monitor and supervise participating offenders in the community;

(6) a description of the methodology and outcome measures that will be used to evaluate the program; and

(7) notification to victims on the status and nature of a prisoner's reentry plan.

(c) MANDATORY CONDITION OF SUPERVISED RELEASE.—In each of the judicial districts in which the demonstration project is in effect, appropriate offenders who are found to have violated a previously imposed term of supervised release and who will be subject to some additional term of supervised release, shall be designated to participate in the demonstration project. With respect to these offenders, the court shall impose additional mandatory conditions of supervised release that each offender shall, as directed by the probation officer, reside at a community corrections facility or participate in a program of home confinement, or both, and submit to appropriate monitoring, and otherwise participate in the project.

(d) PROJECT DURATION.—The Federal High-Risk Offender Reentry Demonstration shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Director of the Administrative Office of the United States Courts may extend the project for a period of up to 6 months to enable participating prisoners to complete their involvement in the project.

(e) SELECTION OF DISTRICTS.—The Judicial Conference of the United States, in consultation with the Attorney General, shall select an appropriate number of Federal judicial districts in which to carry out the Federal High-Risk Offender Reentry Demonstration project.

SEC. 103. DISTRICT OF COLUMBIA INTENSIVE SUPERVISION, TRACKING, AND REENTRY TRAINING (DC ISTART) DEMONSTRATION.

(a) AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.—From funds made available to carry out this Act, the Trustee of the Court Services and Offender Supervision Agency of the District of Columbia, as authorized by the National Capital Revitalization and Self Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712) shall establish the District of Columbia Intensive Supervision, Tracking and Reentry Training Demonstration (DC iSTART) project. The project shall involve high risk District of Columbia parolees who would otherwise be released into the community without a period of confinement in a community corrections facility and shall utilize intensive supervision, monitoring, and programming to promote such parolees' successful reentry into the community.

(b) PROJECT ELEMENTS.—The project authorized by subsection (a) shall include—

(1) participation by appropriate high risk parolees;

(2) use of community corrections facilities and home confinement;

(3) a Reentry Review Team that includes a victim witness professional for each parolee which shall meet with the parolee—by video conference or other means as appropriate—before the parolee's release from the custody of the Federal Bureau of Prisons to develop a reentry plan that incorporates victim impact information and is tailored to the needs of the parolee and which will thereafter meet regularly to monitor the parolee's progress toward reentry and coordinate access to appropriate reentry measures and resources;

(4) regular drug testing, as appropriate;

(5) a system of graduated levels of supervision within the community corrections facility to promote community safety, encourage victim restitution, provide incentives for prisoners to complete the reentry plan, and provide a reasonable method for immediately sanctioning a prisoner's minor or technical violation of the conditions of participation in the project;

(6) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programming to promote effective reintegration into the community as needed and indicated;

(7) the use of monitoring technologies, as appropriate;

(8) to the extent practicable, the recruitment and utilization of local citizen volunteers, including volunteers from the faith-based communities, to serve as advisers and mentors to prisoners being released into the community; and

(9) notification to victims on the status and nature of a prisoner's reentry plan.

(c) MANDATORY CONDITION OF PAROLE.—For those offenders eligible to participate in the demonstration project, the United States Parole Commission shall impose additional mandatory conditions of parole such that the offender when on parole shall, as directed by the community supervision officer, reside at a community corrections facility or participate in a program of home confinement, or both, submit to electronic and other remote monitoring, and otherwise participate in the project.

(d) PROGRAM DURATION.—The District of Columbia Intensive Supervision, Tracking

and Reentry Training Demonstration shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Trustee of the Court Services and Offender Supervision Agency of the District of Columbia may extend the project for a period of up to 6 months to enable participating prisoners to complete their involvement in the project.

SEC. 104. FEDERAL INTENSIVE SUPERVISION, TRACKING, AND REENTRY TRAINING (FED ISTART) DEMONSTRATION.

(a) AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.—From funds made available to carry out this section, the Director of the Administrative Office of the United States Courts shall establish the Federal Intensive Supervision, Tracking and Reentry Training Demonstration (FED iSTART) project. The project shall involve appropriate high risk Federal offenders who are being released into the community without a period of confinement in a community corrections facility.

(b) PROJECT ELEMENTS.—The project authorized by subsection (a) shall include—

(1) participation by appropriate high risk Federal offenders;

(2) significantly smaller caseloads for probation officers participating in the demonstration project;

(3) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programming to promote effective reintegration into the community as needed; and

(4) notification to victims on the status and nature of a prisoner's reentry plan.

(c) PROGRAM DURATION.—The Federal Intensive Supervision, Tracking and Reentry Training Demonstration shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Director of the Administrative Office of the United States Courts may extend the project for a period of up to 6 months to enable participating prisoners to complete their involvement in the project.

(d) SELECTION OF DISTRICTS.—The Judicial Conference of the United States, in consultation with the Attorney General, shall select an appropriate number of Federal judicial districts in which to carry out the Federal Intensive Supervision, Tracking and Reentry Training Demonstration project.

SEC. 105. FEDERAL ENHANCED IN-PRISON VOCATIONAL ASSESSMENT AND TRAINING AND DEMONSTRATION.

(a) AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.—From funds made available to carry out this section, the Attorney General shall establish the Federal Enhanced In-Prison Vocational Assessment and Training Demonstration project in selected institutions. The project shall provide in-prison assessments of prisoners' vocational needs and aptitudes, enhanced work skills development, enhanced release readiness programming, and other components as appropriate to prepare Federal prisoners for release and reentry into the community.

(b) PROGRAM DURATION.—The Enhanced In-Prison Vocational Assessment and Training Demonstration shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Attorney General may extend the project for a period of up to 6 months to enable participating prisoners to complete their involvement in the project.

SEC. 106. RESEARCH AND REPORTS TO CONGRESS.

(a) ATTORNEY GENERAL.—Not later than 2 years after the enactment of this Act, the Attorney General shall report to Congress on the progress of the demonstration projects authorized by sections 101 and 105. Not later than 1 year after the end of the demonstration projects authorized by sections 101 and 105, the Director of the Federal Bureau of Prisons shall report to Congress on the effectiveness of the reentry projects authorized by sections 101 and 105 on post-release outcomes and recidivism. The report shall address post-release outcomes and recidivism for a period of 3 years following release from custody. The reports submitted pursuant to this section shall be submitted to the Committees on the Judiciary in the House of Representatives and the Senate.

(b) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Not later than 2 years after the enactment of this Act, Director of the Administrative Office of the United States Courts shall report to Congress on the progress of the demonstration projects authorized by sections 102 and 104. Not later than 180 days after the end of the demonstration projects authorized by sections 102 and 104, the Director of the Administrative Office of the United States Courts shall report to Congress on the effectiveness of the reentry projects authorized by sections 102 and 104 of this Act on post-release outcomes and recidivism. The report should address post-release outcomes and recidivism for a period of 3 years following release from custody. The reports submitted pursuant to this section shall be submitted to the Committees on the Judiciary in the House of Representatives and the Senate.

(c) DC ISTART.—Not later than 2 years after the enactment of this Act, the Executive Director of the corporation or institute authorized by section 11281(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105–33; 111 Stat. 712) shall report to Congress on the progress of the demonstration project authorized by section 6 of this Act. Not later than 1 year after the end of the demonstration project authorized by section 103, the Executive Director of the corporation or institute authorized by section 11281(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105–33; 111 Stat. 712) shall report to Congress on the effectiveness of the reentry project authorized by section 103 on post-release outcomes and recidivism. The report shall address post-release outcomes and recidivism for a period of 3 years following release from custody. The reports submitted pursuant to this section shall be submitted to the Committees on the Judiciary in the House of Representatives and the Senate. In the event that the corporation or institute authorized by section 11281(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105–33; 111 Stat. 712) is not in operation 1 year after the enactment of this Act, the Director of National Institute of Justice shall prepare and submit the reports required by this section and may do so from funds made available to the Court Services and Offender Supervision Agency of the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105–33; 111 Stat. 712) to carry out this Act.

SEC. 107. DEFINITIONS.

In this title—

(1) the term ''appropriate prisoner'' means a person who is considered by prison authorities—

(A) to pose a medium to high risk of committing a criminal act upon reentering the community, and

(B) to lack the skills and family support network that facilitate successful reintegration into the community; and

(2) the term ''appropriate high risk parolees'' means parolees considered by prison authorities—

(A) to pose a medium to high risk of committing a criminal act upon reentering the community; and

(B) to lack the skills and family support network that facilitate successful reintegration into the community.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act, there are authorized to be appropriated, to remain available until expended, the following amounts:

(1) To the Federal Bureau of Prisons—

(A) $1,375,000 for fiscal year 2002;

(B) $1,110,000 for fiscal year 2003;

(C) $1,130,000 for fiscal year 2004;

(D) $1,155,000 for fiscal year 2005; and

(E) $1,230,000 for fiscal year 2006.

(2) To the Federal Judiciary—

(A) $3,380,000 for fiscal year 2002;

(B) $3,540,000 for fiscal year 2003;

(C) $3,720,000 for fiscal year 2004;

(D) $3,910,000 for fiscal year 2005; and

(E) $4,100,000 for fiscal year 2006.

(3) To the Court Services and Offender Supervision Agency of the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105–33; 111 Stat. 712)—

(A) $4,860,000 for fiscal year 2002;

(B) $4,510,000 for fiscal year 2003;

(C) $4,620,000 for fiscal year 2004;

(D) $4,740,000 for fiscal year 2005; and

(E) $4,860,000 for fiscal year 2006.

TITLE II—STATE REENTRY GRANT PROGRAMS

SEC. 201. AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting at the end the following:

''PART CC—OFFENDER REENTRY AND COMMUNITY SAFETY

"SEC. 2951. ADULT OFFENDER STATE AND LOCAL REENTRY PARTNERSHIPS.

''(a) GRANT AUTHORIZATION.—The Attorney General shall make grants of up to $1,000,000 to States, Territories, and Indian tribes, in partnership with units of local government and nonprofit organizations, for the purpose of establishing adult offender reentry demonstration projects. Funds may be expended by the projects for the following purposes:

''(1) oversight/monitoring of released offenders;

''(2) providing returning offenders with drug and alcohol testing and treatment and mental health assessment and services;

''(3) convening community impact panels, victim impact panels or victim impact educational classes;

''(4) providing and coordinating the delivery of other community services to offenders such as housing assistance, education, employment training, conflict resolution skills training, batterer intervention programs, and other social services as appropriate; and

''(5) establishing and implementing graduated sanctions and incentives.

''(b) SUBMISSION OF APPLICATION.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

''(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program after the Federal funding ends;

''(2) identify the governmental and community agencies that will be coordinated by this project;

''(3) certify that there has been appropriate consultation with all affected agencies and there will be appropriate coordination with

all affected agencies in the implementation of the program, including existing community corrections and parole; and

''(4) describe the methodology and outcome measures that will be used in evaluating the program.

''(c) APPLICANTS.—The applicants as designated under 2601(a)—

''(1) shall prepare the application as required under subsection 2601(b); and

''(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

''(d) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 25 percent of the costs of the project funded under this title unless the Attorney General waives, wholly or in part, the requirements of this section.

''(e) REPORTS.—Each entity that receives a grant under this part shall submit to the Attorney General, for each year in which funds from a grant received under this part is expended, a report at such time and in such manner as the Attorney General may reasonably require that contains:

''(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application funded under this part; and

''(2) such other information as the Attorney General may require.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $40,000,000 in fiscal years 2002 and 2003; and such sums as may be necessary for each of the fiscal years 2004, 2005, and 2006.

''(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

''(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

''(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.

''SEC. 2952. STATE AND LOCAL REENTRY COURTS.

''(a) GRANT AUTHORIZATION.—The Attorney General shall make grants of up to $500,000 to State and local courts or state agencies, municipalities, public agencies, nonprofit organizations, and tribes that have agreements with courts to take the lead in establishing a reentry court. Funds may be expended by the projects for the following purposes:

''(1) monitoring offenders returning to the community;

''(2) providing returning offenders with drug and alcohol testing and treatment and mental and medical health assessment and services;

''(3) convening community impact panels, victim impact panels, or victim impact educational classes;

''(4) providing and coordinating the delivery of other community services to offenders, such as housing assistance, education, employment training, conflict resolution skills training, batterer intervention programs, and other social services as appropriate; and

''(5) establishing and implementing graduated sanctions and incentives.

''(b) SUBMISSION OF APPLICATION.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

''(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program after the Federal funding ends;

''(2) identify the governmental and community agencies that will be coordinated by this project;

''(3) certify that there has been appropriate consultation with all affected agencies, including existing community corrections and parole, and there will be appropriate coordination with all affected agencies in the implementation of the program;

''(4) describe the methodology and outcome measures that will be used in evaluation of the program.

''(c) APPLICANTS.—The applicants as designated under 2602(a)—

''(1) shall prepare the application as required under subsection 2602(b); and

''(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

''(d) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 25 percent of the costs of the project funded under this title unless the Attorney General waives, wholly or in part, the requirements of this section.

''(e) REPORTS.—Each entity that receives a grant under this part shall submit to the Attorney General, for each year in which funds from a grant received under this part is expended, a report at such time and in such manner as the Attorney General may reasonably require that contains:

''(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application funded under this part; and

''(2) such other information as the Attorney General may require.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $10,000,000 in fiscal years 2002 and 2003, and such sums as may be necessary for each of the fiscal years 2004, 2005, and 2006.

''(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

''(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

''(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.

''SEC. 2953. JUVENILE OFFENDER STATE AND LOCAL REENTRY PROGRAMS.

''(a) GRANT AUTHORIZATION.—The Attorney General shall make grants of up to $250,000 to States, in partnership with local units of governments or nonprofit organizations, for the purpose of establishing juvenile offender reentry programs. Funds may be expended by the projects for the following purposes:

''(1) providing returning juvenile offenders with drug and alcohol testing and treatment and mental and medical health assessment and services;

''(2) convening victim impact panels, restorative justice panels, or victim impact educational classes for juvenile offenders;

''(3) oversight/monitoring of released juvenile offenders; and

''(4) providing for the planning of reentry services when the youth is initially incarcerated and coordinating the delivery of community-based services, such as education, conflict resolution skills training, batterer intervention programs, employment training and placement, efforts to identify suitable living arrangements, family involvement and support, and other services.

''(b) SUBMISSION OF APPLICATION.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

''(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program after the Federal funding ends;

''(2) identify the governmental and community agencies that will be coordinated by this project;

''(3) certify that there has been appropriate consultation with all affected agencies and there will be appropriate coordination with all affected agencies, including existing community corrections and parole, in the implementation of the program;

''(4) describe the methodology and outcome measures that will be used in evaluating the program.

''(c) APPLICANTS.—The applicants as designated under 2603(a)—

''(1) shall prepare the application as required under subsection 2603(b); and

''(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

''(d) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 25 percent of the costs of the project funded under this title unless the Attorney General waives, wholly or in part, the requirements of this section.

''(e) REPORTS.—Each entity that receives a grant under this part shall submit to the Attorney General, for each year in which funds from a grant received under this part is expended, a report at such time and in such manner as the Attorney General may reasonably require that contains:

''(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application funded under this part; and

''(2) such other information as the Attorney General may require.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $5,000,000 in fiscal years 2002 and 2003, and such sums as are necessary for each of the fiscal years 2004, 2005, and 2006.

''(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

''(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

''(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.

''SEC. 2954. STATE REENTRY PROGRAM RESEARCH, DEVELOPMENT, AND EVALUATION.

''(a) GRANT AUTHORIZATION.—The Attorney General shall make grants to conduct research on a range of issues pertinent to reentry programs, the development and testing of new reentry components and approaches, selected evaluation of projects authorized in the preceding sections, and dissemination of information to the field.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 in fiscal years 2002 and 2003, and such sums as are necessary to carry out this section in fiscal years 2004, 2005, and 2006.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3711 et seq.), as amended, is amended by striking the matter relating to part Z and inserting the following:

''PART CC—OFFENDER REENTRY AND COMMUNITY SAFETY ACT

''Sec. 2951. Adult Offender State and Local Reentry Partnerships.

''Sec. 2952. State and Local Reentry Courts.
''Sec. 2953. Juvenile Offender State and Local Reentry Programs.
''Sec. 2954. State Reentry Program Research and Evaluation.''.

TITLE III—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS REAUTHORIZATION

SEC. 301. SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS REAUTHORIZATION.

Section 3621(e)(4) of title 18, United States Code, is amended by striking subparagraph (E) and inserting the following:

''(E) $31,000,000 for fiscal year 2002; and
''(F) $38,000,000 for fiscal year 2003.''.

TITLE IV—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS REAUTHORIZATION

SEC. 401. REAUTHORIZATION.

Paragraph (17) of section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(17)) is amended to read as follows:

''(17) There are authorized to be appropriated to carry out part S $100,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 through 2007.''.

SEC. 402. USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE FOR SERVICES DURING AND AFTER INCARCERATION.

Section 1901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff) is amended by adding at the end the following:

''(c) ADDITIONAL USE OF FUNDS.—States that demonstrate that they have existing in-prison drug treatment programs that are in compliance with Federal requirements may use funds awarded under this part for treatment and sanctions both during incarceration and after release.''.

By Mr. FRIST:

S. 195. A bill to amend the Elementary and Secondary Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, today I am introducing the A Million Quality Teachers Act.

Thomas Jefferson once observed that of all the bills in the federal code, ''by far the most important is that for the diffusion of knowledge among the people. ''No surer foundation,'' he said, ''can be devised for the preservation of freedom and happiness.'' President Bush has reminded us of the importance of education as well. In his Inauguration Speech, he urged all of us to work together to rebuild our nation's education system: ''Together we will reclaim America's schools, before ignorance and apathy claim more young lives.''

As President Bush himself noted in that same speech, ''While many of our citizens prosper, others doubt the promise, even the justice, of our own country. The ambitions of some Americans are limited by failing schools, and hidden prejudice, and the circumstances of their birth.'' Our current foundation of elementary and secondary education is grossly inadequate to enable American children of all income levels and backgrounds to best realize the ''American dream'' and the economic freedoms that the ''American dream'' encapsulates.

Most companies dismiss the value of a high school diploma. Twelfth grade students in the United States rank near the very bottom on international comparisons in math and science. The Third International Math and Science Study, the most comprehensive and rigorous comparison of quantitative skills across nations, reveals that the longer our students stay in the elementary and public school system, the worse they perform on standardized tests.

High school graduates are twice as likely to be unemployed as college graduates (3.9% vs. 1.9%). Moreover, the value of a college degree over a high school degree is rising. In 1970, a college graduate made 136% more than a high school graduate. Today it is 176%. Even more ominous are labor participation rates for high school graduates in an information economy. While labor force participation for adults is at an all time high in the American economy, this boom has masked a 10% decline in participation rates for high school graduates since 1970 from 96.3% to 86.4%.

Our children cannot afford to be illiterate in mathematics and science. The rapidly changing technology revolution demands skills and proficiency in mathematics, science, and technology. IT, perhaps the fastest growing sector of our economy, relies on more than basic high school literacy in mathematics and science.

We have all heard about the impending teacher shortage. The Department of Education estimates that we will need over 2.2 million new teachers in the next decade to meet enrollment increases and to offset the large number of baby boomer teachers who will soon be retiring. Additionally, although America has many high-quality teachers already, we do not have enough, and with the impending retirement of the baby boomer generation of teachers, we will need even more.

Many want to continue to devote significant resources to reducing class size, and the concept to hire more teachers isn't a bad idea. Studies have shown that smaller class size may improve learning under certain circumstances. But class size is only a small piece in the bigger puzzle to improve America's education system, not the catapult that will launch us into education prosperity.

Unfortunately, there are too many teachers in America today who lack proper preparation in the subjects that they teach. My own state of Tennessee actually does a good job of ensuring that teachers have at least a major or minor in the subject that they teach—well enough to receive a grade of A in that category on the recent Thomas Fordham Foundation report on teacher quality in the states. Even in Tennessee, however, 64.5% of teachers teaching physical science do not even have a minor in the subject. Among history teachers, nearly 50% did not major or minor in history. Many other states do worse.

Additionally, there is consensus that we are not attracting enough of the best and the brightest to teaching, and not retaining enough of the best of those that we attract. According to Harvard economist Richard Murnane, ''College graduates with high test scores are less likely to become teachers, licensed teachers with high test scores are less likely to take jobs, employed teachers with high test scores are less likely to stay, and former teachers with high test scores are less likely to return.''

A Million Quality Teachers seeks to change that by recruiting, and helping states recruit into the teaching profession top-quality students who have majored in academic subjects. We want teachers teaching math who have majored in and who love math. We want teachers teaching science who have majored in and who love science. This bill helps draw those students into teaching for a few years at the very least, and studies have shown that new teachers are most effective in the first couple of years of teaching. This bill would attract new students, and different kinds of students, into teaching by offering significant loan repayment.

While teachers are one of our nation's most critical professions, it is often very difficult to attract highly skilled and marketable college students and graduates because of a profound lack of competitive salaries and the burden of student loans. In addition to the loan forgiveness and alternative certification stipends, the legislation will allow states to use up to $1.3 billion originally designated in a lump sum to hire more teachers to instead allow the states to use that money more creatively in programs to attract the kind of quality teachers they need but cannot afford. Using innovative tools already tested by many states, such as signing bonuses, loan forgiveness, payment of certification costs, and income tax credits, states will be able to once again make teaching an attractive and competitive career for our brightest college graduates. Additionally, the legislation does not limit states to these tools, but allows them to receive grants to continue testing other innovative and new programs for the same purposes.

There are two parts to the bill. Part I is a competitive grant program for States to enable them to run their own innovative quality teacher recruitment, retention and retraining programs. Part II is a loan forgiveness and alternative certification scholarship program to entice individuals with strong academic backgrounds into teaching.

The State grant program will help States focus on recruitment, retention and retraining in the way that best serves the individual State. Some states may decide to offer a teacher

signing bonus program like the widely publicized and very successful program in Massachusetts. Other states may choose to institute teacher testing and merit pay, or to award performance bonuses to outstanding teachers. The program is very flexible, yet the State must be accountable for improving the quality of teachers in that State.

States who participate must submit a plan for how they intend to use funds under the program and how they expect teacher quality to increase as a result, including the expected increase in the number of teachers who majored in the academic subject in which they teach, and the number of teachers who received alternative certification, if the funds are used for recruitment activities. If the funds are used for retention or retraining, the State must focus on how the program will decrease teacher attrition and increase the effectiveness of existing teachers.

States must also report at the end of the three-year grant on how the program increased teacher quality and increased the number of teachers with academic majors in the subjects in which they teach and the number of teachers that received alternative certification and/or how the program decreased teacher attrition and increased the effectiveness of existing teachers.

The loan forgiveness provision is different than loan forgiveness already in current law in that it targets a different population: students in college or graduate school today who are excelling in an academic subject. The purpose is to attract students into teaching who might not otherwise choose to pursue a teaching career and who are majoring in an academic subject.

Any eligible student may take advantage of the loan forgiveness and deferral. An eligible student has majored in a core academic subject with at least a 3.0 GPA and has not been a full-time teacher previously. Loan payments are deferred for as long as the student is obtaining alternative certification or teaching in a public school.

The premise of the bill is that teaching is, or will soon be, like other professions where there is at least some degree of transience. In fact, recent studies show that most new teachers leave within four years. But these studies also show that new teachers are most effective in the first few years of teaching. This bill would attract new students, and different kinds of students, into teaching by offering significant loan repayment.

Alternative certification stipends will provide a seamless transition for a student from school into teaching. The bill provides stipends to students who have received their academic degrees from a college or university in order to obtain certification through alternative means. Students who have received assistance under the loan forgiveness section get first priority, but any student who has received a bachelors or advanced degree in a core academic subject with a GPA of at least 3.0 and who has never taught full-time in a public school is eligible. Students would receive the lesser of $5,000 or the costs of the alternative certification program, in exchange for agreeing to teach in a public school for 2 years.

The job of every new generation is to meet civilization's new problems, improve its new opportunities, and explore its ever-expanding horizons, creating dreams not just for themselves, but for all who come after. Our job—the job of the current generation—is to help them do just that. Learning is the future. Education is the key. We must embark upon a national effort to bring it up to a standard demanded by the challenge, and improving teacher quality is the first step. I hope that my colleagues will concur.

By Mrs. BOXER:

S. 196. A bill to amend the Internal Revenue Code of 1986 to provide a refundable personal credit for energy conservation expenditures, and for other purposes; to the Committee on Finance.

Mrs. BOXER. Mr. President, today, I am introducing the Energy Conservation Tax Credit Act. As the electricity crisis in California continues, the entire nation needs to conserve electricity and improve energy efficiency. No solution to the energy problem is complete without addressing the need to improve the demand side of the equation.

The Energy Conservation Tax Credit Act would encourage efforts at energy conservation through a refundable tax credit, grants to schools to retrofit buildings, and increased information to consumers on their use of electricity.

The legislation would provide individuals with a refundable tax credit for the cost of energy conservation measures, such as ceiling insulation, weather stripping, water heater insulation blankets, low-flow showerheads, thermal doors and windows, clock thermostats, and external shading devices. The provisions eligible for the tax credit are passed on what was included in the California tax code from 1981 to 1986. The bill also includes a provision allowing this list to be expanded for other devices that the Secretary of Energy determines to be effective in conserving energy.

The bill would also provide grants to school districts to retrofit public school buildings to increase energy efficiency and conservation. Many school buildings are old and do not use energy efficiently. According to the California Energy Commission, making energy efficient improvements can reduce a school's annual utility bills by 20 percent. Unfortunately, particularly in low-income districts, other priorities—such as textbooks and teachers—often push the need to retrofit down on the priority list. My bill establishes a grand program to help local schools make these improvements.

Finally, for consumer information, the bill would require utility companies to provide information on electricity bills regarding the amount of electricity used during peak and nonpeak hours and how much the consumer is paying during each period.

This is not the complete answer to the energy situation in California. But, it is important, and would be helpful in reducing the nation's need for electricity.

By Mr. EDWARDS (for himself and Mr. HOLLINGS):

S. 197. A bill to provide for the disclosure of the collection of information through computer software, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. EDWARDS. Mr. President, how would you feel if someone was eavesdropping on your private phone conversations without your knowledge? Well, if it happened to me, I would be very disturbed. And I think that most Americans would be very disturbed to know that something similar may be happening every time they use their computers.

The shocking fact is that many software programs contain something called spyware. Spyware is computer code that surreptitiously uses our Internet connection to transmit information about things like our purchasing patterns and our health and financial status. This information is collected without our knowledge or explicit permission and the spyware programs run undetected while you surf the Internet.

Spyware has been found in Quicken software, which is manufactured by Intuit, Inc. So let me use this as an example. Imagine you purchase Quicken software or download it from the Internet. You install it on your computer to help you with your finances. However, unbeknownst to you, Quicken does more than install financial planning tools on your computer. It also installs a little piece of spyware. The spyware lies dormant until one day when you get on the Internet.

As you start surfing the Internet, the spyware sends back information to Intuit about what you buy and what you are interested in. And all of this happens without your knowledge. You could be on Amazon.com or researching health issues and at the very same time Intuit spyware is using your Internet connection, transmitting some of your most private data to someone you never heard of.

In the months since it was reported that Quicken contained spyware, the folks at Intuit may have decided to remove the spyware from Quicken. However, Quicken is not the only software program that may contain spyware. One computer expert recently found spyware programs in popular childrens' software that is designed to help them learn, such as Mattel Interactive's Reader Rabbit and Arthur's Thinking Games. And, according to another expert's assessment, spyware is present

in four hundred software programs, including commonly used software such as RealNetworks RealDownload, Netscape/AOL Smart Download, and NetZip Download Demon. Spyware in these software programs can transmit information about every file you download from the Internet.

Mr. President, I rise today to re-introduce the Spyware Control and Privacy Protection Act. I first introduced this legislation during the 106th Congress. At that time, Congress was debating how to best address the Internet privacy issue. Unfortunately, Congress failed to enact meaningful Internet privacy legislation before the close of the Congress. I am hopeful that the story will end differently during the 107th Congress. I hope we will pass comprehensive legislation that enables Americans to regain control over their personal information, and that helps protect their privacy and the privacy of their families. I believe my spyware bill is essential to ensuring that these computer privacy protections are complete, and I will work to make sure it is incorporated into any Internet privacy legislation that moves in the Senate.

My proposal is common-sense and simple. It incorporates all four fair information practices of notice, choice, access and security practices that I believe are essential to effective computer privacy legislation.

First, the Act requires that any software that contains spyware must provide consumers with clear and conspicuous notice—at the time the software is installed—that the software contains spyware. The notice must also describe the information that the spyware will collect and indicate to whom it will be transmitted.

Another critical provision of my bill requires that software users must first give their affirmative consent before the spyware is enabled and allowed to start obtaining and sharing users' personal information with third parties. In other words, software users must ''opt-in'' to the collection and transmission of their information. My bill gives software users a choice whether they will allow the spyware to collect and share their information.

The Spyware Control and Privacy Protection Act allows for some common-sense exceptions to the notice and opt-in requirements. Under my proposal, software users would not have to receive notice and give their permission to enable the spyware if the software user's information is gathered in order to provide technical support for use of the software. In addition, users' information may be collected if it is necessary to determine if they are licensed users of the software. And finally, the legislation would not apply to situations where employers are using spyware to monitor Internet usage by their employees. I believe that this last issue is a serious one and deserves to be addressed in separate legislation.

Another important aspect of the Spyware Control and Privacy Protection Act is that it would incorporate the fair information practice known as ''access.'' What this means is that an individual software user would have the ability to find out what information has been collected about them, and would be given a reasonable chance to correct any errors.

And finally, the fourth fair information practice guaranteed by my bill is ''security.'' Anyone that uses spyware to collect information about software users must establish procedures to keep that information confidential and safe from hackers.

Mr. President, spyware is a modern day Trojan horse. You install software on your computer thinking it's designed to help you, and it turns out that something else is hidden inside that may be quite harmful.

I have been closely following the privacy debate for some time now. And I am struck by how often I discover new ways in which our privacy is being eroded. Spyware is among the more startling examples of how this erosion is occurring.

Most people would agree that modern technology has been extraordinarily beneficial. It has enabled us to obtain information more quickly and easily than ever before. And companies have streamlined their processes for providing goods and services.

But these remarkable developments can have a startling downside. They have made it easier to track personal information such as medical and financial records, and buying habits. In turn, our ability to keep our personal information private is being eroded.

Even sophisticated computer software users are unlikely to be aware that information is being collected about their Internet surfing habits and is likely being fed into a growing personal profile maintained at a data warehouse. They don't know that companies can and do extract the information from the warehouse to create a so-called cyber-profile of what they are likely to buy, what the status of their health may be, what their family is like, and what their financial situation may be.

I believe that in the absence of government regulation, it is difficult, if not impossible for people to control the use of their own personal information. Consumers are not properly informed, and businesses are under no legal obligation to protect consumers' privacy.

I believe that the Spyware Control and Privacy Protection Act is a reasonable way to help Americans regain some of their privacy. My legislation does not prevent software providers from using their software to collect a consumer's online information. However, it gives back some control to the consumer by allowing him or her to decide whether their information may be gathered.

My bill protects consumer privacy, while enabling software companies and marketing firms to continue obtaining consumers' information if the consumer so chooses. Confidence in these companies will be enhanced if they are able to assure their customers that they will not collect their personal information without their permission.

Privacy protections should not stop with computer software. I am proud to have cosponsored the Consumer Privacy Protection Act, a much-needed measure offered by Senator HOLLINGS. This legislation would prevent Internet service providers, individual web sites, network advertisers, and other third parties from gathering information about our online surfing habits without our permission. I intend to be an original cosponsor of the bill when it is re-introduced.

And during the last Congress, I introduced the Telephone Call Privacy Act in order to prevent phone companies from disclosing consumers' private phone records without their permission. I will be re-introducing this bill soon.

Increasingly, technology is impacting our lives and the lives of our families. I believe that while it is important to encourage technological growth, we must also balance new developments with our fundamental right to privacy. Otherwise, we may wake up one day and realize that our privacy has been so thoroughly eroded that it is impossible to recover.

I urge my colleagues to support the Spyware Control and Privacy Protection Act and ask unanimous consent that it be printed in the RECORD.

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

S. 197

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 ''Spyware Control and Privacy Protection Act of 2001''.

SEC. 2. COLLECTION OF INFORMATION BY COMPUTER SOFTWARE.

(a) NOTICE AND CHOICE REQUIRED.—

(1) IN GENERAL.—Any computer software made available to the public, whether by sale or without charge, that includes a capability to collect information about the user of such computer software, the hardware on which such computer software is used, or the manner in which such computer software is used, and to disclose to such information to any person other than the user of such computer software, shall include—

(A) a clear and conspicuous written notice, on the first electronic page of the instructions for the installation of such computer software, that such computer software includes such capability;

(B) a description of the information subject to collection and the name and address of each person to whom such computer software will transmit or otherwise communicate such information; and

(C) a clear and conspicuous written electronic notice, in a manner reasonably calculated to provide the user of such computer software with easily understood instructions on how to disable such capability without affecting the performance or operation of such computer software for the purposes for which such computer software was intended.

(2) ENABLEMENT OF CAPABILITY.—A capability of computer software described in paragraph (1) may not be enabled unless the user of such computer software provides affirmative consent, in advance, to the enablement of the capability.

(3) EXCEPTION.—The requirements in paragraphs (1) and (2) shall not apply to any capability of computer software that is reasonably needed to—

(A) determine whether or not the user is a licensed or authorized user of such computer software;

(B) provide, upon request of the user, technical support of the use of such computer software by the user; or

(C) enable an employer to monitor computer usage by its employees while such employees are within the scope of employment as authorized by applicable Federal, State, or local law.

(4) USE OF INFORMATION COLLECTED THROUGH EXCEPTED CAPABILITY.—Any information collected through a capability described in paragraph (1) for a purpose referred to in paragraph (3) may be utilized only for the purpose for which such information is collected under paragraph (3).

(5) ACCESS TO INFORMATION COLLECTED THROUGH EXCEPTED CAPABILITY.—Any person collecting information about a user of computer software through a capability described in paragraph (1) shall—

(A) upon request of the user, provide reasonable access by user to information so collected;

(B) provide a reasonable opportunity for the user to correct, delete, or supplement such information; and

(C) make the correction or supplementary information a part of the information about the user for purposes of any future use of such information under this subsection.

(6) SECURITY OF INFORMATION COLLECTED THROUGH EXCEPTED CAPABILITY.—Any person collecting information through a capability described in paragraph (1) shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of such information.

(b) PREINSTALLATION.—In the case of computer software described in subsection (a)(1) that is installed on a computer by someone other than the user of such computer software, whether through preinstallation by the provider of such computer or computer software, by installation by someone before delivery of such computer to the user, or otherwise, the notice and instructions under that subsection shall be provided in electronic form to the user before the first use of such computer software by the user.

(c) VIOLATIONS.—A violation of subsection (a) or (b) shall be treated as an unfair or deceptive act or practice proscribed by section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(d) DISCLOSURE TO LAW ENFORCEMENT OR UNDER COURT ORDER.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, a computer software provider that collects information about users of the computer software may disclose information about a user of the computer software—

(A) to a law enforcement agency in response to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with paragraph (3); or

(B) in response to a court order in a civil proceeding granted upon a showing of compelling need for the information that cannot be accommodated by any other means if—

(i) the user to whom the information relates is given reasonable notice by the person seeking the information of the court proceeding at which the order is requested; and

(ii) the user is afforded a reasonable opportunity to appear and contest the issuance of the requested order or to narrow its scope.

(2) SAFEGUARDS AGAINST FURTHER DISCLOSURE.—A court that issues an order described in paragraph (1) shall impose appropriate safeguards on the use of the information to protect against its unauthorized disclosure.

(3) COURT ORDERS.—A court order authorizing disclosure under paragraph (1)(A) may issue only with prior notice to the user and only if the law enforcement agency shows that there is probable cause to believe that the user has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this paragraph, on a motion made promptly by the computer software provider may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on the provider.

(e) PRIVATE RIGHT OF ACTION.—

(1) ACTIONS AUTHORIZED.—A person may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate Federal court, if such laws or rules prohibit such actions, either or both of the actions as follows:

(A) An action based on a violation of subsection (a) or (b) to enjoin such violation.

(B) An action to recover actual monetary loss for a violation of subsection (a) or (b) in an amount equal to the greater of—

(i) the amount of such actual monetary loss; or

(ii) $2,500 for such violation, not to exceed a total amount of $500,000.

(2) ADDITIONAL REMEDY.—If the court in an action under paragraph (1) finds that the defendant willfully, knowingly, or repeatedly violated subsection (a) or (b), the court may, in its discretion, increase the amount of the award under paragraph (1)(B) to an amount not greater than three times the amount available under paragraph (1)(B)(ii).

(3) LITIGATION COSTS AND ATTORNEY FEES.—In any action under paragraph (1), the court may, in its discretion, require an undertaking for the payment of the costs of such action and assess reasonable costs, including reasonable attorney fees, against the defendant.

(4) VENUE.—In addition to any contractual provision otherwise, venue for an action under paragraph (1) shall lie where the computer software concerned was installed or used or where the person alleged to have committed the violation concerned is found.

(5) PROTECTION OF TRADE SECRETS.—At the request of any party to an action under paragraph (1), or any other participant in such action, the court may, in its discretion, issue a protective order and conduct proceedings in such action so as to protect the secrecy and security of the computer, computer network, computer data, computer program, and computer software involved in order to—

(A) prevent possible recurrence of the same or a similar act by another person; or

(B) protect any trade secrets of such party or participant.

(f) DEFINITIONS.—In this section:

(1) COLLECT.—The term ''collect'' means the gathering of information about a computer or a user of computer software by any means, whether direct or indirect and whether active or passive.

(2) COMPUTER.—The term ''computer'' means a programmable electronic device that can store, retrieve, and process data.

(3) COMPUTER SOFTWARE.—(A) Except as provided in subparagraph (B), the term ''computer software'' means any program designed to cause a computer to perform a desired function or functions.

(B) The term does not include a text file, or cookie, placed on a person's computer system by an Internet service provider, interactive computer service, or commercial Internet website to return information to the Internet service provider, interactive computer service, commercial Internet website, or third party if the person subsequently uses the Internet service provider or interactive computer service, or accesses the commercial Internet website.

(4) INFORMATION.—The term ''information'' means information that personally identifies a user of computer software, including the following:

(A) A first and last name, whether given at birth or adoption, assumed, or legally changed.

(B) A home or other physical address including street name and name of a city or town.

(C) An electronic mail address.

(D) A telephone number.

(E) A social security number.

(F) A credit card number, any access code associated with the credit card, or both.

(G) A birth date, birth certificate number, or place of birth.

(H) Any other unique information identifying an individual that a computer software provider, Internet service provider, interactive computer service, or operator of a commercial Internet website collects and combines with information described in subparagraphs (A) through (G) of this paragraph.

(5) PERSON.—The term ''person'' has the meaning given that term in section 3(32) of the Communications Act of 1934 (47 U.S.C. 153(32)).

(6) USER.—The term ''user'' means an individual who acquires, through purchase or otherwise, computer software for purposes other than resale.

(g) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

By Mr. CRAIG (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. CONRAD, Mr. CRAPO, Mr. DORGAN, Mr. JOHNSON, and Mr. SMITH of Oregon):

S. 198. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private land; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today with Senator DASCHLE to introduce the Harmful Non-native Weed Control Act of 2000—to provide assistance to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private land. I am pleased that Senators BAUCUS, BURNS, CONRAD, CRAPO, DORGAN, JOHNSON, and GORDON SMITH are joining us as original cosponsors.

I have stood before Congress for the past three years pushing legislation and speaking on the issue of noxious weeds. I know some members tire of hearing me bring up this issue, but I have seen the destruction caused when non-native weeds are not treated and are left to over take native species.

Non-native weeds threaten fully two-thirds of all endangered species and are now considered by some experts to be the second most important threat to bio-diversity. In some areas, spotted knapweed grows so thick that big game like deer will move out of the area to find edible plants. Noxious weeds also increase soil erosion, and prevent recreationists from accessing land that is infested with poisonous plants.

Because of these problems, during the 106th Congress I introduced and worked to pass the Plant Protection Act. As you may recall, that bill primarily dealt with Animal Plant Health Inspection Service's authority to block or regulate the importation or movement of a noxious weed and plant pest, and it also provides authority for inspection and enforcement of the regulations. Basically the bill focused on stopping the weeds at the border.

Stopping the spread of noxious weeds requires a two pronged effort. First, we must prevent new non-native weed species from becoming established in the United States, which was the focus of the Plant Protection Act. Second, we must stop or slow the spread of the non-native weeds we already have, which is the focus of the Harmful Non-native Weed Control Act.

I have been working with the National Cattlemen's Beef Association, Public Lands Council, and the Nature Conservancy to develop the Harmful Non-native Weed Control Act. This legislation will provide a mechanism to get funding to the local level where weeds can be fought in a collaborative way. Working together is what the entire initiative is about.

Specifically, this bill establishes, in the Office of Secretary of the Interior, a program to provide assistance through States to eligible weed management entities. The Secretary of the Interior appoints an Advisory Committee of ten individuals to make recommendations to the Secretary regarding the annual allocation to funds. The Secretary, in consultation with the Advisory Committee, will allocate funds to States to provide funding to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, non-native weeds on public and private lands. Funds will be allocated based on several factors, including but not limited to: the seriousness of the problem in the State; the extent to which the federal funds will be used to leverage non-federal funds to address the problem; and the extent to which the State has already made progress in addressing the problems.

The bill directs that the States use 25 percent of their allocation to make base payments and 75 percent for financial awards to eligible weed management entities for carrying out projects relating to the control or eradication of harmful, non-native weeds on public or private lands. To be eligible to obtain a base payment, a weed management entity must be established by local stakeholders for weed management or public education purposes, provide the State a description of its purpose and proposed projects, and fulfill any other requirements set by the State. Weed management entities are also eligible for financial awards—funds awarded by the State on a competitive basis to carry out projects which can not be funded within the base payment. Projects will be evaluated, giving equal consideration to economic and natural values, and selected for funding based on factors such as the seriousness of the problem, the likelihood that the project will address the problem, and how comprehensive the project's approach is to the harmful, non-native weed problem within the state. A 50 percent non-federal match is required to receive the funds.

The Department of Agriculture in Idaho (ISDA) has developed a Strategic Plan for Managing Noxious Weeds through a collaborative effort involving private landowners, state and federal land managers, state and local governmental entities, and other interested parties. Cooperative Weed Management Areas (CWMAs) are the centerpiece of the strategic plan. CWMAs cross jurisdictional boundaries to bring together all landowners, land managers, and interested parties to identify and prioritize noxious weed strategies within the CWMA in a collaborative manner. The primary responsibilities of the ISDA are to provide coordination, administrative support, facilitation, and project cost-share funding for this collaborative effort. Idaho already has a record of working in a collaborative way on this issue—my legislation will build on the progress we have had, and establish the same formula for success in other states.

As I have said before, non-native weeds are a serious problem on both public and private lands across the nation. They are particularly troublesome in the West where much of our land is entrusted to the management of the federal government. Like a ''slow burning wildfire,'' noxious weeds take land out of production, force native species off the land, and interrupt the commerce and activities of all those who rely on the land for their livelihoods—including farmers, ranchers, recreationists, and others.

I believe we must focus our efforts to rid our lands of these non-native weeds. Noxious weeds are not only a problem for farmers and ranchers, but a hazard to our environment, economy, and communities in Idaho, the West, and for the country as a whole. We must reclaim the rangeland for natural species. Noxious weeds do not recognize property boundaries, so if we want to win this war on weeds, we must be fighting at the federal, state, local, and individual levels. The Harmful Non-native Weed Control Act is an important step to ensure we are diligent in stopping the spread of these weeds. I am confident that if we work together at all levels of government and throughout our communities, we can protect our land, livelihood, and environment.

Mr. President, I ask unanimous consent that a copy 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. 198

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 ''Harmful Nonnative Weed Control Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) public and private land in the United States faces unprecedented and severe stress from harmful, nonnative weeds;

(2) the economic and resource value of the land is being destroyed as harmful nonnative weeds overtake native vegetation, making the land unusable for forage and for diverse plant and animal communities;

(3) damage caused by harmful nonnative weeds has been estimated to run in the hundreds of millions of dollars annually;

(4) successfully fighting this scourge will require coordinated action by all affected stakeholders, including Federal, State, and local governments, private landowners, and nongovernmental organizations;

(5) the fight must begin at the local level, since it is at the local level that persons feel the loss caused by harmful nonnative weeds and will therefore have the greatest motivation to take effective action; and

(6) to date, effective action has been hampered by inadequate funding at all levels of government and by inadequate coordination.

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

(1) to provide assistance to eligible weed management entities in carrying out projects to control or eradicate harmful, nonnative weeds on public and private land;

(2) to coordinate the projects with existing weed management areas and districts;

(3) in locations in which no weed management entity, area, or district exists, to stimulate the formation of additional local or regional cooperative weed management entities, such as entities for weed management areas or districts, that organize locally affected stakeholders to control or eradicate weeds;

(4) to leverage additional funds from a variety of public and private sources to control or eradicate weeds through local stakeholders; and

(5) to promote healthy, diverse, and desirable plant communities by abating through a variety of measures the threat posed by harmful, nonnative weeds.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the advisory committee established under section 5.

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

(3) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 4. ESTABLISHMENT OF PROGRAM.

The Secretary shall establish in the Office of the Secretary a program to provide financial assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

SEC. 5. ADVISORY COMMITTEE.

(a) IN GENERAL.—The Secretary shall establish in the Department of the Interior an advisory committee to make recommendations to the Secretary regarding the annual allocation of funds to States under section 6 and other issues related to funding under this Act.

(b) COMPOSITION.—The Advisory Committee shall be composed of not more than 10 individuals appointed by the Secretary who—

(1) have knowledge and experience in harmful, nonnative weed management; and

(2) represent the range of economic, conservation, geographic, and social interests affected by harmful, nonnative weeds.

(c) TERM.—The term of a member of the Advisory Committee shall be 4 years.

(d) COMPENSATION.—

(1) IN GENERAL.—A member of the Advisory Committee shall receive no compensation for the service of the member on the Advisory Committee.

(2) TRAVEL EXPENSES.—A member of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Advisory Committee.

(e) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 6. ALLOCATION OF FUNDS TO STATES.

(a) IN GENERAL.—In consultation with the Advisory Committee, the Secretary shall allocate funds made available for each fiscal year under section 8 to States to provide funding in accordance with section 7 to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, nonnative weeds on public and private land.

(b) AMOUNT.—The Secretary shall determine the amount of funds allocated to a State for a fiscal year under this section on the basis of—

(1) the seriousness of the harmful, nonnative weed problem or potential problem in the State, or a portion of the State;

(2) the extent to which the Federal funds will be used to leverage non-Federal funds to address the harmful, nonnative weed problems in the State;

(3) the extent to which the State has made progress in addressing harmful, nonnative weed problems in the State;

(4) the extent to which weed management entities in a State are eligible for base payments under section 7; and

(5) other factors recommended by the Advisory Committee and approved by the Secretary.

SEC. 7. USE OF FUNDS ALLOCATED TO STATES.

(a) IN GENERAL.—A State that receives an allocation of funds under section 6 for a fiscal year shall use—

(1) not more than 25 percent of the allocation to make a base payment to each weed management entity in accordance with subsection (b); and

(2) not less than 75 percent of the allocation to make financial awards to weed management entities in accordance with subsection (c).

(b) BASE PAYMENTS.—

(1) USE BY WEED MANAGEMENT ENTITIES.—

(A) IN GENERAL.—Base payments under subsection (a)(1) shall be used by weed management entities—

(i) to pay the Federal share of the cost of carrying out projects described in subsection (d) that are selected by the State in accordance with subsection (d); or

(ii) for any other purpose relating to the activities of the weed management entities, subject to guidelines established by the State.

(B) FEDERAL SHARE.—Under subparagraph (A), the Federal share of the cost of carrying out a project described in subsection (d) shall not exceed 50 percent.

(2) ELIGIBILITY OF WEED MANAGEMENT ENTITIES.—To be eligible to obtain a base payment under paragraph (1) for a fiscal year, a weed management entity in a State shall—

(A) be established by local stakeholders—

(i) to control or eradicate harmful, nonnative weeds on public or private land; or

(ii) to increase public knowledge and education concerning the need to control or eradicate harmful, nonnative weeds on public or private land;

(B)(i) for the first fiscal year for which the entity receives a base payment, provide to the State a description of—

(I) the purposes for which the entity was established; and

(II) any projects carried out to accomplish those purposes; and

(ii) for any subsequent fiscal year for which the entity receives a base payment, provide to the State—

(I) a description of the activities carried out by the entity in the previous fiscal year—

(aa) to control or eradicate harmful, nonnative weeds on public or private land; or

(bb) to increase public knowledge and education concerning the need to control or eradicate harmful, nonnative weeds on public or private land; and

(II) the results of each such activity; and

(C) meet such additional eligibility requirements, and conform to such process for determining eligibility, as the State may establish.

(c) FINANCIAL AWARDS.—

(1) USE BY WEED MANAGEMENT ENTITIES.—

(A) IN GENERAL.—Financial awards under subsection (a)(2) shall be used by weed management entities to pay the Federal share of the cost of carrying out projects described in subsection (d) that are selected by the State in accordance with subsection (d).

(B) FEDERAL SHARE.—Under subparagraph (A), the Federal share of the cost of carrying out a project described in subsection (d) shall not exceed 50 percent.

(2) ELIGIBILITY OF WEED MANAGEMENT ENTITIES.—To be eligible to obtain a financial award under paragraph (1) for a fiscal year, a weed management entity in a State shall—

(A) meet the requirements for eligibility for a base payment under subsection (b)(2); and

(B) submit to the State a description of the project for which the financial award is sought.

(d) PROJECTS.—

(1) IN GENERAL.—An eligible weed management entity may use a base payment or financial award received under this section to carry out a project relating to the control or eradication of harmful, nonnative weeds on public or private land, including—

(A) education, inventories and mapping, management, monitoring, and similar activities, including the payment of the cost of personnel and equipment; and

(B) innovative projects, with results that are disseminated to the public.

(2) SELECTION OF PROJECTS.—A State shall select projects for funding under this section on a competitive basis, taking into consideration (with equal consideration given to economic and natural values)—

(A) the seriousness of the harmful, nonnative weed problem or potential problem addressed by the project;

(B) the likelihood that the project will prevent or resolve the problem, or increase knowledge about resolving similar problems in the future;

(C) the extent to which the payment will leverage non-Federal funds to address the harmful, nonnative weed problem addressed by the project;

(D) the extent to which the entity has made progress in addressing harmful, nonnative weed problems;

(E) the extent to which the project will provide a comprehensive approach to the control or eradication of harmful, nonnative weeds;

(F) the extent to which the project will reduce the total population of a harmful, nonnative weed within the State; and

(G) other factors that the State determines to be relevant.

(3) SCOPE OF PROJECTS.—

(A) IN GENERAL.—A weed management entity shall determine the geographic scope of the harmful, nonnative weed problem to be addressed through a project using a base payment or financial award received under this section.

(B) MULTIPLE STATES.—A weed management entity may use the base payment or financial award to carry out a project to address the harmful, nonnative weed problem of more than 1 State if the entity meets the requirements of applicable State laws.

(4) LAND.—A weed management entity may use a base payment or financial award received under this section to carry out a project to control or eradicate weeds on any public or private land with the approval of the owner or operator of the land, other than land that is devoted to the cultivation of row crops, fruits, or vegetables.

(5) PROHIBITION ON PROJECTS TO CONTROL AQUATIC NOXIOUS WEEDS OR ANIMAL PESTS.—A base payment or financial award under this section may not be used to carry out a project to control or eradicate aquatic noxious weeds or animal pests.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available under section 8 for a fiscal year may be used by the States or the Federal Government to pay the administrative costs of the program established by this Act, including the costs of complying with Federal environmental laws.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. DASCHLE. Mr. President, today I am introducing with Senator LARRY CRAIG and a number of my other colleagues the Harmful Non-native Weed Control Act of 2001. This legislation will provide critically needed resources to local agencies to reduce the spread of harmful weeds that are destroying the productivity of farmland and reducing ecological diversity.

In the last few years, public and private lands in the west have seen a startling increase in the spread of harmful, non-native weeds. In south Dakota, these weeds choke out native species, destroy good grazing land, and cost farmers and ranchers thousands of dollars a year to control. On public lands in South Dakota and throughout the west, the spread of the weeds has outpaced the ability of land managers to control them, threatening species diversity and, at times, spreading on to private land.

This problem has become so severe that, last year, the White House has created an Invasive Species Council to address it. Former Secretary Bruce

Babbitt noted, ''The blending of the natural world into one great monoculture of the most aggressive species is, I think, a blow to the spirit and beauty of the natural world.''

Despite these efforts, the scale of this problem is vast. Some estimate that it could cost well into the hundreds of millions of dollars to control effectively the spread of these weeds. This legislation will help to meet that need by putting funding directly into the hands of the local weed boards and managers who already are working to control this problem and whose lands are directly affected.

Specifically, this legislation authorizes new weed control funding and establishes an Advisory Board in the Department of Interior to identify the areas of greatest need for the distribution of those funds. States, in turn, will transfer up to 25 percent of it directly to local weed control boards in order to support ongoing activities and spur the creation of new control boards, where necessary. The remaining 75 percent of funds will be made available to weed control boards on a competitive basis to fund weed control projects.

Mr. President, I'd like to thank Senator CRAIG for his work on this issue, and to thank the National Cattleman's Beef Association and the Nature Conservancy, who have been instrumental to the development of this bill. Now that this legislation has been introduced, it is my hope that we can work with all interested stakeholders to enact it as soon as possible. I look forward to working with my colleagues during this process.

Mr. BURNS. Mr. President, I join Senator CRAIG in sponsoring the Harmful Nonnative Weed Control Act of 2001. This bill will require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land. In a state like Montana, where we depend heavily on the bounty of the land to support the lifestyle we enjoy, weed control has a very important place in land management. Noxious weeds attack the natural balance of the range and the entire ecosystem, along with threatening the health and productivity of public and private lands.

When I visit with Montana ranchers, farmers, recreationists, and others who live close to the land, they continually mention their concern over noxious weeds. These folks are worried about how the weeds are changing the face of the land, and I am too. When these weeds take hold and native plants are crowded out, wildlife habitat is compromised, livestock carrying capacity is reduced, and the condition of the land is jeopardized. Over the last few years we have been able to secure appropriations to increase research efforts with respect to weeds management. I think this is a step in the right direction, but we also need our land management agencies and to work with private land owners.

One thing is clear: this is not just a public lands problem, nor is it only a private landowner problem. Without cooperation from both sides, any efforts from the other group are compromised. This bill presents a great opportunity for cooperation, and a chance for the federal government to demonstrate a commitment to stewardship of our public lands. Sadly, this is a commitment we have not seen enough of lately.

Aside from the ongoing battle against nonnative weeds in the West, this year we have an added urgency to do something real about the problem. When fires swept over millions of acres of public and private land last summer, that land was made especially vulnerable to weed infestation. Aside from repairing the immediate damage to structures and making sure we are able to control erosion and protect clean water, we have an obligation to fight the weeds that will otherwise take over these lands. As hard as we have worked in the Senate to create fire programs that repair last year's damage and keep it from happening again, it would be a step in the wrong direction to leave weed prevention by the wayside. Preventing non-native species from taking hold right now will be a much better investment than trying to control the invasion later. We cannot afford to stand by and do nothing.

In some ways, the disease of weed infestation resembles the challenge of wildfire. Both are economically and environmentally devastating, and do not distinguish between public and private land. A recent study presented at the American Association for the Advancement of Science estimates that non-native species cause $123 billion in damage annually. This figure is more than twice the annual economic damage caused by all natural disasters in the United States.

There are no silver bullets here, and we won't be able to fix things overnight, but with hard work and a commitment to this cause, I know we can make a difference. It is time the federal government step up to its obligations to Americans, and take decisive action to fight nonnative weeds. This is a serious problem, and I am proud to be working with my colleagues in the Senate to fix it.

By Mr. REID:

S. 199. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to oversee the competitive activities of air carriers following a concentration in the airline industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. REID. Mr. President, I rise today because I am deeply concerned with the sudden increase in airline merger proposals. Many have predicted that if the proposed merger of United Airlines and US Airways is allowed to go forward, it will be followed by mergers of other major airlines, and we will soon have an industry dominated by mega-carriers.

American Airlines recently bought Reno Air, and now is proposing a merger of American Airlines and Trans World Airlines. If this trend continues, we could end up with only three airlines in America. That could drive prices sky high and cut the number of available flights, which will be terrible for consumers.

I know first hand that mergers can hurt consumers. In my own state, the Reno-Tahoe International Airport lost flights when American Airlines bought Reno Air. Flights were reduced significantly and now it is harder for people to fly in and out of the Reno and Lake Tahoe areas.

The purpose of deregulation was to encourage competition. Evidence seems to support a reduction in competition. It seems to be having an opposite effect. I am very concerned with the recent airline merger proposals and the merger frenzy that may follow. We must maintain as much competition as possible in the airline industry.

This legislation will protect consumers against monopolistic abuses. I emphasize that this type of legislation is not my preferred approach—I would greatly prefer to continue to have consumers protected by adequate competition in a free market.

I emphasize that the bill is not a ''deregulation'' bill. Airlines will remain free to set prices and provide service without prior government approval. However, the bill will give DOT authority to intervene if the airlines take unfair advantage of the absence of sufficient competition.

We are at a critical juncture for the future of a competitive airline industry. The inescapable lesson of 22 years of deregulation is that mergers and a reduction in competition often lead to higher fares for the American traveling public. We cannot stand idly by and allow the benefits of deregulation to be derailed by a wave of mergers.

Mr. President, my bill will take effect as a result of consolidation or mergers that occur between two or more of the top seven airline carriers, or if three or fewer of those air carriers control more than 70% of domestic revenue passenger miles. Highlights of my Airline Competition Preservation bill are as follows:

Monopolistic Fares—The Secretary of Transportation is authorized to require reduction in fares that are unreasonably high. The factors to be considered include:

Whether the fare in question is higher than fares charged in similar markets; whether the fare has been increased in excess of cost increases; and whether there is a reasonable relationship between fares charged leisure travelers and those charged business travelers.

If a fare is found to be unreasonably high, the Secretary may order that it

be reduced, that the reduced fare be offered for a specified number of seats and that rebates be offered.

Preventing Unfair Practices Against Low Fare New Entrants: If a dominant incumbent carrier responds to low fare service by a new entrant by matching the low fare, and offering two or more times the low fare seats as the new entrant, the dominant carrier must continue to offer the low fare for two years.

Increasing Competition At Hubs: If a dominant carrier at a hub airport is taking advantage of its monopoly power by offering fares 5% or more above industry average fares, in more than 20% of hub markets, DOT may take steps to facilitate added competition at the hub.

Mr. President, no one wants the federal government to micro manage private industry. But our airways are not just a private industry—they are a public trust. People need to be able to fly across our vast nation—to do business, to see family members, and to enjoy their lives. If these mergers proceed without the competitive protections I am proposing, then the ultimate irony of deregulation will be that we will have traded government concern for the public interest, for private monopoly control in the interests of the industry.

I ask unanimous consent that the text of the Airline Competition Preservation Act of 2001 be printed in the RECORD.

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

S. 199

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 ''Airline Competition Preservation Act of 2001''.

SEC. 2. OVERSIGHT OF AIR CARRIER PRICING.

(a) IN GENERAL.—Chapter 415 of title 49, United States Code, is amended by adding at the end the following:

''§ 41512. Oversight of air carrier pricing

''(a) EFFECTIVE DATE.—

''(1) IN GENERAL.—This section shall take effect immediately upon a determination by the Secretary of Transportation that 3 or fewer air carriers account for 70 percent or more of the scheduled revenue passenger miles in interstate air transportation as a result of—

''(A) the consolidation or merger of the properties (or a substantial portion of the properties) of 2 or more of the 7 air carriers that account for the highest number of scheduled revenue passenger miles in interstate air transportation into a single entity that owns or operates the properties previously in separate ownership; or

''(B) the acquisition (by purchase, lease, or contract to operate) of the properties (or a substantial portion of the properties) of 1 or more of the 7 air carriers described in subparagraph (A) by another of such carriers.

''(2) USE OF DATA.—For the purpose of determining the number of scheduled revenue passenger miles under paragraph (1), the Secretary shall use data from the latest year for which complete data is available.

''(3) DETERMINATION OF AIR CARRIER CONCENTRATION.—In making a determination under paragraph (1), the Secretary shall attribute to an air carrier those scheduled revenue passenger miles in interstate air transportation of the air carrier that is consolidated, merged, or acquired that are associated with routes adopted by the remaining carrier.

''(b) FARES OF AIR CARRIERS.—

''(1) IN GENERAL.—On the initiative of the Secretary or on a complaint filed with the Secretary, the Secretary may undertake an investigation to determine whether an air carrier is charging a fare or an average fare for interstate air transportation on a route that is unreasonably high.

''(2) CONSIDERATIONS.—In determining whether a fare or an average fare of an air carrier for interstate air transportation on a route is unreasonably high, the Secretary shall consider, among other factors, whether—

''(A) the fare or average fare is higher than the fare or average fare charged by the carrier on other routes in interstate air transportation of comparable distances;

''(B) the fare or average fare has increased by a significant amount in excess of any increase in the cost to operate flights on the route; and

''(C) the range of fares specified on the route or the carrier's entire fare system offers a reasonable balance and a fair allocation of costs between passengers who are primarily price sensitive and passengers who are primarily time sensitive.

''(3) ACTIONS IN RESPONSE TO UNREASONABLE FARES.—If the Secretary determines that an air carrier is charging a fare or an average fare for interstate air transportation on a route that is unreasonably high, the Secretary, after providing the carrier an opportunity for a hearing, may order the carrier—

''(A) to reduce the fare;

''(B) to offer the reduced fare for a specific number of seats on the route; and

''(C) to offer rebates to individuals who have been charged the fare.

''(4) PERIOD OF EFFECTIVENESS OF ORDER.—An order issued by the Secretary under this subsection shall remain in effect for a period to be determined by the Secretary.

''(c) ACTIONS OF DOMINANT AIR CARRIERS IN RESPONSE TO NEW ENTRANTS.—If, with respect to a route in interstate air transportation to or from a hub airport, a dominant air carrier at the airport—

''(1) institutes or changes its fares for air transportation on the route in a manner that results in fares that are lower than or comparable to the fares offered by a new entrant air carrier for such air transportation; and

''(2) increases the passenger capacity at which such fares are offered on the route to a level which is—

''(A) 2 or more times the capacity previously offered by the carrier at such fares on the route; and

''(B) 2 or more times the total capacity offered by the new entrant air carrier on the route, the dominant air carrier, in the 2-year period beginning on the date that such fares and additional capacity are instituted, shall continue to offer such fares with respect to not less than 80 percent of the highest number of seats per week for which the dominant air carrier has offered the fares.

''(d) ENSURING COMPETITION AT HUB AIRPORTS.—

''(1) IN GENERAL.—On the initiative of the Secretary or on a complaint filed with the Secretary, the Secretary may undertake an investigation to determine whether a dominant air carrier at a hub airport is charging higher than average fares at the airport.

''(2) HIGHER THAN AVERAGE FARES.—For purposes of paragraph (1), the Secretary may determine that a dominant air carrier is charging higher than average fares at a hub airport if the carrier is charging, with respect to 20 percent or more of its routes in interstate air transportation that begin or end at the airport, an average fare that is at least 5 percent higher than the average fare being charged by all air carriers on routes in interstate air transportation of comparable distances and density, after adjustments for costs that are carrier or airport specific, such as passenger facility charges or employee compensation.

''(3) ACTIONS IN RESPONSE TO UNFAIR COMPETITION.—If the Secretary determines under paragraph (1) that a dominant air carrier is charging higher than average fares at a hub airport, the Secretary, after providing the carrier an opportunity for a hearing, may order the carrier to take actions to increase opportunities for competition at the hub airport, including—

''(A) requiring the carrier to make gates, slots, and other airport facilities available to other air carriers on reasonable and competitive terms;

''(B) requiring adjustments in the commissions paid by the carrier to travel agents;

''(C) requiring adjustments in the carrier's frequent flyer program; and

''(D) requiring adjustments in the carrier's corporate discount arrangements and comparable corporate arrangements.

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) DOMINANT AIR CARRIER.—The term 'dominant air carrier', with respect to a hub airport, means an air carrier that accounts for more than 50 percent of the total annual boardings at the airport in the preceding 2-year period or a shorter period specified in paragraph (3).

''(2) HUB AIRPORT.—The term 'hub airport' means an airport that each year has at least .25 percent of the total annual boardings in the United States.

''(3) INTERSTATE AIR TRANSPORTATION.—The term 'interstate air transportation' includes intrastate air transportation.

''(4) NEW ENTRANT AIR CARRIER.—The term 'new entrant air carrier', with respect to a hub airport, means an air carrier that accounts for less than 5 percent of the total annual boardings at the airport in the preceding 2-year period or in a shorter period specified by the Secretary if the carrier has operated at the airport less than 2 years.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''41512. Oversight of air carrier pricing.''.

By Mr. REID:

S. 200. A bill to establish a national policy of basic consumer fair treatment for airline passengers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. REID. Mr. President, this past holiday season saw a record number of Americans travel by air. Unfortunately, it also saw increases in some common problems associated with air travel—delayed and cancelled flights, customer confusion, and occurrences of ''air rage.''

The number of delayed, cancelled and diverted flights has been increasing steadily over the past few years, reaching record highs last year. Last week, the Department of Transportation released a management report indicating that, from 1995 to 1999, the number of flight delays rose 58 percent and cancelled flights grew by 68 percent. In just one year, 1999, passenger complaints grew by 16 percent. During the

first nine months of 2000, one of every four flights was cancelled, delayed or diverted, affecting more than 119 million passengers. The average delay was 50 minutes.

Disturbingly, the report also indicated an increase in the number of near-misses and runway safety errors that could have led to collisions between aircraft both in the air and on the ground.

And amid these problems, the number of choices available to customers keeps decreasing. Within the past few months, National Airlines terminated much of its service, United Airlines announced a merger with USAir, and American Airlines announced its acquisition of TWA. If approved, these mergers would allow only three airlines to dominate the commercial airline industry.

More than a year ago, the airlines announced voluntary pledges to improve their customer service and reduce delays, and asked for time to carry out their promises. But it's obvious that those voluntary promises have not worked. In addition to the increase in delays and customer complaints, a preliminary report by the Inspector General released last summer revealed a number of unfair and deceptive practices by the industry, including providing false or inaccurate information to passengers about the reasons for delays.

Transportation Secretary Norman Mineta, recently confirmed by the Senate, warned a few days ago that flight delays this coming summer will likely be as bad or worse than they have been the past two years.

It's time for Congress to take action.

Last year, I introduced S. 2891, the Air Travelers' Fair Treatment Act of 2000, which was aimed at addressing some of the most pressing problems associated with air travel. Today, I am re-introducing a modified version of that bill, which is titled the ''Air Travelers' Fair Treatment Act of 2001.''

The new bill includes six main provisions:

(1) Flight delays: Air carriers would be required to provide travelers with accurate and timely explanations of the reasons for a flight cancellation, delay or diversion from a ticketed itinerary. The failure to do so would be classified as an unfair practice that would subject the airline to civil penalties.

(2) Right to exit aircraft: Where a plan has remained at the gate for more than 1 hour past its scheduled departure time and the captain has not been informed that the aircraft can be cleared for departure within 15 minutes, passengers would have the right to exit the plane into the terminal to make alternative travel plans, or simply to stretch their legs, get something to eat, etc. I believe this provision will help prevent ''air rage'' incidents when passengers are forced to sit in parked planes for long periods of time.

(3) Right to in-flight medical care: Currently, each airline has its own policy regarding what kind of medical and first-aid equipment and training is provided on their flights, so that the available equipment and medical training varies widely between carriers. This bill would direct the Secretary of Transportation to issue uniform minimum regulations for all carriers regarding the type of medical equipment each flight must carry and the kind of medical training each flight crew should receive.

(4) Access to State laws: The Federal Courts have split on whether the Airline Deregulation Act of 1978 pre-empts state consumer protection and personal injury laws as applied to airlines. The Ninth Circuit Court of Appeals has held that passengers may sue airlines in state court for violations of state fraud and consumer protection laws; in contrast, the Fourth Circuit has held that airlines are immune from state law. The bill would clarify that the 1978 Act does not preempt state tort and consumer protection laws, allowing passengers full access to their consumer rights in whatever state they are in.

(5) Termination of ticket agents: Travel agencies provide a valuable service to customers looking for the best prices. Yet airlines have enormous leverage over what kind of information they can and cannot provide to customers, because they can withdraw their accounts without notice from any travel agency for any reason—even if the only reason is that the travel agency is giving the customer the best rates. The bill requires carriers to provide written 90-day advance statement of reasons before canceling a travel agency's account with the airline, and to give them 60 days to correct the identified deficiencies.

(6) Safety records: Right now, many airlines are reluctant to release information to the public relating to their safety records, including their accident record and certification compliance records. But I believe that passengers should have the right to know whether the airline they are flying has complied with government safety standards, whether it has been fined or penalized for safety violations, and how many accidents or safety violations the airlines has been involved in. This bill will include a new provision requiring the Secretary of Transportation to develop regulations under which the safety, inspection, certification compliance and accident records of the airlines will be made available to any customer upon request.

Mr. President, air travel has become a staple of modern society. All of us in this body rely on it frequently to return to our home states. But by almost every measure, the quality and reliability of air travel continues to decline. I think it's past time that Congress stepped in and forced the airlines to do what they have been unwilling to do so far on their own—to clean up their act. I ask my colleagues to join me.

I ask unanimous consent that the text of the Air Travelers Fair Treatment Act of 2001, be printed in the RECORD.

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

S. 200

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 ''Air Travelers Fair Treatment Act of 2001''.

SEC. 2. FAIR TREATMENT OF AIRLINE PASSENGERS.

Section 41712 of title 49, United States Code, is amended by adding at the end the following:

''(c) SPECIFIC PRACTICES.—For purposes of subsection (a), the term 'unfair or deceptive practice' includes each of the following:

''(1) FLIGHT DELAYS.—The failure of an air carrier or foreign air carrier to provide a passenger of the carrier with an accurate explanation of the reasons for a flight delay, cancellation, or diversion from a ticketed itinerary.

''(2) TERMINATION OF TICKET AGENTS.—In the case of a termination, cancellation, nonrenewal, or substantial change in the competitive circumstances of the appointment of a ticket agent by an air carrier or foreign air carrier, the failure of the air carrier or foreign air carrier—

''(A) to provide the ticket agent with written notice, and a full statement of reasons for the action, on or before the 90th day preceding the action; and

''(B) to provide the ticket agent with at least 60 days to correct any deficiency claimed in the written notice,

except in cases of insolvency, an assignment for the benefit of creditors, bankruptcy, or nonpayment of sums due under the appointment.''.

SEC. 3. CLARIFICATION REGARDING ENFORCEMENT OF STATE LAWS.

Section 41713(b)(1) of title 49, United States Code, is amended by striking ''related to a price, route, or service of an air carrier that may provide air transportation under this subpart'' and inserting ''that directly prescribes a price, route, or level of service for air transportation provided by an air carrier under this subpart''.

SEC. 4. EMERGENCY MEDICAL ASSISTANCE; RIGHT OF EGRESS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

''§ 41722. Airline passenger rights

''(a) RIGHT TO IN-FLIGHT EMERGENCY MEDICAL CARE.—

''(1) IN GENERAL.—The Secretary of Transportation shall prescribe regulations to establish minimum standards for resuscitation, emergency medical, and first-aid equipment and supplies to be carried on board an aircraft operated by an air carrier in air transportation that is capable of carrying at least 30 passengers.

''(2) CONSIDERATIONS.—In prescribing regulations under paragraph (1), the Secretary shall consider—

''(A) the weight and size of the equipment described in paragraph (1);

''(B) the need for special training of air carrier personnel to operate the equipment safely and effectively;

''(C) the space limitations of each type of aircraft;

''(D) the effect of the regulations on aircraft operations;

''(E) the practical experience of airlines in carrying and operating similar equipment; and

''(F) other relevant factors.

''(3) CONSULTATION.—Before prescribing regulations under paragraph (1), the Secretary shall consult with the Surgeon General of the Public Health Service.

''(b) RIGHT TO EXIT AIRCRAFT.—No air carrier or foreign air carrier operating an aircraft in air transportation shall prevent or hinder (including by failing to assist) any passenger from exiting the aircraft (under the same circumstances as any member of the flight crew is permitted to exit the aircraft) if—

''(1) the aircraft is parked at an airport terminal gate with access to ramp or other facilities through which passengers are customarily boarded and deplaned;

''(2) the aircraft has remained at the gate more than 1 hour past its scheduled departure time; and

''(3) the captain of the aircraft has not been informed by air traffic control authorities that the aircraft can be cleared for departure within 15 minutes.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 of title 49, United States Code, is amended by adding at the end the following:

''41722. Airline passenger rights.''.

SEC. 5. CONSUMER ACCESS TO INFORMATION.

(a) REQUIREMENT FOR PROGRAM.—

(1) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 44727. Air traveler safety program

''(a) IN GENERAL.—

''(1) WRITTEN INFORMATION.—The Secretary of Transportation (in this section referred to as the 'Secretary') shall require in regulations, for a period determined by the Secretary, that each air carrier that provides interstate air transportation or foreign air transportation to provide written information upon request, to passengers that purchase passage for interstate or foreign air transportation concerning the following:

''(A) Safety inspection reviews conducted by the Administrator of the Federal Aviation Administration (in this section referred to as the 'Administrator') on the aircraft of that air carrier.

''(B) The safety ranking of that air carrier, as determined by the Administrator in accordance with applicable law.

''(C) The compliance of the members of the crew of the aircraft with any applicable certification requirements under this subtitle.

''(2) GUIDELINES.—The regulations issued by the Secretary under this subsection shall provide guidelines for air carriers relating to the provision of the information referred to in paragraph (1).

''(3) REQUEST FOR INFORMATION.—An air carrier shall be required to provide to a passenger, on request, any information concerning the safety of aircraft and the competency of persons issued a certificate under this subtitle for the operation of the aircraft that the Secretary, to the extent allowable by law, determines to be appropriate.

''(b) SUBMISSION OF PERFORMANCE REVIEW.—

''(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall submit a report to Congress regarding the safety of air carriers that provide interstate or foreign air transportation. The report shall include with respect to the year in which the report is filed—

''(A) the number of accidents and a description of such accidents of air carriers attributable to each air carrier that provides interstate or foreign air transportation; and

''(B) the names of makers of aircraft that have been involved in an accident.

''(2) AVAILABILITY OF INFORMATION.—The Secretary shall make the annual report under paragraph (1) available to any person or entity upon request.

''(A) travel agencies and consultants for distribution to persons served by those agencies and consultants; and

''(B) any other person or entity upon request.

''(c) VICTIMS' RIGHTS PROGRAM.—

''(1) IN GENERAL.—The National Transportation Safety Board shall establish and administer a program for victims and survivors of aircraft accidents in air commerce. Under that program, the National Transportation Safety Board shall ensure that such victims and survivors of an accident receive, to the extent allowable by law, immediate and unrestricted access to information on the accident that is made available from—

''(A) the air carrier involved in an accident in air commerce;

''(B) the Federal Government; and

''(C) State governments and political subdivisions thereof.

''(2) CLASSIFIED INFORMATION.—Nothing in paragraph (1) may be construed to authorize a release of information that is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy.

''(d) COORDINATION OF VICTIM ASSISTANCE.—

''(1) IN GENERAL.—The National Transportation Safety Board, in cooperation with officials of appropriate Federal agencies and the American Red Cross, shall establish a program to ensure the coordination of the disclosure of information under subsection (c) and assistance provided to victims of an accident in air commerce.

''(2) ESTABLISHMENT OF TOLL-FREE TELEPHONE LINE.—

''(A) IN GENERAL.—The National Transportation Safety Board, in cooperation with officials of the appropriate Federal agencies and the American Red Cross, shall establish a toll-free telephone line to facilitate the provision of information under paragraph (3).

''(B) ACTION BY THE NATIONAL TRANSPORTATION SAFETY BOARD.—The National Transportation Safety Board shall take such action as may be necessary to ensure—

''(i) the publication of the telephone number of the telephone line established under subparagraph (A) in newspapers of general circulation; and

''(ii) the provision of such number on national television news programs.

''(3) INFORMATION PROVIDED BY TELEPHONE LINE.—The telephone line established under paragraph (2) shall provide the following information concerning an accident in air commerce:

''(A) The identifier name and number of the aircraft involved in the accident.

''(B) The names of known victims of the accident.

''(C) The status of the investigation of the accident.

''(D) A list of appropriate Federal agencies and contacts.

''(E) The facilities at which victims of the accident may be identified.

''(e) CIVIL PENALTIES.—

''(1) IN GENERAL.—Any air carrier that fails to provide information in accordance with this section shall be liable for a civil penalty in an amount not to exceed $100,000 per violation.

''(2) TRAVEL AGENCIES AND OTHER PERSONS NOT COVERED.—Paragraph (1) shall not apply to a travel agency or other person that does not provide interstate or foreign air transportation.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following new item:

''44727. Air traveler safety program.''.

(b) TIME FOR REGULATIONS.—The Secretary of Transportation shall issue the regulations required by subsection (a) of section 44727 of title 49, United States Code (as added by subsection (a)), not later than 90 days after the date of enactment of this Act.

(c) SUBMITTAL OF FIRST ANNUAL REPORT.—The Secretary of Transportation shall submit the first annual report to Congress under subsection (b) of such section 44727 not later than December 31, 2001.

By Mr. WARNER:

S. 202. A bill to rename Wolf Trap Farm Park for the Performing Arts as ''Wolf Trap National Park for the Performing Arts''; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, today I rise to introduce a bill to rename the Wolf Trap Farm Park for the Performing Arts as the ''Wolf Trap National Park for the Performing Arts''. Wolf Trap is the only unit of the National Park System dedicated to the performing arts. It provides an unrivaled setting for live performances in the rolling countryside of Virginia outside of Washington, D.C.

To provide this unique experience, the National Park Service collaborates with the Wolf Trap Foundation in a public/private partnership to offer cultural, natural, and educational experiences to the community and to the nation. The National Park Service maintains the grounds and buildings of Wolf Trap Farm Park. The Wolf Trap Foundation, a ''501(c)(3)'' not-for-profit organization, creates and selects the programming, develops all education programs, handles ticket sales, marketing, publicity and public relations, and raises funds to support these programs. The Park Service has an annual budget of just over $3 million to maintain the facility while the Wolf Trap Foundation has an annual budget of $22 million, 60% of which is generated through ticket sales with the rest raised through private donations.

Wolf Trap offers a wide variety of educational programs including the nationally acclaimed Wolf Trap Institute for Early Learning Through the Arts for preschoolers, scholarships and performance opportunities for talented high school musicians, pre-performance preview lectures, the America's Promise mentoring program, the Mars Millennium project partnership with Buzz Aldrin Elementary School, the Folk Masters Study Units for teachers who want to incorporate the folk arts into their curriculum, a highly competitive internship program for college students, and master classes for people with all skill levels and interest. Wolf Trap has also gained world-wide recognition for its summer residency program for young opera singers, the Wolf Trap Opera Company.

This legislation recognizes Wolf Trap's status as one of the crown jewels in the National Park System. Including Wolf Trap with the already designated National Parks is intended to

raise awareness of the unique roll this facility plays in the nation's natural, cultural and educational life. I urge my colleagues to join me in recognizing the many achievements of Wolf Trap.

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. 202

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

SECTION 1. RENAMING.

The Act entitled ''An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes'', Public Law 89–671 (16 U.S.C. 284) is amended in the first section and in section 11(2) by striking ''Wolf Trap Farm Park'' and inserting ''Wolf Trap National Park for the Performing Arts''. Any reference to such park in any law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the ''Wolf Trap National Park for the Performing Arts''.

SEC. 2. USE OF NAME.

The Act entitled ''An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes'', Public Law 89–671 (16 U.S.C. 284) is amended by adding at the end the following:

''SEC. 14. Any reference to the park other than by the name 'Wolf Trap National Park for the Performing Arts' shall be prohibited.''.

SEC. 3. APPLICABILITY OF OTHER LAWS.

Any laws, rules, or regulations that are applicable solely to units of the National Park System that are designated as a ''National Park'' shall not apply to ''Wolf Trap National Park for the Performing Arts'' nor to any other units designated as a ''National Park for the Performing Arts''.

SEC. 4. TECHNICAL CORRECTION.

Section 4(c)(3) of ''An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes'', Public Law 89–671 (16 U.S.C. 284) is amended by striking ''Funds'' and inserting ''funds''.

By Mr. WARNER:

S. 201. A bill to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, and for other purposes; to the Committee on Governmental Affairs.

Mr. WARNER. Mr. President, today I rise to introduce the Federal Employee Protection Act of 2001. This bill will significantly strengthen existing laws protecting federal employees from discrimination, harassment, and retaliation in the workplace. It is an unfortunate fact that too many federal employees are subjected to such treatment with alarming regularity.

My bill will result in a more productive work environment by ensuring agencies enforce the laws intended to protect federal employees from harassment, discrimination and retaliation for whistleblowing.

The Federal Employee Protection Act contains three main provisions: No. 1, when agencies lose judgments or make settlements in harassment, discrimination and whistleblower cases, the responsible Federal agency would pay any financial penalty out of its own budget, rather than out of a general Federal judgment fund; No. 2, Federal agencies are required to notify their employees about any applicable discrimination, harassment and whistleblower protection laws; and No. 3, each Federal agency is required to send an annual report to Congress and the Attorney General listing: the number of cases in which an agency was alleged to have violated any of the discrimination, harassment or whistleblower statutes; the disposition of each of these cases; the total of all monetary awards charged against the agency from these cases; and the number of agency employees disciplined for discrimination or harassment or retaliation. Additionally, the Federal Employee Protection Act requires each Federal agency to submit a one-time report to Congress and the Attorney General that includes the same information required for the annual reports going back for the last ten years. This report will provide a historical perspective to help evaluate current agency behavior.

Under current law, agencies are not accountable financially when they lose harassment, discrimination and retaliation cases because any financial penalties are paid out of a government-wide fund and not the agency's budget. I firmly believe that because there is no financial consequence to their actions, Federal agencies are essentially able to escape responsibility when they fail to comply with the law and are unresponsive to their employees' concerns.

Reports of Federal agencies being indifferent or hostile to complaints of sexual harassment and racial discrimination undermine the ability of the Federal Government to enforce civil rights laws and hamper efforts to recruit talented individuals for Federal employment. The Federal Government must set an example for the private sector by promoting a workplace that does not tolerate harassment or discrimination of any kind and that encourages employees to report illegal activity and mismanagement without fear of reprisal.

I believe the Federal Employee Protection Act of 2001 will give Federal employees the protections they need to perform their jobs effectively and will give the taxpayers a government with more accountability. I urge my colleagues to support this important legislation.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Alaska (Mr. STEVENS), the Senator from Alabama (Mr. SHELBY), the Senator from Michigan (Mr. LEVIN), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 49

At the request of Mr. STEVENS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 49, a bill to amend the wetlands regulatory program under the Federal Water Pollution Control Act to provide credit for the low wetlands loss rate in Alaska and recognize the significant extent of wetlands conservation in Alaska, to protect Alaskan property owners, and to ease the burden on overly regulated Alaskan cities, boroughs, municipalities, and villages.

S. 88

At the request of Mr. ROCKEFELLER, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 127

At the request of Mr. MCCAIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 127, a bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market.

S. 141

At the request of Mr. MCCAIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 141, a bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

S. 157

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 157, a bill to establish a program to help States expand the existing education system to include at least 1 year of early education preceding the year a child enters kindergarten.

S. 174

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 174, a bill to amend the Small Business Act with respect to the microloan program, and for other purposes.

S. 177

At the request of Mr. AKAKA, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Michigan (Ms. STABENOW), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 177, a bill to amend the provisions of title 19, United States Code, relating to the