Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty.

S. 882

At the request of Ms. MIKULSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 882, a bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

S. 884

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 884, a bill to improve port-of-entry infrastructure along the Southwest border of the United States, to establish grants to improve port-of-entry facilities, to designate a port-of-entry as a port technology demonstration site, and for other purposes.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. RES. 57

At the request of Mr. BOND, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 57, a resolution to express the sense of the Senate that the Federal investment in programs that provide health care services to uninsured and low-income individuals in medically under-served areas be increased in order to double access to care over the next 5 years.

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 88

At the request of Mr. KENNEDY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. Res. 88, a resolution expressing the sense of the Senate on the importance of membership of the United States on the United Nations Human Rights Commission.

S. RES. 90

At the request of Mr. GRAHAM, the names of the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. Res. 90, a resolution designating June 3, 2001, as ''National Child's Day.''

S. CON. RES. 35

At the request of Mr. SCHUMER, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Wisconsin (Mr. KOHL), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. Con. Res. 35, a concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

AMENDMENT NO. 649

At the request of Mr. ENZI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 649.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI:

S. 906. A bill to provide for protection of gun owner privacy and ownership rights, and for other purposes; to the Committee on the Judiciary.

Mr. ENZI. Mr. President, I rise to announce the introduction of legislation that would make a technical correction to Chapter 44 of title 18 of the United States Code which would ensure that the rights of law-abiding gun owners are not further eroded by the Federal Government when it performs background checks for the purchase of firearms.

My heart goes out to the families who have suffered harm or death at the hands of persons who have chosen to break State and Federal gun statutes. There is no excuse for violence. When one citizen suffers the effects of violence, all of America should be outraged and should demand the violation be prosecuted to the full extent of the law.

Unfortunately, many people have lost sight of the reason for these tragedies, and rather than focusing on preventing further gun violence by working to resolve the violent nature of modern society, the debate over gun control has deteriorated into an argument over ways to punish law-abiding citizens for the criminal actions of others. This leaves us far too often confronted with legislation that attempts to make people feel safer without providing any real security.

Because of the extreme seriousness that surrounds incidents of gun violence, and because of the deep grief and horror that accompanies those times when the value of a human life is taken so lightly, I cannot in good faith support any legislation that makes empty promises and then does nothing to protect America's children.

Events during the past two years clearly show that no number of laws or statutes will protect our children if those laws are not enforced. The key to curbing gun violence is stricter enforcement of existing laws and teaching our children that it is wrong to kill.

No legislative action in the world will keep anyone safe if it is not enforced. By that same token, taking away the rights of law-abiding citizens does nothing to protect America's children from the illegal ownership or use of a firearm. As in all social problems, the solution to ending gun violence lies in addressing the cause of the disease and not in picking away at its symptoms. Moral and social changes must take place throughout the nation. People must become more involved in their communities. Parents must become more involved in the lives of their children. Our society must reinforce the importance of treating others as you would like to be treated yourself.

The legislation I am introducing today would correct a misguided oversight that has occurred in the enforcement of the background check requirements by first, prohibiting the Federal Government from imposing a tax on federally mandated background checks conducted for the transfer of a firearm; second, it would require law enforcement agencies who conduct background checks to immediately destroy the records of those firearm purchasers who, as a result of the background check, are determined to be a legal purchaser; and finally, it imposes civil penalties for Federal agencies who fail to comply with this requirement.

The United States stands out as the example of democracy and freedom for the rest of the world. We hold this position because of our unswerving dedication to the Constitution, and to a Federal court system that has diligently worked to uphold the individual rights created by that historic document. This legislation makes it possible for law enforcement agencies to prevent conflicts that have arisen between an individual's right to privacy and an enumerated right to own a firearm. These conflicts have arisen as a result of a bad policy decision that allows Federal agencies to hold onto background check records for up to 90 days for ''Internal Audit'' reasons. Because of an inability to monitor what agencies do with those records during that time, the immediate record destruction requirement is absolutely necessary to prevent abuses that could place the rights of our citizens in further conflict. Once again, this does not apply to persons whose background checks show they are attempting to illegally purchase a firearm but only applies to law-abiding citizens whose background checks demonstrate that they can legally purchase a firearm.

The underlying background check statute that this legislation amends authorizes federal agencies to conduct background searches for one reason and one reason only, to determine if the applicant can legally purchase a firearm. Once that purpose has been fulfilled there is no further authorization to retain the records of legal and

law-abiding gun purchasers for any other agency actions.

I realize that the question over the rights of gun ownership is an emotional issue for many people on both sides of the debate, but until the United States Constitution is overridden and our citizens' rights to own a gun are taken away, then our Federal agencies have no authority to impede or prevent law-abiding citizens from purchasing or possessing legally-acquired firearms. This legislation would retain those rights and restore equity to the implementation of the firearm background check statute.

By Mrs. CARNAHAN:

S. 907. A bill to amend the Internal Revenue Code of 1986 to encourage the use of ethanol and the adoption of other forms of value-added agriculture, and for other purposes; to the Committee on Finance.

Mrs. CARNAHAN. Mr. President, things are happening fast in the value-added agriculture industry, and I'm pleased that Missouri is leading the way in establishing innovative, value-added enterprises that will help our farm economy prosper.

By encouraging new economic opportunities that add value to crops, we can help improve the economic stability of our family farms.

While value-added agriculture can take many forms, a prime example is ethanol production. Increased ethanol production is not only exciting because it can be farmer-owned and farmer-driven, but because it will create a cleaner-burning fuel that stands to improve air quality.

Ethanol production has become increasingly important as cities across the nation strive to fight smog and meet federal clean air standards. Hundreds of Missouri gas stations in the St. Louis area have begun dispensing reformulated gasoline, a move that will help boost demand for ethanol. With ethanol we also have greater energy security because we are replacing oil imports with domestic sources of renewable energy.

Additional ethanol production will help provide a consistent demand for corn, which should help to improve corn prices and put more money in growers' pockets. Now more than five percent of our domestic corn production, or 550 million bushels of corn, is used every year to produce ethanol. That's especially important in times such as these when our farmers are facing critically low commodity prices.

Today, I am introducing the Investment in Value-Added Agriculture that will build on the success of programs enacted during the Carnahan administration to encourage ethanol use and other forms of value-added agriculture. My legislation updates existing federal law affecting ethanol and uses Missouri law as a model for federal legislation to encourage investments in ethanol and other value-added agribusiness.

My proposal consists of three components.

First, it would extend the ethanol motor fuel excise tax. Currently, this exemption is due to expire in 2007. My legislation would extend the exemption through 2015.

Second, the legislation would expand eligibility of the federal producer tax credit to farmer-owned cooperatives. It would also increase the production capacity limit to allow plants producing up to 60 million gallons of ethanol receive the credit.

Third, the legislation would encourage private investment in new-generation cooperatives by creating a 50 percent tax credit on investments in these enterprises. New-generation cooperatives are producer owned entities designed to add a step to the production process that adds value to crops.

With this legislation I want to continue to help farmers in Missouri and to also help farmers throughout the United States by bringing proven Missouri programs to the federal level. During my husband's gubernatorial administration, Missouri made great strides to encourage ethanol production and value-added agriculture.

To encourage ethanol production in the state, Governor Carnahan provided the initial funding for the Missouri Qualified Fuel Ethanol Producer Incentive Fund. Under the incentive fund, Missouri ethanol producers are eligible for a maximum annual grant of $3.125 million for 5 years.

Two farmer-owned ethanol plants are now operating in Missouri. Both plants utilized funds from this incentive fund.

In 1997, Missouri established a value-added grant and loan programs to help farmers process and add value to their raw commodities and earn more profit on their products. As of last year this program awarded more than $1.6 million in grants.

In addition, the Value-Added Loan Guarantee Program has issued loan guarantees for more than $1.7 million. This program offers commercial lenders added security on agricultural development loans for projects that add value to Missouri farm products.

One of Governor Carnahan's top priorities was the creation of an Agriculture Innovation Center. This Center, run out of the Missouri Department of Agriculture, serves as a one-stop shop for Missouri producers seeking help to implement creative ideas for raising, processing and marketing agricultural products.

It is my sincere hope that this legislation will help encourage adoption and investment in value-added agriculture. Value-added agriculture holds the promise of invigorating the rural landscape and keeping jobs and income in local communities.

By Mr. BROWNBACK (for himself, Mr. ALLARD, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. SESSIONS, and Mr. SHELBY):

S. 908. A bill to require Congress and the President to fulfill their constitutional duty to take personal responsibility for Federal laws; to the Committee on Governmental Affairs.

Mr. BROWNBACK. Mr. President, today I am introducing the Congressional Responsibility Act of 2001. The underlying principle of this legislation is that the Constitution forbids the delegation of legislative powers to any other branch of government.

Following the preamble to the Constitution, Article I, Section 1 begins: ''All legislative powers herein granted shall be vested in a Congress.'' The Founders clearly believed that this included the power to regulate, as they had noted John Locke's wise admonition that, ''the legislative [branch] cannot transfer the power of making law to any other hands.'' They understood that if this transfer did occur, legislators would no longer be responsible for the laws that government imposes on the people.

Throughout the late eighteenth century and the entire nineteenth century, in fact for the first 150 years of our republic, the Supreme Court held that the transfer of legislative powers to another branch of government was unconstitutional. Unfortunately, in the late 1920's a radical break with the Constitution, and established precedent in previous Supreme Court rulings, occurred with the landmark case, J.W. Hampton, Jr. & Co. v. United States. This was, essentially, a ruling in favor of political expediency, and it started Congress down a slippery slope. Since the Hampton case, Congress has ceded its basic legislative responsibilities to executive branch agencies that craft and enforce regulations, which have the full force of law.

Consequently, our constituents can be taxed, fined, and even imprisoned without any congressional action. This is unjust. The Founders purposefully designed the Congress to be the most accountable branch of government, but Congress has grown increasingly irresponsible. The fundamental link between voter and lawmaker has been severed. A handful of broadly written laws has spawned a virtual alphabet soup of government agencies and an overwhelming regulatory burden that undermines the very idea of representative government. During the 106th Congress, 2,510 new rules and revisions of old rules went into effect. Of these, 75 were considered to be major rules—or rules with an impact of $100 million or more. The case has become so egregious that many regulatory analysts believe more consequential law is generated in the executive branch than in the legislative branch.

The bottom line is that the executive branch has assumed the law-making authority given to the Congress. This is wrong.

The Congressional Responsibility Act would restore the constitutional responsibility of the Congress over the formulation of all laws by making executive branch agencies accountable to the American people through their elected representatives in Congress. In

short, it would return power to Congress, and ultimately it would return power to the people who elect us.

Under the Congressional Responsibility Act all rules and regulations would have to come before the Congress prior to being enacted into law. Congress would then be required to have an up or down vote on the proposed rule or regulation before it could take effect. The bill provides for consideration of rules and regulations in an expedited manner, unless a majority of Members vote to send it through the normal legislative process. Under the bill, if Congress did not take action on the rule, then it would die by default. This approach not only puts Congress back in control of the legislative process, it also ends the horrendous practice of delegation without representation—and it makes Congress accountable for the laws that affect the lives of every American. It is about returning power, responsibility and authority back to Congress.

This non-partisan, ideologically neutral concept was first offered by then Judge Stephen Breyer who wrote that we should end delegation as a means to satisfy ''the literal wording of the Constitution's bicameral and presentation clauses.'' The concept offered in the Congressional Responsibility Act also takes into account the Supreme Court's 1983 decision in INS v. Chadha, which held a one-house veto to be unconstitutional. Other supporters of this concept include Judge Robert Bork; David Schoenbrod, a professor at New York Law School; and numerous other constitutional scholars.

The Constitution suffered greatly in the twentieth century. Now, at the beginning of the twenty-first century, we have a tremendous opportunity to restore the Constitution to its rightful preeminence as the guarantor of our freedoms, the protector of our liberties, and the guiding force for our form of government.

Delegation of legislative powers is as wrong today as taxation without representation was in the 1700s. With enactment of this legislation, we will send a clear message to the bureaucrats in Washington and to the American people at home: Congress must not delegate its constitutionally-granted powers.

Mrs. LINCOLN. Mr. President, the Wildlife Services Division of the United States Department of Agriculture needs assistance in expediting proper bird management activities. I am here today to introduce legislation that accomplishes this goal.

Proper migratory bird management is important to the State of Arkansas for a number of reasons. We are deemed ''The Natural State'' due to the numerous outdoor recreational opportunities that exist in the State. Fishing, hunting, and bird watching opportunities abound throughout Arkansas. Maintaining proper populations of wildlife, especially migratory birds, is essential for sustaining a balanced environment.

In Arkansas, aquaculture production has taken great strides in recent years. The catfish industry in the State has grown rapidly and Arkansas currently ranks second nationally in acreage and production of catfish. The baitfish industry is not far behind, selling more than 15 million pounds of fish annually, with a cash value in excess of $43 million. I have been a great supporter of this industry since my days in the House of Representatives and I am concerned about the impact the double breasted cormorant is having on this industry. In the words of one of my constituents, ''The double-crested cormorant has become a natural disaster!'' I am pleased that the Fish and Wildlife Service has agreed to develop a national management plan for the double breasted cormorant and I am hopeful that an effective management program will be the result of these efforts.

One of my top priorities since coming to Congress in 1992 has been to work to make government more efficient and effective. To specifically address what I see as an inequity among government agencies regarding this issue, I am introducing a bill today that gives Wildlife Service employees as much authority to manage and take migratory birds as any U.S. Fish and Wildlife Service employee. After all, Wildlife Services biologists are professional wildlife managers providing the front line of defense against such problems. With this legislation I would like to recognize the excellent job that Wildlife Services has done and is doing for bird management.

Currently, USDA-Wildlife Services is required to apply for and receive a permit from the U.S. Fish and Wildlife Service before they can proceed with any bird collection or management activities. This process is redundant and unnecessary. Oftentimes, Wildlife Services finds that by the time a permit arrives, the birds for which the permit was applied for are already gone. I hope that this legislation will lead to a more streamlined effort for management purposes and I urge both agencies, USDA and the Fish and Wildlife Service, to work together to accomplish this goal.

I would like to thank my colleague from Arkansas, Senator Tim Hutchinson, for joining me in this effort and look forward to working with my colleagues to ensure that government is operating efficiently.

By Mr. ROCKEFELLER (for himself, Mr. DAYTON and Mr. WELLSTONE):

S. 910. A bill to provide certain safeguards with respect to the domestic steel industry; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I introduce the Save the American Steel Industry Act of 2001. As you know, the domestic steel industry is currently faced with the most devastating crisis in its history, one that could lead to its decimation if the Administration fails to initiate action under Section 201 of our trade laws. Over two-thirds of our largest steelmakers have entered bankruptcy since 1997, and some analysts predict that almost half of existing U.S. steelmaking capacity may be idled by year's end if the President does not take immediate and decisive action to provide the industry with desperately needed relief. The surge of dumped, subsidized, and disruptive imports that was initially triggered by the onset of the Asian financial crisis has not abated, but has in fact worsened over the past few months. Steel prices have plummeted over the last 3 years, with no hopes of rebounding, and an additional five U.S. steel companies entered Chapter 11 in the first 4 months of this year, with more certain to follow absent Presidential action on Section 201.

My State has two major steel facilities, one owned by Weirton and the other by Wheeling-Pittsburgh. Wheeling-Pitt is in bankruptcy and Weirton is struggling. Thousands of jobs and two important communities in a small, relatively poor State are threatened. It is a situation that is all too common in the American steel belt, and one that demands immediate attention.

Throughout the steel belt, tens of thousands of jobs are at stake; more than 20,000 have already been lost. Hundreds of communities are endangered. Billions of dollars in wages and shareholder value are threatened. Most alarming, our national security is threatened. Unless we act decisively, the United States could soon be as dependent on foreign steel as we are on foreign oil. We are facing a permanent loss of capacity that has the potential to harm every heavy industry in this country, including automakers, defense contractors and, in my home State of West Virginia, aerospace companies.

For some time now, I have advocated consolidation as one of the best ways to ensure the survival of the domestic steel industry in the face of this massive surge of imports. Merged companies create greater economies of scale and with their enhanced capacity and purchasing power, stand a better chance of competing against their heavily subsidized foreign competitors. While consolidation by itself will not relieve the hardships of the steel crisis for our steelworkers, their families and communities, the domestic industry can really only recover with the imposition of remedies under Section 201, I believe that it is a step in the right direction.

Unfortunately, the pace of consolidation in the domestic industry has been slowed due to companies' fears of assuming the tremendous legacy and environmental compliance costs of acquired entities. Legacy costs, in particular, are a tremendous expense for companies, as there are more retired steelworkers than steelworkers currently employed. The burden of assuming such substantial costs has acted as

a deterrent to industry consolidation, which I believe, gives our industry a much better chance of long-term survival.

The Save the American Steel Industry Act of 2001 attempts to address these concerns. Title I of the Act establishes a Steel Retiree Health Care Board in the Department of Labor to administer a newly-created Health Care Benefit Costs Assistance Program. Under the program, the board will contribute funds to eligible steelworker group health plans equal to 75 percent of the qualified expenditures of such plans. The funds will be allocated from a Steelworker Retiree Health Care Trust Fund in the U.S. Treasury financed by a 2 percent Federal excise tax on all steel products sold in the United States.

Title I is critical, because by some estimates, 10 percent of the cost of steel in the U.S. consists of payments to pension and retiree health care funds for workers laid off in the 70's and 80's. This new fund would be accessible to all steel companies providing health insurance to retirees and, as the pool of affected retirees declines, the tax will be reduced. In the meantime, U.S. companies will be at less of a disadvantage against competitors whose governments pick up the tab for health care and retirement costs.

Title II of the Act allows merged companies to apply for grants of up to $200 million from the Commerce Department to help cover the costs of compliance with applicable environmental regulations. The Secretary of Commerce can only provide grants after it is determined that the merger promotes maximum retention of jobs and production capacity consistent with long-term viability. Specifically, at least 80 percent of the steelworkers employed by the merging companies, including a minimum 50 percent of steelworkers employed by the acquired company, must be retained to qualify for a grant. At least 80 percent of the steelmaking facilities of each party must be retained. The Act provides for substantial penalties if a company receiving a grant subsequently violates these thresholds.

Together, these two actions could make a tremendous difference for many domestic steel mills, especially small and mid-sized operations by providing incentives for domestic steel companies to consider joining forces. The Health Care Benefit Costs Assistance Program proposed under Title I makes mergers more likely by ensuring that a large portion of legacy costs inherited in consolidation plans would be covered by the Federal Government. By providing domestic steelmakers with substantial funds to bring merged facilities into compliance with environmental laws, Title II of the bill provides further incentives for consolidation. At the same time, Title II ensures that steelworkers and their families are not sacrificed in the merger process by requiring that most jobs and production capacity are retained and by heavily penalizing companies that receive funding and subsequently do not stick to the agreement.

The American steel industry has earned the respect and consideration of this body as an industry that took some very tough medicine not so very long ago. During the first steel crisis, the U.S. steel industry got very little sympathy. As the first great wave of imports washed across our coasts, the industry was told that it was too old, too inefficient, and too unresponsive to save.

But rather than walk away, the American steel industry put itself through a wrenching, and almost miraculous revitalization, transforming century-old mills into miracles of modern production. No steel industry on earth gets more production per man hour than the U.S. industry. None has a cleaner environmental record. No one has been faster or more effective at integrating computer technology into its production.

And yet, having done that, the industry finds itself threatened again—not by better steelmakers, but by subsidized producers. Companies who have the support of their governments are taking advantage of our traditional commitment to trade, to dump steel on a saturated market. Their competitive advantage lies in their government support, and not their manufacturing skill. It is not fair. It is not just. And I don't believe that our Government should stand by idly and let the painful years and billions of dollars our steel industry invested be stolen away by companies who do not play by the rules.

The Save the American Steel Industry Act of 2001 represents the first step in the Federal Government's commitment to ensuring that the United States maintains our basic steelmaking capacity. While I do not believe that the industry can survive without a comprehensive Section 201 action on all steel products and ultimately, negotiation of a multilateral steel agreement with our trading partners to address the foreign overcapacity problem, this act provides greater incentives for domestic steel companies to consider consolidation, which, I believe, substantially enhances their chances of survival in today's increasingly turbulent steel marketplace. Failure to act now, in this Congress, would be a grave mistake.

By Mr. SMITH of Oregon (for himself and Mr. BAUCUS):

S. 911. A bill to reauthorize the Endangered Species Act of 1973; to the Committee on Environment and Public Works.

Mr. SMITH of Oregon. Mr. President, on Monday, May 7, I traveled once again to Klamath Falls, OR, to address a rally of more than 15,000 people. They came to show their support for the farmers, farm workers, small business owners and local officials in the Upper Klamath River Basin who were devastated by the April 6 Bureau of Reclamation announcement that the agency would deliver no water to most of the agricultural lands that have always received irrigation water from the federal project.

This decision is expected to cost the local economy between two hundred fifty million and three hundred million dollars. This is an area that has already been hurt economically by the significant reduction in the Federal timber sale program, and was further harmed when the Federal roadless policy precluded a proposed ski area that would have brought jobs and tourism dollars to the local community.

This crisis highlights many of the current problems with the administration of the Endangered Species Act. We are managing the water resources in this basin for two fish species, at the expense of all other wildlife, including bald eagles. We are foregoing water deliveries to refuges that are a critical component of the western flyway in order to triple the water we are sending down the river for fish. We are also forgetting our human stewardship, and to date have failed to provide assistance to the farmers and ranchers who are facing economic ruin over this water allocation decision.

You cannot look in the faces of those honest, hard-working farmers and ranchers, as I have, and believe that this situation is just or reasonable. You cannot see the anxiety on the faces of children who don't understand what is happening, or why a fish is more important than their family, and not be moved to action.

That is why, to begin a meaningful dialogue on the Endangered Species Act, I am introducing the ''Endangered Species Recovery Act of 2001.'' This bill is almost identical to legislation that was reported out of the Senate Environment and Public Works Committee in the 105th Congress by a vote of fifteen to three. Those voting in favor were Senators ALLARD, BAUCUS, BOND, Chafee, GRAHAM, HUTCHISON, INHOFE, Kempthorne, Moynihan, REID, SESSIONS, SMITH of New Hampshire, THOMAS, WARNER, and WYDEN. The bill was supported by the Western Governors' Association, and incorporates the recommendations which that Association, the National Governors' Association and the International Association of Fish and Wildlife Agencies sent to the Congress in 1995.

If enacted, this bill would do a better job of recovering species, while addressing the legitimate concerns of property owners or others affected by the Endangered Species Act. While increasing public participation, this legislation significantly strengthens the recovery planning process and creates new tools to ensure that recovery plans are implemented. The bill also streamlines the consultation process and provides significant new incentives for property owners to preserve and restore habitat for listed species.

I remain committed to enhancing our environmental stewardship. But right now, we have a situation where over 1,100 species have been listed under the existing Act, and less than two dozen have been delisted. Litigation is consuming far too much of the time and resources of federal agencies that could be better spent actually recovering species.

The time has come to admit that there must be a better way to protect wildlife. I hope that this will be the beginning of a bipartisan dialogue that results in effective improvements in the Act.

In the meantime, I will continue to press for the assistance that the residents of the Klamath Falls area need to make it through this year. It has become increasingly apparent to me over the last three weeks that existing federal disaster assistance programs and crop insurance programs are simply not geared toward the type of situation we have in the Klamath Falls area. I will continue to press the Administration for an assistance package that will provide meaningful relief to these families.

By Ms. MIKULSKI (for herself and Mrs. HUTCHISON):

S. 912. A bill to amend title 38, United States Code, to increase burial benefits for veterans; to the Committee on Veterans' Affairs.

Ms. MIKULSKI. Mr. President, I rise to introduce the Veterans Burial Benefits Improvement Act of 2001. I am pleased that my colleague, Senator HUTCHISON, joins me in introducing this legislation today.

During the upcoming Memorial Day holiday, we will honor our U.S. soldiers who died in the name of their country. These service men and women are America's true heros and on this day we pay tribute to their courage and sacrifice. Some have given their lives for our country. All have given their time and dedication to ensure our country remains the land of the free and the home of the brave. We owe a special debt of gratitude to each and every one of them.

This holiday serves as an important reminder that our nation has a sacred commitment to honor the promises made to soldiers when they signed up to serve our country. As the Ranking Member of the Senate Appropriations Subcommittee that funds veterans programs, I fight hard to make sure promises made to our service men and women are promises kept. These promises include access to quality, affordable health care and a proper burial for our veterans.

I am deeply concerned that the Federal Government has not increased veterans' burial benefits for the families of our wounded or disabled veterans in over a decade. We are losing over 1,100 World War II veterans each day, but Congress has failed to increase veterans' burial benefits to keep up with rising costs and inflation. While these benefits were never intended to cover the full costs of burial, they now pay for only a fraction of what they covered in 1973, when the Federal Government first started paying burial benefits for our veterans.

That's why I am introducing the Veterans Burial Benefits Improvement Act. This bill will increase burial benefits to cover the same percentage of funeral costs as they did in 1973. It will also provide for these benefits to be increased annually to keep up with inflation.

In 1973, the service-connected benefit payed for 72 percent of veterans' funeral costs. But this benefit has not been increased since 1988, and it now covers just 29 percent of funeral costs. My bill will increase the service-connected benefit from $1,500 to $3,713, bringing it back up to the original 72 percent level.

In 1973, the non-service connected benefit payed for 22 percent of funeral costs. It has not been increased since 1978, and today it covers just 6 percent of funeral costs. My bill will increase the non-service connected benefit from $300 to $1,135, bringing it back up to the original 22 percent level.

In 1973, the plot allowance payed for 13 percent of veterans' funeral costs. This benefit has never been increased, and it now covers just 3 percent of funeral costs. My bill will increase the plot allowance from $150 to $670, bringing it back up to the original 13 percent level.

Finally, the Veterans Burial Benefits Improvement Act will also ensure that these burial benefits are adjusted for inflation annually, so veterans won't have to fight this fight again.

This legislation is just one way to honor our nation's service men and women. I want to thank the millions of veterans, Marylanders, and people across the Nation for their patriotism, devotion, and commitment to honoring the true meaning of Memorial Day. U.S. soldiers from every generation have shared in the duty of defending America and protecting our freedom. For these sacrifices, America is eternally grateful.

I ask unanimous consent that the text of the bill and a letter from several veterans advocacy groups supporting it, be printed in the RECORD.

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

S. 912

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Burial Benefits Improvement Act of 2001''.

SEC. 2. INCREASE IN BURIAL BENEFITS FOR VETERANS.

(a) BURIAL AND FUNERAL EXPENSES.—(1) Section 2302(a) of title 38, United States Code, is amended by striking ''$300'' and inserting ''$1,135 (as increased from time to time under section 2309 of this title)''.

(2) Section 2303(a)(1)(A) of that title is amended by striking ''$300'' and inserting ''$1,135 (as increased from time to time under section 2309 of this title)''.

(3) Section 2307 of that title is amended by striking ''$1,500,'' and inserting ''$3,713 (as increased from time to time under section 2309 of this title),''.

(b) PLOT ALLOWANCE.—Section 2303(b) of that title is amended—

(1) by striking ''$150'' the first place it and inserting ''$670 (as increased from time to time under section 2309 of this title)''; and

(2) by striking ''$150'' the second place it appears and inserting ''$670 (as so increased)''.

(c) ANNUAL ADJUSTMENT.—(1) Chapter 23 of that title is amended by adding at the end the following new section:

''§ 2309. Annual adjustment of amounts of burial benefits

''With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the burial and funeral expenses under sections 2302(a), 2303(a), and 2307 of this title, and in the plot allowance under section 2303(b) of this title, equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following new item:

''2309. Annual adjustment of amounts of burial benefits.''.

(d) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to deaths occurring on or after the date of the enactment of this Act.

(2) No adjustments shall be made under section 2309 of title 38, United States Code, as added by subsection (c), for fiscal year 2002.

THE INDEPENDENT BUDGET,
A BUDGET FOR VETERANS BY VETERANS,
Washington, DC, May 14, 2001.

Hon. BARBARA MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MIKULSKI: We are pleased to support your proposed legislation, the Veterans Burial Benefits Improvement Act, to increase burial benefits for veterans. A meaningful increase in benefits provided by our Government to cover veterans' burial and funeral expenses is long overdue.

This proposed legislation would increase burial allowances to reflect the increasing costs of burial for veterans. Benefits would be increased to cover the same percentage of veterans' burial costs as in 1973. It would also provide for these benefits to be adjusted to cover the costs of inflation.

The Independent Budget (IB) produced by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars fully supports an adjustment of burial allowances to reflect the increases in burial costs. The allowance for service-connected deaths was last adjusted in 1988, and the allowance for other deaths was last adjusted in 1978. Over these several years without adjustment, the value of the burial allowance has eroded. Clearly, it is time these allowances are raised to make them a more meaningful contribution to the costs of burial for our veterans.

We greatly appreciate your efforts to increase veterans burial allowances to a level that reflects the intended benefit. This proposed legislation would help ensure that our

Nation's military veterans will be buried with the dignity they deserve.

DAVID E. WOODBURY,
Executive Director, AMVETS.
KEITH W. WINGFIELD,
Executive Director, Paralyzed Veterans of America.
ROBERT E. WALLACE,
Executive Director, Veterans of Foreign War.
DAVID W. GORMAN,
Executive Director, Disabled American Veterans.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. SMITH of Oregon, and Mrs. FEINSTEIN):

S. 913. A bill to amend title XVIII, of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce a small bill, but one with important consequences. My measure, the Access to Cancer Therapies Act, would provide coverage of all oral anticancer drugs under the Medicare program. I am pleased to be joined by Senators ROCKEFELLER, GORDON SMITH, and FEINSTEIN in introducing this measure.

As my colleagues know, there is no Medicare outpatient prescription drug benefit today. If there was, we would not need this legislation. There should be and there must be a Medicare prescription drug benefit this year. Seniors are reeling from the burden of their prescription drug expenses, and they can't defer their illnesses or their costs.

This legislation also reminds us of how crucial prescription drugs are, not only now but even more so in the future. Eight years ago, Congress created a unique Medicare drug benefit for oral anti-cancer drugs, but only if the drug is equivalent to drugs provided ''incident'' to a physician visit; for example, drugs that must be injected. At present, upwards of 95 percent of cancer drug therapy is covered by Medicare either in a physician office or in a reimbursed oral form. But in the near future as much as 25 percent of cancer drug therapy will be in the form of oral drugs that are not currently covered.

In fact, this is already happening. Today, there are about 40 oral anti-cancer drugs, but less than 10 are reimbursed by Medicare. For example, one of the most common drugs used in the treatment of breast cancer, tamoxifen, is among the drugs not currently reimbursed by Medicare.

As cancer therapy moves more toward reliance on oral drugs, Medicare coverage policy must be updated to cover the new therapies, or else even the intent of this very limited policy will be meaningless and Medicare beneficiaries will increasingly lose access to the best cancer therapies. And without this legislative change, beneficiaries will increasingly bear the burden of buying these drugs from their own pockets, which most seniors can ill afford.

Let me provide one very exciting example of an oral anti-cancer drug that illustrates both the urgency of this policy change and of enacting a Medicare prescription drug bill. Last week, the Food and Drug Administration approved a compound known as STI–571. Also known by its brand name Gleevec, this medication was approved in a record setting two and one-half months. Gleevec is used to treat one kind of leukemia and may also be effective against a rare but lethal stomach cancer.

Gleevec is the first, let me repeat, first, cancer drug to specifically address a molecular target which is not only in the cancer, but actually the cause of the cancer, according to the National Cancer Institute. More precisely, Gleevec knocks out a specific enzyme needed for the cancer to thrive. By contrast, most current cancer therapies act like a shotgun, killing both cancer and normal cells. Moreover, Gleevec is among the first fruits of three decades of research into the basic biology of cancer.

But Gleevec is not a cure, it simply arrests the cancer and returns most lab tests to normal. Patients may need to take the drug for life. And treatment is not cheap—a month's supply of Gleevec costs upwards of $2,400.

While biomedical research is providing new, more targeted, and less toxic methods of treatment through new oral anti-cancer drugs that patients can safely take in the comfort of their own homes, Medicare policy is currently unable to provide reliable access to these medications for beneficiaries with cancer.

At the very least, we must ensure all oral anti-cancer drugs are available to our seniors. The Access to Cancer Therapies Act will build on current Medicare policy by ensuring coverage of all anti-cancer drugs, whether oral or injectable, are available to Medicare beneficiaries. The Act will provide beneficiaries with access to innovative new therapies that are less toxic and more convenient, more clinically effective and more cost-effective than many currently covered treatment options. I urge my colleague to support this bill.

Mr. SMITH of Oregon. Mr. President, I have spoken many times about the importance of adding a prescription drug benefit to Medicare. There are other ways in which the Medicare program could be strengthened, for example, by upgrading for innovative medical technologies not covered under the old structure of Medicare. One example of advanced technologies that should be in use are oral anti-cancer drugs. I rise today in support of the Access to Cancer Therapies Act.

Most people would be surprised to know that all cancer therapies are covered under Medicare. This situation is due to an accident of fate. When Medicare was created in 1965, orally administered cancer drugs were completely unknown. While 90 to 95 percent of anti-cancer drug therapy is covered under Medicare Part B, this coverage is largely limited to injectable drugs that are administered incident to covered physician services. Orally administered anti-cancer drugs are only covered if they have an injectable equivalent. Currently there are only seven of these pharmaceuticals available. Researchers fully expect that in the near future, cancer care will be much more heavily based on oral drugs; while oral drugs currently make up around 5 percent of the oncology market, it is projected that they will become 25 percent or more within a decade. Continuing to exclude coverage of oral cancer medications will impose significant unnecessary cost burdens on Medicare beneficiaries, and could influence treatment decisions more on the basis of cost than quality.

The cure for cancer has long been the golden ring of medical research, eluding the grasp of even the most intrepid scientists. But today, in Oregon, we are one step close to a cure. At Oregon Health & Science University, or OHSU, in Portland, Dr. Brian Druker has discovered a treatment for a specific form of leukema—a treatment that offers hope to cancer patients everywhere. Dr. Druker's treatment, known as Gleevec, offers hope to cancer patients everywhere because it shows us how to fight cancer: at the molecular level. As Dr. Peter Kohler, President of OHSU, said: ''People have won the Nobel Prize for lesser work.''

For Dr. Druker, this was a dream that began over twenty years ago, as a medical student. He sat through a lecture on chemotherapy and thought the practice barbaric. He dreamt of the day that chemotherapy could be replaced with a more humane treatment that killed cancerous cells, but didn't ravage the body. In his research, he developed an interest in the proteins responsible for signaling cell growth. He believed these proteins were perfect targets for new therapies. In particular, he felt that BCR–ABL, an abnormal protein responsible for overproduction of white blood cells in a certain type of leukemia, was the best bet for targeted therapy.

In 1993, he came to Oregon to head up his own leukemia research lab at OHSU. It was at that point that his research really started to blossom. He began to experiment with potential treatments for chronic myelogenous leukemia, or CML. One chemical compound, STI 571, immediately showed the most promise. Clinical testing began in June 1998 and the results were nothing less than astonishing. In every case, white blood cell counts returned to normal within six weeks. ''I thought it was too good to be true,'' Druker says.

In fact, further clinical trials have shown that STI 571, now known as Gleevec, is, if anything, more effective than Dr. Druker originally thought.

Trials have been extended to 30 countries and nearly 3000 patients. Over 90 percent of those in the disease's acute, or blast, phase have seen their white blood cell counts return to normal, and one-third in the same phase have no remaining traces of leukemia. In other words, not only did Gleevec treat the leukemia symptoms, it began to eliminate the molecular basis of the disease altogether. Not surprisingly, the Food and Drug Administration last week approved Gleevec for the treatment of CML, the fastest ever approval by the FDA for an anti-cancer treatment.

Further clinical trials have shown that Gleevec is effective for a rare form of cancer known as gastrointestinal stromal tumor, or GIST. Similar to the way Gleevec inhibits the BCR–ABL protein that is found in nearly all CML sufferers, Gleevec also appears to inhibit the so-called KIT protein that is prevalent in most gastrointestinal tumor patients. Trials are also planned or already underway to test Gleevec on brain tumors and soft tissue sarcoma. As Dr. Druker says, Gleevec is unlikely to be a cure for every form of cancer. Nevertheless, it does provide a road map. The important step is to find the molecular defect that underlies each form of cancer and target it for therapy. And with the completion of the Human Genome Project, the information to help find those molecular defects is now available.

The discovery of Gleevec secures Dr. Druker's reputation as one of the foremost scientists of his generation, and may well put him in line for that Nobel Prize mentioned by Dr. Kohler. But it also symbolizes the growing strength of the Oregon Cancer Institute at OHSU. The institute is relatively new, but that hasn't hindered it from having a large impact on the field. That's a testament to the high intellectual caliber of the staff there. As Dr. Grover Bagby, director, points out: the Oregon Cancer Institute was founded on the principle of fighting cancer at the molecular level. And thanks to Dr. Druker, fighting cancer at the molecular level is now the guiding principle for cancer researchers everywhere.

As I said at the beginning of my remarks, the cure for cancer has long been the golden ring of medical research. Yet today, thanks to the work of Dr. Druker and others at OHSU, cures for cancer are at hand. This is a proud day for medical research, and a proud day for Oregon.

Passage of the Access to Cancer Therapies Act would give hope to Oregonians such as Jim Underwood, a Medicare beneficiary in Oregon in the last stages of leukemia. Because Medicare does not currently cover oral cancer treatments, many patients like Jim Greenwood may not benefit form the most innovative, appropriate cancer fighting technologies. I urge my colleagues on both sides of the aisle to move quickly to pass the Access to Cancer Therapies Act so that all Medicare beneficiaries can have access to the most technologically advanced medications available and appropriate for their conditions.

Mrs. FEINSTEIN. Mr. President. I am pleased today to join as an original sponsor with Senators SNOWE, SMITH and ROCKEFELLER, a bill to provide Medicare coverage of cancer drugs.

More than 8 million Americans require some form of cancer care: 1.2 million of these are newly diagnosed patients; some are already on treatment; some need follow-up care. Over half a million people will die from cancer this year.

Medicare, generally, does not cover cancer drugs. This bill will provide that coverage.

Providing Medicare coverage of cancer drugs is particularly important in light of a promising new class of drugs that are becoming available. One of those drugs is Gleevec, formerly known as STI 571.

I am greatly heartened by the news that on May 10 the Food and Drug Administration approved Gleevec for the treatment of chronic myelogenous leukemia. Gleevec is revolutionary because it can precisely target the dysfunctional proteins that cause this cancer and it can disable cancer cells to the point that they are metabolically inactivated with 12 hours of administering the drug.

Furthermore, Gleevec does not destroy the ''good'' cells, as other treatments do. It helped over 90 percent of patients in clinical trials and holds great promise for other cancers. Scientists say this drug is the wave of the future.

Not only is this drug highly medically effective, it is cost-effective. Gleevec is expected initially to cost around $25,000 annually. While that is a high price, in my view, the other alternative, or standard treatment for this kind of leukemia, is a bone marrow transplant. Bone marrow transplants cost on average $250,000 per procedure. So this drug will be cheaper than the conventional treatment.

Sixty percent of cancer cases occur among people over age 65, a number that will grow as the American population ages, so Medicare is a major payer of cancer care. Cancer therapies have evolved to the point where most cancer care is delivered on an outpatient basis, not in a hospital.

In terms of Medicare, oral, outpatient, prescription cancer drugs are currently covered by Medicare only if the drugs have the same active ingredient as the equivalent injectable cancer drug. This means that very few cancer drugs are covered.

No one really knows how much Medicare patients pay out-of-pocket for cancer drugs, but according to the Institute of Medicine, ''available evidence suggests that it is substantial.'' One study found that Medicare covered 83 percent of typical charges for lung cancer and 65 percent of typical charges for breast cancer. Out-of-pocket expenses ranged from less than $100 to near $4,000. One-third of Medicare beneficiaries have private insurance that covers the prescription drugs that Medicare does not cover. Even if beneficiaries have private drug coverage, that coverage often has high deductibles and other limits so that beneficiaries still have high out of pocket expenses.

The bill we are introducing today addresses just part of the problem. Clearly, we must work for a comprehensive Medicare drug benefit for all illnesses and we must work to improve private health insurance coverage.

The cost of delivering cancer care is $50 billion a year, says the National Cancer Institute. These are costs that we can reduce and this bill is one step.

I hope that by expanding Medicare coverage to cover cancer drugs we can garner support for broader coverage, we can encourage drug companies to make many more new drugs and we can give hope to millions who suffer from cancer.

I urge my colleagues to support this bill.

By Mrs. BOXER (for herself, Mr. REID, and Mr. BAUCUS):

S. 914. A bill to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the ''James R. Browning United States Courthouse''; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I am introducing legislation today to name the courthouse at 95 Seventh Street in San Francisco, CA as the ''James R. Browning United States Courthouse.''

Judge Browning was appointed to the court by President Kennedy and has spent 40 years as a circuit judge on the Court of Appeals for the Ninth Circuit. For twelve of those years, he served as Chief Judge. As chief judge, Judge Browning reorganized and modernized the administration of the Ninth Circuit. Now, he is on Senior Status.

He is originally from Montana and graduated from Montana State University in 1938 and from Montana University Law School in 1941, achieving the highest scholastic record in his class and serving as editor-in-chief of the law review. Before being appointed to the Court, Judge Browning served in the U.S. Army and worked for Department of Justice and in private practice.

I can think of no more appropriate honor for Judge Browning than to place his name on the courthouse building where he has worked for 40 years.