the date of enactment of this Act and shall apply to benefits paid for months beginning on or after that date.

SEC. 4. RATE OF PAYMENT OF COMPENSATION BENEFITS FOR NEW PHILIPPINE SCOUTS RESIDING IN THE UNITED STATES.

(a) RATE OF PAYMENT.—Section 107 of title 38, United States Code, as amended by section 3(a), is further amended—

(1) in the second sentence of subsection (b), by striking ''Payments'' and inserting ''Except as provided in subsection (c) or (d), payments''; and

(2) in subsection (c)—

(A) by inserting ''or (b)'' after ''subsection (a)'' the first place it appears; and

(B) by striking ''subsection (a)'' the second place it appears and inserting ''the applicable subsection''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to benefits paid for months beginning on or after that date.

SEC. 5. BURIAL BENEFITS FOR NEW PHILIPPINE SCOUTS.

(a) BENEFIT ELIGIBILITY.—Subsection (b)(2) of section 107 of title 38, United States Code, is amended—

(1) by striking ''and''; and

(2) by inserting '', 23, and 24 (to the extent provided for in section 2402(8) of this title)'' after ''1312(a))''.

(b) BENEFIT RATE FOR CERTAIN PERSONS IN THE UNITED STATES.—Subsection (d) of such section is amended—

(1) in paragraph (1), by inserting ''or subsection (b), as the case may be,'' after ''subsection (a)''; and

(2) in paragraph (2), by inserting '', or whose service is described in subsection (b) and who dies on or after the date of the enactment of the Health Care for Filipino World War II Veterans Act'' in the matter preceding subparagraph (A) after ''this subsection''.

(c) CONFORMING AMENDMENT.—Section 2402(8) of such title is amended by inserting ''or 107(b)'' after ''107(a)''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after the date of enactment of this Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—JUNE 18, 2002

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

S. 2631. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Madam President, I rise today to introduce the STEP Act on behalf of myself and Senator MURRAY.

This bill is a companion to the Education Works Act, which I introduced a couple of weeks ago. Both bills address the same issue, the need to support state efforts to use welfare to work strategies that combine work with a flexibility mix of education, training, and other supports. Study after study has demonstrated that states that use a combination of activities to help families move from welfare to work are more successful. For many welfare recipients, vocational training and post-secondary education led to work and, through substantial increases in earnings and job quality, long-term financial independence. This is important because although many have left welfare for work during the past several years, many have returned or live in poverty dependent on other government supports because they are working at low wages with limited benefits. In addition, many with multiple barriers remain on the rolls. As we move forward with the reauthorization process, we must do more to support state efforts to help these people find work and to ensure that all individuals leaving welfare are moving to employment that will provide long-term financial independence. The STEP Act and the Education Works Act will do just that.

The Education Works Act deals with increasing state flexibility to determine the right mix of work with education and training. The STEP Act provides resources to States seeking to implement effective programs that combine work with education and training. One of the most effective types of these programs, particularly for the most difficult to serve TANF recipients, are transitional job programs. Transitional job programs provide subsidized, temporary, wage-paying jobs for 20 to 35 hours per week, along with access to job readiness, basic education, vocational skills, and other barrier-removal services based on individualized plans. The STEP Act would provide states with funding to implementing these programs and other training and support programs.

Existing transitional job programs are achieving great outcomes. A Mathematical study released last month demonstrated that between 81 to 94 percent of those who had completed transitional job programs move on to unsubsidized jobs with wages. Most of these participants moved into full-time employment, median hours worked was 40 hours. Another survey revealed that transitional jobs program completers reported average wages at placement into unsubsidized employment between $7 and $10 per hour.

Transitional jobs programs can be particularly effective with the hardest to serve welfare recipients. Transitional jobs program often focus primarily on welfare recipients who have participated in welfare employment and training programs without successfully finding steady employment. The reasons for their inability to find and sustain meaningful employment are complex and varied. For people who face barriers, or who lack the skills or experience to compete successfully in the labor market, paid work in a supportive environment, together with access to needed services provides a real chance to move forward. While more expensive than other work first strategies, transitional jobs programs are able to do what their cheaper and less intensive counterparts have not, help the most difficult to serve TANF participants find stable, permanent employment.

Additional support for transitional jobs programs is needed. The TANF and Welfare-to-Work block grants have been the principal sources of funding for Transitional Jobs programs. Welfare-to-Work funds have been exhausted in many parts of the country and must be spend completely during the next year or two. In addition, with an ever growing competition for TANF funds in a period of rising caseloads and declining State revenues, it will be increasingly difficult to fund transitional jobs programs solely with TANF funds.

I believe that transitional job programs are good investments because they serve as stepping stones to permanent employment and decrease government expenditures on health care, food stamps, and cash assistance. Transitional jobs programs can be particularly important in economically depressed and rural areas because they increase work opportunities for hard-to-employ individuals, they reduce pressure on local emergency systems and, they provide income that stimulates local economies.

Our legislation also supports ''business link'' programs that provide individuals with fewer barriers or individuals who have only been able to access very low wage employment with intensive training and skill development activities designed to lead to long-term, higher paid employment. These programs are based on partnerships with the private sector.

In my home State, just such a program is producing great results, the Teamworks program. Teamworks provides training in life skills, as well as employment skills, during a 12 week course. The program also provides necessary supports to participants such as childcare and transportation. Teamworks assists participants in their job search and provides ongoing support for 18 months after job placement. The results are impressive. The average wage of those completing the program is $1.50 per hour higher than other programs and job retention rates are 20 percent higher. This experience is not unique. Welfare programs that combine work with education and training with support services are more likely to result in work leads to self-sufficiency.

The legislation that I am introducing today will give States the tools to implement what works. I urge my colleagues to join me in supporting both the STEP Act and the Education Works Act. I as 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. 2631

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 ''Support, Training, Employment Programs Act of 2002'' or the ''STEP Act of 2002''.

SEC. 2. TRANSITIONAL JOBS GRANTS.

Section 403(a) of the Social Security Act (42 U.S.C. 603(a)) is amended by adding at the end the following:

''(6) TRANSITIONAL JOBS GRANTS.—

''(A) PURPOSE.—The purpose of this paragraph is to provide funding so that States and localities can create and expand transitional jobs programs that—

''(i) combine time-limited employment that is subsidized with public funds, with skill development and barrier removal activities, pursuant to an individualized plan;

''(ii) provide job development and placement assistance to individual participants to help them move from subsidized employment in transitional jobs into unsubsidized employment, as well as retention services after the transition to unsubsidized employment; and

''(iii) serve recipients of assistance under the State program funded under this part and other low-income individuals who have been unable to secure employment through job search or other employment-related services because of limited skills, experience, or other barriers to employment.

''(B) AUTHORITY TO MAKE GRANTS.—Each transitional jobs State (as determined under subparagraph (C)) shall receive a grant under this paragraph for each fiscal year specified in subparagraph (K) for which the State is a transitional jobs State, in an amount equal to the allotment for the State as specified under subparagraph (D) for the fiscal year.

''(C) TRANSITIONAL JOBS STATE.—A State shall be considered a transitional jobs State for a fiscal year for purposes of this paragraph if the Secretary of Labor determines that the State meets the following requirements:

''(i) The State has submitted to the Secretary of Labor and the Secretary of Health and Human Services (in the form of an addendum to the State plan submitted under section 402) a plan which is approved by the Secretary of Labor based on the plan's compliance with the following requirements:

''(I) The plan describes how, consistent with this paragraph, the State will use any funds provided under this paragraph during the fiscal year.

''(II) The plan contains evidence that the plan was developed in consultation and coordination with appropriate entities including employers, labor organizations, and community-based organizations that work with low-income families, and includes a certification as required under section 402(a)(4) with regard to the transitional jobs services that the State proposes to provide.

''(III) The plan specifies the criteria that will be used to select entities who will receive funding to operate transitional jobs programs.

''(IV) The plan describes specifically how the State will address the needs of rural areas, Indian tribes, and cities with large concentrations of residents with an income that is less than the poverty line, or who are unemployed.

''(V) The plan describes how the State will ensure that a grantee to which information is disclosed pursuant to this paragraph or section 454A(f)(5) has procedures for safeguarding the information and for ensuring that the information is used solely for the purpose described in this paragraph or that section.

''(VI) The plan describes categories of jobs that are in demand in various areas of the State and which offer the opportunity for advancement to better jobs. The plan also shall provide assurances that the ability of organizations seeking to operate transitional jobs programs to best prepare participants for those jobs will be given weight in the selection of program operators.

''(ii) The State has agreed to negotiate in good faith with the Secretary of Health and Human Services with respect to the substance and funding of any evaluations and to cooperate with the conduct of any such evaluations.

''(D) ALLOTMENTS TO STATES.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the amount of the allotment for a transitional jobs State for a fiscal year shall be the available amount for the fiscal year multiplied by the State percentage for the fiscal year.

''(ii) MINIMUM ALLOTMENT.—The amount of the allotment for a transitional jobs State (other than Guam, the Virgin Islands, or American Samoa) for a fiscal year shall not be less than 0.4 percent of the available amount for the fiscal year.

''(iii) PRO RATA REDUCTION.—Subject to clause (ii), the Secretary of Labor shall make pro rata reductions in the allotments to States under this subparagraph for a fiscal year as necessary to ensure that the total amount of the allotments does not exceed the available amount for the fiscal year.

''(iv) AVAILABLE AMOUNT.—As used in this subparagraph, the term 'available amount' means, for a fiscal year, 80 percent of the sum of—

''(I) the amount specified in subparagraph (K) for the fiscal year;

''(II) any funds available under this subparagraph that have not been allotted due to a determination by the Secretary that any State has not met the requirements of subparagraph (C); and

''(III) any available amount for the immediately preceding fiscal year that has not been obligated by the State.

''(v) STATE PERCENTAGE.—As used in this subparagraph, the term 'State percentage' means, with respect to a fiscal year and a State, ½ of the sum of—

''(I) the percentage represented by the number of individuals in the State whose income is less than the poverty line divided by the number of such individuals in the United States; and

''(II) the percentage represented by the number of adults who are recipients of assistance under the State program funded under this part divided by the number of adults in the United States who are recipients of assistance under any State program funded under this part.

''(vi) ADMINISTRATION OF FUNDS.—

''(I) IN GENERAL.—Subject to subclause (II), funds made available to a State under this paragraph shall be administered by an agency or agencies, as determined by the chief executive officer of the State, which may include the agency that administers the State program funded under this part, the State board designated to administer the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) in the State, or any other appropriate agency.

''(II) COORDINATION WITH TANF AGENCY.—If an agency other than the State agency that administers the State program funded under this part administers funds made available to a State under this paragraph, that agency shall coordinate the planning and administration of such funds with the State agency that administers the State program funded under this part.

''(vii) DISTRIBUTION OF FUNDS WITHIN STATES.—

''(I) IN GENERAL.—A State to which a grant is made under this paragraph shall allocate not less than 90 percent of the amount of the grant to eligible applicants for the operation of transitional jobs programs consistent with subparagraph (E). Any funds not used for such operation may be used to provide technical assistance to program operators and worksite employers, administration, or for other purposes consistent with this paragraph.

''(II) ELIGIBLE APPLICANTS.—As used in subclause (I), the term 'eligible applicant' means a political subdivision of a State, a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), an Indian tribe, or a private entity.

''(E) LIMITATIONS ON USE OF FUNDS.—

''(i) ALLOWABLE ACTIVITIES.—An entity to which funds are provided under subparagraph (D)(vii) shall use the funds to operate transitional jobs programs consistent with the following:

''(I) An entity which secures a grant to operate a transitional jobs program (in this subparagraph referred to as a 'program operator'), under this paragraph shall place eligible individuals in temporary, publicly subsidized jobs. Individuals placed in such positions shall perform work directly for the program operator, or at other public and nonprofit organizations (in this subparagraph referred to as 'worksite employers') within the community. Funds provided under subparagraph (D) shall be used to subsidize 100 percent of the wages paid to participants as well as employer-paid payroll costs for such participants, except as provided in clause (v) regarding placements in the private, for-profit sector.

''(II) Transitional jobs programs shall provide paid employment for not less than 30, nor more than 40 hours per week, except that a parent with a child under the age of 6, a child who is disabled, or a child with other special needs, or an individual who for other reasons cannot successfully participate for 30 to 40 hours per week, may, at State discretion, be allowed to participate for more limited hours, but not less than 20 hours per week.

''(III) Program operators shall—

''(aa) develop an individual plan for each participant, the goal of which shall focus on preparation for unsubsidized jobs in demand in the local economy which offer the potential for advancement and growth;

''(bb) develop transitional work placements for participants that will best prepare them for jobs in demand in the local economy that offer the potential for wage growth and advancement; and

''(cc) provide case management services and ensure that appropriate education, training, and other services are available to participants consistent with each participant's individual plan.

''(IV) Program operators shall provide job placement assistance to help participants obtain unsubsidized employment, and shall provide retention services for 12 months after entry into unsubsidized employment.

''(V) In any work week in which a participant is employed at least 30 hours, a minimum of 20 percent of scheduled hours and a maximum of 50 percent of scheduled hours, shall involve participation in education or training activities designed to improve the participant's employability and potential earnings, or other services designed to reduce or eliminate any barriers that may impede the participant's ability to secure unsubsidized employment.

''(VI) The maximum duration of any placement in a transitional jobs program shall not be less than 6 months, nor more than 24 months. Nothing in this subclause shall be construed to bar a participant from moving into unsubsidized employment at a point prior to the maximum duration of the program. States may approve programs of varying durations consistent with this subclause.

''(VII) Participants shall be paid at the rate paid to unsubsidized employees of the worksite employer, (or program operator

where work is performed directly for the program operator,) who perform comparable work at the worksite where the individual is placed. If no other employees perform the same or comparable work then wages shall be set, at a minimum, at 50 percent of the Lower Living Standard Income Level (in this subparagraph referred to as the 'LLSIL'), as specified in section 101(24) of the Workforce Investment Act of 1998, for family of 3 based on 35 hours per week.

''(VIII) Participants shall receive supervision from the worksite employer or program operator consistent with the goal of addressing the limited work experience and skills of program participants.

''(ii) CONSULTATION.—An application submitted by an entity seeking to become a program operator shall include an assurance by the applicant that the transitional jobs program carried out by the applicant shall—

''(I) provide in the design, recruitment, and operation of the program for broad-based input from the community served and potential participants in the program and community-based agencies with a demonstrated record of experience in providing services, prospective worksite employers, local labor organizations representing employees of prospective worksite employers, if these entities exist in the area to be served by the program, and employers, and membership-based groups that represent low-income individuals; and

''(II) prior to the placement of participants, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar as that proposed to be carried out by such program to ensure compliance with the nondisplacement requirements specified in subparagraph (L).

''(iii) ELIGIBILITY FOR OTHER WORK SUPPORTS.—Participants shall be eligible for subsidized child care, transportation assistance, and other needed support services on the same basis as other recipients of cash assistance under the State program funded under this part.

''(iv) WAGES NOT CONSIDERED ASSISTANCE.—Wages paid to program participants shall not be considered to be assistance for purposes of section 408(a)(7).

''(v) PRIVATE SECTOR PLACEMENTS.—Placements of participants with private, for-profit entities shall be permitted only under the following conditions:

''(I) Except as provided in clause (vi), not more than 20 percent of the total number of participants in transitional jobs in a State at any time may be placed at worksite employers which are private, for-profit companies.

''(II) When placements are made at private, for-profit, entities the entity shall pay for at least 50 percent of programs costs (including wages) for each participant.

''(III) Not more than 5 percent of a private, for-profit entity's workforce may be composed of transitional jobs programs subsidized participants at any point in time, and no supervisor at the entity shall have the responsibility for supervising more than one transitional job program participant.

''(IV) A private, for-profit entity shall not be allowed to participate as a worksite employer or program operator if the entity has previously exhibited a pattern of failing to provide transitional jobs participants with continued, unsubsidized employment with wages, benefits, and working conditions, that are equal to those provided to other unsubsidized employees who have worked a similar length of time and are doing similar work.

''(V) The duration of any subsidized placement under this clause shall be limited to the period of time required for the participant to become proficient in the performance of the tasks of the job for which the participant is employed.

''(VI) Transitional jobs participants shall only be placed with private, for-profit entities in which the participants will have the opportunity for permanent, unsubsidized employment in positions where they will learn skills that provide a clear pathway to higher paying jobs.

''(VII) At the time a transitional jobs placement is made, the entity shall agree in writing—

''(aa) to hire the participant into an unsubsidized position at the completion of the agreed upon subsidized placement, or sooner, provided that the transitional jobs participant's job performance has been satisfactory; and

''(bb) to provide the participant with access to employee benefits that would be available to an individual in an unsubsidized position of the employer within 12 months of the participant's initial placement in the subsidized position.

''(vi) EXCEPTION TO 20 PERCENT LIMITATION ON PRIVATE SECTOR PLACEMENTS.—

''(I) IN GENERAL.—A State may exceed the 20 percent limitation under clause (v)(I) if necessary because of the limited number of placement opportunities in public and nonprofit organizations in rural areas of the State, but only if the State includes in its plan a request to exceed such limitation and provides specific information describing why private placements in excess of the 20 percent limitation are necessary, including a specification of the rural areas in the State in which insufficient nonprofit or public sector placements are available and the projected distribution of private sector placements throughout the State.

''(II) CONSIDERATION OF REQUESTS.—The Secretary shall by regulation develop procedures for the prompt consideration and resolution of requests by a State to exceed the 20 percent limitation under clause (v)(I).

''(III) LIMITATION REMAINS IN NON-DESIGNATED AREAS.—If a request to exceed such 20 percent limitation is approved, the 20 percent limitation shall not apply in those areas of the State that have been designated to exceed such limit, but shall continue to apply in those areas of the State not so designated.

''(IV) INCLUSION OF INFORMATION IN ANNUAL REPORT.—With respect to any year in which the Secretary authorizes the State to exceed such 20 percent limitation, a State shall report on the number and geographic location of private sector slots used during the year in addition to the information required to be reported by the State under clauses (vii) and (viii) of subparagraph (G) .

''(F) GENERAL ELIGIBILITY.—

''(i) IN GENERAL.—Not less than ⅔ of the participants in a transitional jobs program within a State during a fiscal year shall be individuals who are, at the time they enter the program—

''(I) receiving assistance under the State program funded under this part;

''(II) not receiving assistance under the State program funded under this part, but who are unemployed, and who were recipients of assistance under a State program funded under this part within the immediately preceding 12-month period;

''(III) custodial parents of a minor child who meet the financial eligibility criteria for assistance under the State program funded under this part; or

''(IV) noncustodial parents with income below 100 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved).

''(ii) STATE OPTION TO FURTHER LIMIT ELIGIBILITY.—A State may further limit the eligibility of noncustodial parents to those noncustodial parents for whom at least 1 of the following applies to a minor child of the noncustodial parent:

''(I) The minor child is eligible for, or is receiving, assistance under the State program funded under this part.

''(II) The minor child received assistance under the program funded under this part in the 12-month period preceding the date of the determination but no longer receives such assistance.

''(III) The minor child is eligible for, or is receiving, assistance under the Food Stamp Act of 1977, benefits under the supplemental security income program under title XVI of this Act, medical assistance under title XIX of this Act, or child health assistance under title XXI of this Act.

''(iii) CONSULTATION.—A transitional jobs program that provides services to non-custodial parents shall consult with the State child support program funded under part D so that child support services are coordinated with transitional jobs program servvices.

''(iv) LIMITATION.—Not more than ⅓ of all participants in a transitional jobs program within a State during a fiscal year shall be individuals who have attained at least age 18 with income below 100 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved) who are not eligible under clause (i).

''(v) METHODOLOGY.—A State may use any reasonable methodology in calculating whether a participant satisfies the requirements of clause (i), make up ⅔ or more of all participants, and whether participants satisfying the requirements of clause (iv) make up not more than ⅓ of all participants in a fiscal year.

''(vi) AUTHORITY TO PROVIDE WORK-RELATED SERVICES TO INDIVIDUALS WHO HAVE REACHED THE 5 YEAR LIMIT.—A program operator under this paragraph may use the funds to provide transitional job program participation to individuals who, but for section 408(a)(7), would be eligible for assistance under the program funded under this part of the State in which the entity is located.

''(G) RELATIONSHIP TO OTHER PROVISIONS OF THIS PART; ADMINISTRATIVE PROVISIONS.—

''(i) RULES GOVERNING USE OF FUNDS.—The provisions of section 404, other than subsection (f) of section 404, shall not apply to a grant made under this paragraph.

''(ii) WORK PARTICIPATION REQUIREMENTS.—With respect to any month in which a recipient of assistance under a State or tribal program funded under this part satisfactorily participates in a transitional jobs program funded under a grant made under this paragraph, such participation shall be considered to satisfy the work participation requirements of section 407 and included for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) of that section.

''(iii) ADMINISTRATION.—Section 416 shall not apply to the programs under this paragraph.

''(iv) PROHIBITION AGAINST USE OF GRANT FUNDS FOR ANY OTHER FUND MATCHING REQUIREMENT.—An entity to which funds are provided under this paragraph shall not use any part of the funds to fulfill any obligation of any State or political subdivision under subsection (b) or section 418 or any other provision of this Act or other Federal law.

''(v) DEADLINE FOR EXPENDITURE.—An entity to which funds are provided under this paragraph shall remit to the Secretary of

Labor any part of the funds that are not expended within 3 years after the date on which the funds are so provided.

''(vi) REGULATIONS.—Within 90 days after the date of the enactment of this paragraph, the Secretary of Labor, alter consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to implement this paragraph.

''(vii) REPORTING REQUIREMENTS.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall establish requirements for the collection and maintenance of financial and participant information and the reporting of such information by entities carrying out activities under this paragraph. Such reporting requirements shall include, at a minimum, that States report disaggregated data on individual participants that include the following:

''(I) Demographic information about the participant including education level, literacy level, and prior work experience.

''(II) Identity of the program operator that provides or provided services to the participant, and the duration of participation.

''(III) The nature of education, training or other services received by the participant.

''(IV) Reason for the participant's leaving the programs.

''(V) Whether the participant secured unsubsidized employment during or within 60 days after the employment of the participant in a transitional job, and if so, details about the participant's unsubsidized employment including industry, occupation, starting wages and hours, availability of employer sponsored health insurance, sick and vacation leave.

''(VI) The extent to which subsidized and unsubsidized placements are in jobs or occupations identified in the State's plan as being in demand in the local economy and offering the opportunity for advancement and wage growth.

''(viii) ADDITIONAL REPORTING REQUIREMENTS.—States shall collect and report follow-up data for a sampling of participants reflecting their employment and earning status 12 months after entering unsubsidized employment.

''(ix) ANNUAL REPORT TO CONGRESS.—The Secretary of Labor shall submit an annual report to Congress on the activities conducted with grants made under this paragraph that includes information regarding the employment and earning status of participants in such activities.

''(H) NATIONAL COMPETITIVE GRANTS.—

''(i) IN GENERAL.—The Secretary of Labor shall award grants in accordance with this subparagraph, in fiscal years 2003 through 2007, for transitional jobs programs proposed by eligible applicants, based on the following:

''(I) The extent to which the proposal seeks to provided services in multiple sites that include sites in more than 1 State.

''(II) The extent to which the proposal seeks to provide services in a labor market area or region that includes portions of more than 1 State.

''(III) The extent to which the proposal seeks to provides transitional jobs in a State that is not eligible to receive an allotment under subparagraph (D).

''(IV) The extent to which the applicant proposes to provide transitional jobs in either rural areas or areas where there are a high concentration of residents with income that is less than the poverty line.

''(V) The effectiveness of the proposal in helping individuals who are least job ready move into unsubsidized jobs that provide pathways to stable employment and livable wages.

''(ii) ELIGIBLE APPLICANTS.—In this subparagraph, the term 'eligible applicant' means a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), a political subdivision of a State, or a private entity

''(iii) FUNDING.—For grants under this subparagraph for each fiscal year specified in clause (i), there shall be available to the Secretary of Labor an amount equal to 13.5 percent of the sum of—

''(I) the amount specified in subparagraph (K) for the fiscal year;

''(II) any amount available for the immediately preceding fiscal year that has not been obligated by a State; and

''(III) any funds available under this paragraph that have not been allotted due to a determination by the Secretary of Labor that the State has not qualified as a transitional jobs State.

''(I) FUNDING FOR INDIAN TRIBES.—5 percent of the amount specified in subparagraph (K) for each fiscal year shall be reserved for grants to Indian tribes under subparagraph (P).

''(J) FUNDING FOR EVALUATIONS OF TRANSITIONAL JOBS PROGRAMS.—1.5 percent of the amount specified in subparagraph (K) for each fiscal year shall be reserved for use by the Secretary to carry out subparagraph (O).

''(K) APPROPRIATIONS.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for grants under this paragraph—

''(I) $250,000,000 for fiscal year 2003;

''(II) $375,000,000 for fiscal year 2004; and

''(III) $500,000,000 for each of fiscal years 2005 through 2007.

''(ii) AVAILABILITY.—The amounts made available pursuant to clause (i) shall remain available for such period as is necessary to make the grants provided for in this paragraph.

''(L) WORKER PROTECTIONS.—

''(i) NONDUPLICATION.—

''(I) IN GENERAL.—Assistance provided through a grant made under this paragraph shall be used only for a program that does not duplicate, and is in addition to, an activity otherwise available in the locality of such program.

''(II) PRIVATE, NONPROFIT ENTITY.—Assistance provided through a grant made available under this paragraph shall not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency in the area in which such entity resides, unless the requirements of clause (ii) are met.

''(ii) NONDISPLACEMENT.—

''(I) IN GENERAL.—An employer shall not displace an employee or position (including partial displacement such as reduction in hours, wages, or employment benefits) or impair existing contracts for services or collective bargaining agreements, as a result of the use by such employer of a participant in a program receiving assistance under a grant made under this paragraph, and no participant shall be assigned to fill any established unfilled position vacancy.

''(II) JOB OPPORTUNITIES.—A job opportunity shall not be created under this section that will infringe in any manner on the promotional opportunity of an employed individual.

''(III) LIMITATION ON SERVICES.—

''(aa) SUPPLANTATION OF HIRING.—A participant in any transitional job program that receives funds under a grant made under this paragraph shall not perform any services or duties or engage in activities that will supplant the hiring of unsubsidized workers.

''(bb) DUTIES FORMERLY PERFORMED BY ANOTHER EMPLOYEE.—A participant in any transitional job program that receives funds under a grant made under this paragraph shall not perform services or duties that are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures, or which had been performed by or were assigned to any employee who recently resigned or was discharged, any employee who is subject to a reduction in force, any employee who is on leave (terminal, temporary, vacation, emergency, or sick), or any employee who is on strike or who is being locked out.

''(iii) CONCURRENCE OF LOCAL LABOR ORGANIZATION.—No work assignment under a transitional job program that receives funds under a grant made under this paragraph shall be made until the program operator has obtained the written concurrence of any local labor organization representing employees who are engaged in the same or substantially similar work as that proposed to be carried out for the program operator or worksite employer with whom a participant is placed.

''(iv) APPLICATION OF WORKER PROTECTION LAWS.—Participants employed in transitional jobs created under a transitional job program that receives funds under a grant made under this paragraph shall be considered to be employees for all purposes under Federal and State law, including laws relating to health and safety, civil rights, and worker's compensation.

''(M) GRIEVANCE PROCEDURE.—

''(i) IN GENERAL.—The State shall establish and maintain a grievance procedure for resolving complaints by unsubsidized employees of program operators or worksite employers or such employees' representatives alleging violations of clause (i), (ii), or (iii) of subparagraph (L), or by participants alleging violations of clause (ii), (iii), or (iv) of such subparagraph.

''(ii) LIMITATION.—Except in the case of a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

''(iii) HEARING.—A hearing on any grievance made under this subparagraph shall be conducted not later than 30 days after the filing of the grievance.

''(iv) DEADLINE FOR DECISION.—A decision on any grievance made under this subparagraph shall be made not later than 60 days after the filing of the grievance.

''(v) BINDING ARBITRATION.—

''(I) IN GENERAL.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or, in the event on noncompliance with the 60-day period required under clause (iv), the party who filed the grievance may submit the grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

''(II) SELECTION OF ARBITRATOR.—If the parties cannot agree on an arbitrator, the chief executive officer of the State shall appoint an arbitrator from a list of qualified arbitrators within 15 days after receiving a request for such appointment from a party to the grievance.

''(III) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for the arbitration proceeding, or, if the arbitrator is appointed by the chief executive officer of the State in accordance with subclause (II), not later than 30 days after the appointment of such arbitrator.

''(IV) DEADLINE FOR DECISION.—A decision concerning a grievance that has been submitted to binding arbitration under this clause shall be made not later than 30 days after the date the arbitration proceeding begins.

''(V) COST.—

''(aa) IN GENERAL.—Except as provided in item (bb), the cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

''(bb) EMPLOYEE IS PREVAILING PARTY.—If an employee or such employee's representative prevails under a binding arbitration proceeding under this clause, the State agency shall pay the total cost of such proceeding and the attorneys' fees of such employee or representative.

''(vi) REMEDIES.—Remedies for a grievance filed under this subparagraph include—

''(I) prohibition of the work assignment in the program funded under a grant made under this paragraph;

''(II) reinstatement of the displaced employee to the position held by such employee prior to displacement;

''(III) payment of lost wages and benefits of the displaced employee;

''(IV) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee; and

''(V) such equitable relief as is necessary to make the displaced employee whole.

''(vii) JUDICIAL REVIEW.—An action to enforce remedy or an arbitration award under this paragraph may be brought in any district court of the United States, without regard to the amount in controversy or the citizenship of the parties to the action.

''(viii) NON-EXCLUSIVE PROCEDURES.—The grievance procedures specified in this subparagraph are not exclusive and an aggrieved employee or participant in a program funded under a grant made under this paragraph may use alternative procedures available under applicable contracts, collective bargaining agreements, or Federal or State laws.

''(N) NON-PREEMPTION OF STATE LAW.—The provisions of subparagraphs (L) and (M) of this paragraph shall not be construed to preempt any provision of State law that affords greater protections to employees or to other participants engaged in work activities under a program funded under this part than is afforded by the provisions of this paragraph.

''(O) EVALUATION OF TRANSITIONAL JOBS PROGRAMS.—

''(i) EVALUATION.—The Secretary, in consultation with the Secretary of Labor—

''(I) shall develop a plan to evaluate the extent to which transitional jobs programs funded under this paragraph have been effective in promoting sustained, unsubsidized employment for each group of eligible participants;

''(II) may evaluate the use of such grants by such grantees as the Secretary deems appropriate, in accordance with an agreement entered into with the grantees after good-faith negotiations; and

''(III) should include the following outcome measures in the plan developed under subclause (I):

''(aa) Placements in unsubsidized employment.

''(bb) Placements in unsubsidized employment that last for at least 12 months, and the extent to which individuals are employed continuously for at least 12 months.

''(cc) Earnings of individuals who obtain employment at the time of placement.

''(dd) Earnings of individuals one year after placement.

''(ee) The occupations and industries in which wage growth and retention performance is greatest.

''(ff) Average expenditures per participant.

''(P) GRANTS TO INDIAN TRIBES.—

''(i) IN GENERAL.—The Secretary shall award a grant in accordance with this subparagraph to an Indian tribe for each fiscal year specified in subparagraph (K) for which the Indian tribe is a transitional jobs tribe, in such amount as the Secretary of Labor deems appropriate.

''(ii) TRANSITIONAL JOBS TRIBE.—An Indian tribe shall be considered a transitional jobs tribe for a fiscal year for purposes of this subparagraph if the Indian tribe meets the following requirements:

''(I) The Indian tribe has submitted to the Secretary a plan which describes how, consistent with this paragraph, the Indian tribe will use any funds provided under this subparagraph during the fiscal year. If the Indian tribe has a tribal family assistance plan, the plan referred to in the preceding sentence shall be in the form of an addendum to the tribal family assistance plan.

''(II) The Indian tribe is operating a program under a tribal family assistance plan approved by the Secretary, a program described in section 412(a)(2)(C), or an employment program funded through other sources under which substantial services are provided to recipients of assistance under a program funded under this part.

''(III) The Indian tribe has agreed to negotiate in good faith with the Secretary with respect to the substance and funding of any evaluation under subparagraph (O), and to cooperate with the conduct of any such evaluation.''.

SEC. 3. INNOVATIVE BUSINESS LINK PARTNERSHIP FOR EMPLOYERS AND NONPROFIT ORGANIZATIONS.

(a) AUTHORITY TO AWARD GRANTS.—The Secretary of Health and Human Services and the Secretary of Labor (in this section referred to as the ''Secretaries'') jointly shall award grants in accordance with this section for projects proposed by eligible applicants based on the following:

(1) The potential effectiveness of the proposed project in carrying out the activities described in subsection (e).

(2) Evidence of the ability of the eligible applicant to leverage private, State, and local resources.

(3) Evidence of the ability of the eligible applicant to coordinate with other organizations at the State and local level.

(b) DEFINITION OF ELIGIBLE APPLICANT.—In this section, the term ''eligible applicant'' means a nonprofit organization, a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), or a political subdivision of a State. In addition, in order to qualify as an eligible applicant for purposes of subsection (e), the applicant must provide evidence that the application has been developed by and will be implemented by a local or regional consortium that includes, at minimum, employers or employer associations, education and training providers, and social service providers.

(c) REQUIREMENTS.—In awarding grants under this section, the Secretaries shall—

(1) consider the needs of rural areas and cities with large concentrations of residents with an income that is less than the 150 percent of the poverty line; and

(2) ensure that all of the funds made available under this section (other than funds reserved for use by the Secretaries under subsection (j)) shall be used for activities described in subsection (e).

(d) DETERMINATION OF GRANT AMOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), in determining the amount of a grant to be awarded under this section for a project proposed by an eligible applicant, the Secretaries shall provide the eligible applicant with an amount sufficient to ensure that the project has a reasonable opportunity to be successful, taking into account—

(A) the number and characteristics of the individuals to be served by the project;

(B) the level of unemployment in such area;

(C) the job opportunities and job growth in such area;

(D) the poverty rate for such area; and

(E) such other factors as the Secretary deems appropriate in the area to be served by the project.

(2) AWARD CEILING.—A grant awarded to an eligible applicant under this section may not exceed $10,000,000.

(e) ALLOWABLE ACTIVITIES.—

(1) PROMOTE BUSINESS LINKAGES.—An eligible applicant awarded a grant under this section shall use funds provided under the grant to promote business linkages in which funds shall be used to fund new or expanded programs that are designed to—

(A) substantially increase the wages of low-income parents, noncustodial parents, and other low-income individuals, whether employed or unemployed, who have limited English proficiency or other barriers to employment by upgrading job and related skills in partnership with employers, especially by providing services at or near work sites; and

(B) identify and strengthen career pathways by expanding and linking work and training opportunities for low-earning workers in collaboration with employers.

(2) CONSIDERATION OF IN-KIND, IN-CASH RESOURCES.—In determining which programs to fund under this subsection, an eligible applicant awarded a grant under this section shall consider the ability of a consortium to provide funds in-kind or in-cash (including employer-provided, paid release time) to help support the programs for which funding is sought.

(3) PRIORITY.—In determining which programs to fund under this subsection, an eligible applicant awarded a grant under this section shall give priority given to programs that include education or training for which participants receive credit toward a recognized credential.

(4) USE OF FUNDS.—

(A) IN GENERAL.—Funds provided to a program under this subsection may be used for a comprehensive set of employment and training benefits and services, including job development, job matching, curricula development, wage subsidies, retention services, and such others as the program deems necessary to achieve the overall objectives of this subsection.

(B) PROVISION OF SERVICES.—So long as a program is principally designed to assist eligible individuals, funds may be provided to a program under this subsection that is designed to provide services to categories of low-earning employees for 1 or more employers and such a program may provide services to individuals who do not meet the definition of low-income established for the program.

(f) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this section, the term ''eligible individual'' means—

(A) an individual who is a parent who is a recipient of assistance under a State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) an individual who is a parent who has ceased to receive assistance under such a State or tribal program; or

(C) a noncustodial parent who is unemployed, or having difficulty in paying child support obligations.

(g) APPLICATION.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretaries at such time, in such manner, and accompanied by

such information as the Secretaries may require.

(h) ASSESSMENTS AND REPORTS BY GRANTEES.—

(1) IN GENERAL.—An eligible applicant that receives a grant under this section shall assess and report on the outcomes of programs funded under the grant, including outcomes related to job placement, 1-year employment retention, wage at placement, and earnings progression, as specified by the Secretaries.

(2) ASSISTANCE.—The Secretaries shall—

(A) assist grantees in conducting the assessment required under paragraph (1) by making available where practicable low-cost means of tracking the labor market outcomes of participants; and

(B) encourage States to also provide such assistance.

(i) APPLICATION TO REQUIREMENTS OF THE STATE TANF PROGRAM.—

(1) WORK PARTICIPATION REQUIREMENTS.—With respect to any month in which a recipient of assistance under a State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) who satisfactorily participates in a business linkage program described in subsection (e) that is paid for with funds made available under a grant made under this section, such participation shall be considered to satisfy the work participation requirements of section 407 of the Social Security Act (42 U.S.C. 607)) and included for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) of such section.

(2) PARTICIPATION NOT CONSIDERED ASSISTANCE.—A benefit or service provided with funds made available under a grant made under this section shall not be considered assistance for any purpose under a State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(j) ASSESSMENTS BY THE SECRETARIES.—

(1) RESERVATION OF FUNDS.—Of the amount appropriated under subsection (k), $3,000,000 is reserved for use by the Secretaries to prepare an interim and final report summarizing and synthesizing outcomes and lessons learned from the programs funded through grants awarded under this section.

(2) INTERIM AND FINAL ASSESSMENTS.—With respect to the reports prepared under paragraph (1), the Secretaries shall submit—

(A) the interim report not later than 4 years after the date of enactment of this Act; and

(B) the final report not later than 6 years after such date of enactment.

(k) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for carrying out this section, $250,000,000 for the period of fiscal years 2003 through 2007.

By Mr. HARKIN:

S. 2632. A bill to provide an equitable formula for computing the annuities of surviving spouses of members of the uniformed services who died entitled to retired or retainer pay but before the Survivor Benefit Plan existed or applied to the members, and for other purposes; to the Committee on Armed Services.

Mr. HARKIN. Madam President, a couple weeks ago, on Memorial Day, we promised to remember and honor those who have sacrificed so much to serve our country. In Iowa, Mary ''Beth'' James and her family were honoring the memory of her husband, Bob James. But I'm afraid we have forgotten Beth, and not done Bob justice. Today I am introducing a bill for Beth and the other ''Forgotten Widows.''

Bob James proudly served his country as an active member of the Army and Army Reserves for 35 years, until he passed away in 1977. Bob's service began with the Amphibious Combat Infantry in North Africa and Italy in World War II. As a junior officer, Bob James landed with the Third Division near Casablanca, and later served with the 34th Division through the North African and Tunisian campaigns, as well as in amphibious landings at Solarno, Italy, the battle of Mt. Casino and four crossings of the Volturno River. He was awarded the Bronze Star medal for the Rome-Arno campaign and was given a battlefield promotion to First Lieutenant.

After five years in World War II, he carried a mobilization designation as part of his 30-year reserve duty with the Selective Service Unit in Cedar Rapids that he proposed and was asked by General Hershey to organize. In fact, Bob served longer than the usual 30 years because General Hershey personally requested that he remain in active Reserves until he reached the age of 60.

When Bob became ill, he continued to attend Reserve meetings. His wife, Beth, now age 83, remembers Bob telling her on April 9, 1977, Easter Sunday, ''I only have to live another six months.'' You see, he was worried about Beth's welfare after he passed away. He knew he had to turn 60 before he could enroll in the military's Survivor Benefit Plan to provide for Beth after he passed away. Unfortunately, Bob was not able to hold on. Lieutenant Colonel William R. James, USAR, died at age 59½ in 1977, 5½ months before his 60th birthday.

Under the military's Survivor Benefit Plan, members who choose to enroll in the plan have a small deduction taken from their retirement benefit each month so that their spouses can continue to receive a portion of the benefit after the member dies. When the Reserve Component Survivor's Benefit Plan was established in 1972, members could not sign up for survivors benefits until they became eligible for the retirement benefit at age 60. Because of this arbitrary rule, and because Bob died at 59½, Beth received no survivor's benefit even though Bob served in the military for 35 years and had more than the maximum number of points used in calculating retirement benefits.

Congress quickly became aware of this unjust consequence of the SBP law. One year after Bob's death, Congress took action to correct the unfair enrollment structure of the Reserve Component Survivor's Benefit Plan. Legislation passed in 1978 allows Reserve Component members to decide whether or how they will participate in the RCSBP when they are notified of retirement eligibility, but not yet eligible to receive retired pay, in almost all cases, many years before reaching age 60. Had this legislation been enacted earlier, Bob could have provided for Beth's security.

Unfortunately, when drafting the legislation in 1978, Congress forgot about Beth and thousands of spouses like her whose husbands, despite having served their country for at least 20 years, died before they were allowed to enroll in the program to provide for their survivors.

Congress continued to ignore these widows until 1997. Led by my colleague from South Carolina, Senator THURMOND, Congress finally took an important, but limited, step to recognize the ''Forgotten Widows,'' as Beth and the other spouses had come to be known. Congress created a special annuity of $165 per month for the Forgotten Widows. For the first time in 20 years, Beth James received some support from our government in return for Bob James' service to his country.

While the annuity for certain military surviving spouses created in 1997 was certainly a step in the right direction, it is by no means adequate. The forgotten widows currently receive about $185 per month, after cost of living increases since 1997. In comparison, the monthly SBP benefits average is about $580 for beneficiaries over 62 and the monthly RC–SBP benefits average about $325 for beneficiaries over 62. The current benefit for forgotten widows is low for two reasons. First, the fiscal year 1998 legislation initially set the ACMSS benefit at the minimum allowable amount a service member could elect, even though most members participate at a higher level. Second, the 1997 legislation did not take into account cost of living increases that the widows would have received for more than two decades. If these widows had been enrolled in these programs in 1972 at the minimum level, their monthly benefit today would be approximately $434, rather than $185.

The Forgotten Widows' Benefit Equity Act of 2002 amends the Annuity for Certain Military Surviving Spouses program established in the fiscal year 1998 Defense Authorization Bill. It does not change the eligibility criteria for the program. It directs the Department of Defense to calculate each surviving spouse's annuity assuming that the member had enrolled in the SBP before he died and had elected a base amount equal to his retired pay. For almost all forgotten widows this will be much more than the current annuity; if it is not, the survivor will continue to receive the current benefit. This approach ensures that the survivors' annuities take into account the members' rank and years of service, and the past cost of living increases.

It is possible that some of the members would not have elected to participate in the SBP, or would not have chosen a base amount of 100 percent of retired pay, and thus the survivors would have received a lower benefit. However, they were never given that choice. And most members today do

choose to participate at or near the highest level. In addition, this legislation is not retroactive; the forgotten widows will not be compensated for the thousands of dollars of benefits they would have received for over 20 years.

These women, whose husbands devoted over 20 years of their lives to defending our freedoms and some of whom received no pensions of their own, were abandoned by our government for at least 20 years. While Congress recognized our responsibility to them in 1998, we have not fully met our obligation to provide them with an adequate, fair benefit. We can and must do better. We must stand by our Memorial Day promises to remember those who sacrificed for our country. I ask my colleagues to do what is right and support passage of the Forgotten Widow's Benefit Equity Act of 2002.

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. 2632

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 ''Forgotten Widows' Benefit Equity Act of 2002''.

SEC. 2. EQUITABLE AMOUNT OF SURVIVOR ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) FORMULA.—Subsection (b) of section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1448 note) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) An annuity payable under this section for the surviving spouse of a deceased member shall be equal to the higher of $186 per month, as adjusted from time to time under paragraph (3), or the applicable amount as follows:

''(A) In the case of the surviving spouse of a deceased member described in subparagraph (A) of subsection (a)(1) who died before September 21, 1972, the amount computed under the SBP program, from the day after the date of death, as if—

''(i) the SBP program had become effective on the day before the date of the death of the deceased member; and

''(ii) the member had effectively elected to provide the maximum survivor annuity for the surviving spouse under the SBP program.

''(B) In the case of the surviving spouse of a deceased member described in subparagraph (A) of subsection (a)(1) who died after September 20, 1972, the amount computed under the SBP program, from the day after the date of death, as if the member had effectively elected to provide the maximum survivor annuity for the surviving spouse under that program.

''(C) In the case of the surviving spouse of a deceased member described in subparagraph (B) of subsection (a)(1) who died before October 1, 1978, the amount computed under the SBP program, from the day after the date of death, as if—

''(i) the SBP program, as in effect on October 1, 1978, had become effective on the day before the date of the death of the deceased member;

''(ii) the member had been 60 years of age on that day; and

''(iii) the member had effectively elected to provide the maximum survivor annuity for the surviving spouse under the SBP program.''; and

(2) in paragraph (3), by inserting after ''the annuity that is payable under this section'' the following: ''in the amount under paragraph (1) that is adjustable under this paragraph''.

(b) SBP PROGRAM DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) The term 'SBP program' means subchapter II of chapter 73 of title 10, United States Code.''.

(c) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by subsections (a) and (b) shall take effect on October 1, 2002.

(2) The Secretary concerned shall recompute under section 644 of Public Law 105–85 (as amended by subsections (a) and (b)) the amounts of the survivor annuities that are payable under such section for months beginning after the effective date under paragraph (1).

(3) No benefit shall be payable for any period before the effective date under paragraph (1) by reason of the amendments made by subsections (a) and (b).

By Mr. BIDEN (for himself, and Mr. GRASSLEY):

S. 2633. A bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlling substance, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Madam President, over the past several years, I have become increasingly concerned with the trafficking and use of the newest fad drug, Ecstasy. All across the country, thousands of teenagers are treated for overdoses and Ecstasy-related health problems in emergency rooms each year. And recent statistics from the Partnership for a Drug Free America show that teen use of Ecstasy has increased 71 percent since 1999. Unless we mount a major education campaign across schools and campuses nationwide, we may not be able to counter the widespread misconception that Ecstacy is harmless, fashionable and hip.

Much of the abuse of Ecstasy and other club drugs happens at all-night dance parties known as ''raves.'' A few months ago in the Caucus on International Narcotics Control I held a hearing to take an in-depth look at the phenomenon of these all-night dance parties and recent efforts at the Federal, State and local levels to crack down on rave promoters who allow rampant drug use at their events and do everything they can to profit from it.

It is common for rave organizers to go to great lengths to portray their events as safe so that parents will allow their kids to attend. They advertise them as alcohol-free parties and some even hire off-duty police officers to patrol outside the venue. But the truth is that many of these raves are drug dens where use of Ecstasy and other ''club drugs,'' such as the date rape drugs Rohypnol, GHB and Ketamine, is widespread.

But even as these promoters work to make parents think that their events are safe, they send a different message to kids. Their promotional flyers make clear that drugs are an integral part of the party by prominently featuring terms associated with drug use, such as the letters ''E'' or ''X,'' street terms for Ecstasy, or the term ''rollin,'' which refers to an Ecstasy high. They are, in effect, promoting Ecstasy along with the rave.

By doing so, the promoters get rich as they exploit and endanger kids. Many supplement their profits from the $10 to $50 cover charge to enter the club by selling popular Ecstasy paraphernalia such as baby pacifiers, glow sticks, or mentholated inhalers. And party organizers know that Ecstasy raises the core body temperature and makes the user extremely thirsty, so they sell bottles of water for $5 or $10 apiece. Some even shut off the water faucets so club goers will be forced to buy water or pay admission to enter an air-conditioned ''cool down room.''

Despite the conventional wisdom that Ecstasy and other club drugs are ''no big deal,'' a view that even the New York Times Magazine espoused in a cover story, these drugs can have serious consequences, and can even be fatal.

After the death of a 17-year-old girl at a rave party in New Orleans in 1998, the Drug Enforcement Administration conducted an assessment of rave activity in that city which showed the close relationship between these parties and club drug overdoses. In a two year period, 52 raves were held at the New Orleans State Palace Theater, during which time approximately 400 teenagers overdosed and were treated at local emergency rooms. Following ''Operation Rave Review'' which resulted in the arrest of several rave promoters and closing the city's largest rave, overdoses and emergency room visits dropped by 90 percent and Ecstasy overdoses have been eliminated.

State and locals governments have begun to take important steps to crack down on rave promoters who allow their events to be used as havens for illicit drug activity. In Chicago, where Mayor Daley has shown great leadership on this issue, it is a criminal offense to knowingly maintain a place, such as a rave, where controlled substances are used or distributed. Not only the promoter, but also the building owner and building manager can be charged under Mayor Daley's law. The State of Florida has a similar statute making such activity a felony.

And in Modesto, California, police officers are offering ''rave training classes'' to parents to educate them about the danger of raves and the club drugs associated with them.

And at the Federal level, there have been four cases in which Federal prosecutors have used the so called ''crack

house statute'' or other Federal charges to go after rave promoters. These cases, in Little Rock, AR, Boise, ID, Panama City, FL, and New Orleans, LA, have had mixed results, culminating in two wins, a loss and a draw, suggesting that there may be a need to tailor this Federal statute more precisely to the problem at hand. Today I am proposing legislation, Reducing Americans' Vulnerability to Ecstasy Act, or the ''RAVE'' Act, which will do just that. I am pleased to have Senator GRASSLEY as the lead cosponsor.

The bill tailors the crack house statute to address rave promoters' actions more specifically so that Federal prosecutors will be able to use it to prosecute individuals who allow rampant drug use at their events and seek to profit from putting kids at risk. The legislation also addresses the low penalties for trafficking gamma hydroxybutyric acid, GHB, by directing the United States Sentencing Commission to examine the current penalties and consider increasing them to reflect the seriousness of offenses involving GHB.

But the answer to the problem of drug use at raves is not simply to prosecute irresponsible rave promoters and those who distribute drugs. There is also a responsibility to raise awareness among parents, teachers, students, coaches, religious leaders, etc. about the dangers of the drugs used and sold at raves. The RAVE Act directs funds to the DEA for that purpose. Further, the bill authorizes nearly $6 million for the DEA to hire a Demand Reduction Coordinator in each state who can work with communities following the arrest of a significant local trafficker to reduce the demand for drugs through prevention and treatment programs.

It is the unfortunate truth that most raves are havens for illicit drugs. Enacting the RAVE Act will help to prosecute the promoters who seek to profit from exploiting and endangering young lives and will take steps to educate youth, parents and other interested adults about the dangers of Ecstasy and other club drugs associated with raves.

I hope that my colleagues will join me and support this legislation.

Mr. GRASSLEY. Madam President, I am pleased to join my colleague Senator BIDEN today in introducing the RAVE Act, or Reducing America's Vulnerability to Ecstacy Act of 2002. I believe this legislation will help America's law enforcement go after the latest methods drug dealers are using to push drugs on our kids. As drug dealers discover new drugs and new methods of pushing their poison, we must make sure our legal system is adequately structured to react appropriately. I believe this legislation does that.

Many young people perceive Ecstasy as harmless and it is wrongly termed a recreational or ''kid-friendly'' drug. This illegal substance does real damage to real lives. Although targeted at teenagers and young adults, its use has spread to the middle-aged population and rural areas, including my own State of Iowa. Ninety percent of all drug treatment and law enforcement experts say that Esctasy is readily accessible in this country. We cannot continue to allow easy access to this drug or ignore the consequences of its use.

The sale of illicit narcotics, whether on a street corner here in Washington, D.C., or a warehouse in Des Moines, IA, must be confronted and halted wherever possible. One of the new, ''trendy'' illicit narcotics is Ecstasy, an especially popular club drug that is all too often being sold at all-night dance parties, or raves. Ecstasy is an illegal drug that has extremely dangerous side effects. In general, Ecstasy raises the heart rate to dangerous levels, and in some cases the heart will stop. It also causes severe dehydration, a condition that is exacerbated by the high levels of physical exertion that happens at raves. Users must constantly drink water in an attempt to cool off, a fact that some rave promoters take advantage of by charging exorbitant fees for bottles of water. Too often, users collapse and die because their bodies overheat. And even those who survive the short-term effects of Ecstasy use can look forward long-term problems such as depression, paranoia, and confusion, as scientists have learned that Ecstasy causes irreversible changes to the brain.

The legislation that we introduce today is the result of information gathered during a series of hearings held by the Caucus on International Narcotics Control. It will help U.S. attorneys shut down raves and prosecute rave promoters who knowingly maintain a place where drugs are used, kept, or sold by expanding the existing statute that allows the closure and prosecution of crack house operators.

The statute would only be applicable if the rave promoters or location owners ''knowingly and intentionally'' either use or allow to be used space for an event where drugs will be ''manufactured, stored, distributed, or used.'' This legislation will not eliminate all raves. Provided rave promoters and sponsors operate such events as they are so often advertized, as places for people to come dance in a safe, alcohol-free environment, then they have nothing to fear from this law. But this legislation will give law enforcement the tools needed to shut down those rave operators and promoters who use raves as a cover to sell drugs. Innocent owners or proprietors will remain exempt from prosecution.

This legislation is an important step, but a careful one. Our future rests with the young people of this great nation and America is at risk. Esctasy has shown itself to be a formidable threat and we must confront it on all fronts, not only through law enforcement but education and treatment as well. I hope my colleagues will join us in supporting the RAVE Act, and help us work towards its quick passenge.

By Mr. KENNEDY:

S. 2638. A bill to encourage health care facilities, group health plans, and health insurance issuers to reduce administrative costs, and to improve access, convenience, quality, and safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Madam President, today I am introducing the Efficiency in Health Care, eHealth Care, Act. The time is long overdue to improve the efficiency and effectiveness of America's antiquated healthcare information technology systems. We can achieve large cost savings and improve patient care by bringing the nation's health care systems into the information age.

The eHealth Care Act provides modern standards for financial transactions such as billing and claims processing that can only be met by adoption of the same kind of high volume, speedy, cost-efficient technology that has dramatically lowered administrative costs in other industries. The new standards will be coupled with grants to health care providers to assist them in upgrading their information technologies to meet these new demands.

Estimates are that administrative costs currently represent 20 to 30 percent of health care spending, or up to $420 billion each year. While other industries are making full use of available information technology, health care has been a very slow adopter. And this bill will reduce health care administration by as much as $300 billion a year, enough to provide universal health coverage for every American many times over.

The sad fact is that processing a single health care transaction can cost as much as 25 dollars. Other industries have drastically reduced administrative costs by using modern information technology. Banks and brokerages have cut their costs to less than a penny per transaction using modern technology. Health care remains one of the few industries clinging to antiquated 20th century technology while the rest of the Nation's businesses have moved into the 21st century. This bill will provide the tools for health care systems to make a great leap forward by using new technologies to cut costs.

Recent breakthroughs in technology not only can save money, but also can provide more timely and accurate billing and claims transactions. Today, only 10 or 15 percent of all patient charts are available electronically, and it costs about $9 each and every time a doctor has to pull a patient's chart. Even worse, despite the high cost, the patient's chart is often incomplete. Through advances in technology, doctors should be able to access complete patient records at a huge cost saving. That is not only more efficient care, it is better care.

Today, 30 percent of doctor's claims leave the physician's office with errors, and nearly 15 percent get lost. Manual procedures for handling referrals, eligibility, treatment authorizations, and

explanations of benefits can add anywhere from $10 to $85 per transaction. In fact, estimates are that $250 billion is spent each year on medical claims paperwork. Paper claims processing amounts to $28,000 per physician and $12.7 billion for all physicians each year. Conducting these transactions online could cut that figure tenfold. We are clearly not getting much bang for our buck. The eHealth Care Act will provide the standards needed for health plans, insurers, providers, and patients to realize both the cost savings and better billing and claims transactions.

But the cost to the health care system is not just monetary. The eHealth Care bill will also set standards for physicians ordering prescription medications. Medication errors are responsible for over 7,000 deaths annually, but doctors currently write only 1 percent of prescriptions electronically. By requiring adoption of computerized systems for writing prescriptions, errors due to mistaken prescriptions or illegible handwriting will be reduced. There is no excuse for patients to be harmed and even die when we have the technology to save them.

I look forward to working with my colleagues here in the Senate to get this very important legislation passed.

By Mr. KENNEDY (for himself and Mr. CORZINE):

S. 2639. A bill to provide health benefits for workers and their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Madam President, today I am introducing the Health Care for Working Families Act, a bill that will make the basic human right to health care a reality for millions of working Americans and their families.

The tragedy of September 11 created a special obligation to address the injustices that have festered for far too long within our national family. The brave passengers of Flight 93 fought and defied the terrorists and saved the lives of thousands. Construction and health workers braved the treacherous fire and debris to rescue survivors and recover the remains of those who lost their lives. Police and firefighters, and ordinary citizens, gave their lives so that others might live. And thousands of Americans all over the country lined up to donate blood to help the victims.

I believe that the most enduring legacy of the September 11 attacks is a new sense of community among all Americans. A nation that has united to battle a terrorist threat from abroad can also unite to vanquish the conditions here at home that curtail the opportunities and sadden the lives of so many of our fellow citizens. Just as the British people came together after World War II to provide health care for all citizens of the United Kingdom, we join hands after September 11 to guarantee all citizens of the United States the protection and opportunity that should be their birthright. There is no area where action is more urgently needed than health care.

Americans are rightly proud to be at the forefront of medical and scientific advancement. In the past year, we successfully mapped the human genome. We developed new pharmaceuticals to target specific cancers. We have seen the promise stem cell research gives to millions suffering from chronic diseases. We clearly recognize the value of scientific achievement and have always been supportive of the great institutions and individuals that are driving our progress.

But our successes in the science of medicine must not blind us to the great failure of our health care system, the failure to provide affordable, quality health insurance to all our people. We lead the world in medical research. We lead the world in our capacity to cure and treat the most complex and deadly illnesses. But we lag behind every country in the industrial world in guaranteeing all our people access to the best medical care we can offer. And today we face another health care crisis as the number of the uninsured has begun to rise and rise rapidly.

Health care is not just another commodity. It is not a gift to be rationed based on the ability to pay. The state of a family's health should not be determined by the size of a family's wealth.

Yet, thirty-nine million Americans now have no health insurance at all. Over the course of a year, 30 million more will lack coverage for an extended period. It is unacceptable that any American is uninsured. It is shameful that thirty-nine million Americans are uninsured. And it is intolerable that the number of uninsured is now rising again and, if we do nothing, could reach more than 52 million by the end of the decade.

Who are the 39 million uninsured Americans who must go without the health care they need because they must do without the health insurance they deserve? Over 80 percent are members of working families. They are grocery baggers, car mechanics, construction workers. They are factory workers, nurses and nurses aides, secretaries and the self-employed. They are child care workers and waiters and cooks. They are teachers and social workers. They are veterans. They are people who wake up every morning and go to work. They work hard 40 hours a week and fifty-two weeks a year, but all their hard work cannot buy them the health insurance they need to protect themselves and their families, because they can't afford it and their employers don't provide it.

They play by the rules. They stand by their families and their country. But when it comes to health insurance, America has let them down.

A recent report by the Institute of Medicine lays out the stark result of America's failure to provide health insurance. Cancer, stroke, heart disease, leukemia, AIDS, and other serious illnesses know nothing about insurance, or economic class or race or creed. They can strike anyone equally. And when they do, the uninsured are left out and left behind. In hospital or out, young or old, black or white, the uninsured receive less care, suffer more pain, and die at higher rates than those who are insured.

One-third of uninsured Americans will simply go without care when they get sick instead of seeking medical attention. They stop and ask themselves whether their symptoms or their childrens symptoms are truly worth a doctor visit. Is this cough just a cold or could it be strep throat? Is this pain in my bones indicative of something more serious or will it eventually go away if I ignore it? Millions of families are forced to decide between their health and other necessities of life. They ration health care for themselves and their children, and too often they pay a terrible price.

Every year, 8 million uninsured Americans fail to take their medications because they can't afford to pay for their prescriptions. 300,000 children with asthma never get treated by a doctor. Uninsured women diagnosed with breast cancer are 50 percent more likely to die from the disease because their cancer is diagnosed later. 32,000 Americans with heart disease go without life-saving bypass surgery or angioplasty. The chilling bottom line is that Americans without health insurance are one-quarter more likely to die prematurely solely because they lack coverage.

The legislation I am introducing today is a major step forward toward the day when all Americans will enjoy the health insurance that should be their birthright This measure will require every firm with more than 100 workers to provide health insurance coverage for employees and their dependents. This coverage must be as good as the coverage now provided for Federal employees. If good health insurance coverage is available to every member of the Senate, to every member of the House, and to the President of the United States, it ought to be available to every other American too.

This measure alone would assure coverage for more than a third of today's uninsured workers.

For generations we have required employers to contribute to Social Security and then to Medicare. We have required them to pay a minimum wage, and contribute to unemployment insurance. Now it is time to say, at least for large firms, that they also have an obligation to contribute to the cost of health insurance for their employees. The vast majority of large businesses already do so, and the rest should fulfill that obligation, too.

The legislation I am introducing is supported by more than 100 health, labor, elderly, disability, church, and family groups. It deserves the support of Congress as the single most important way to move America closer to the goal of health care for all.

This legislation is an important first step toward the day when the fundamental right to health care will be a reality for every American. But it is only a first step. Later this year, after broad consultation with affected groups, I will introduce legislation to assure that all Americans, wherever they work, wherever they live, have the quality, affordable health insurance coverage they deserve.

Health care is a defining test of our commitment and our national character. The American people have shown that they are ready for great missions. They are the creators of the new spirit of September 11. Now, we in public life must live up to the standards they have set.

We must strive to do what is best, in health and education as well as national defense, and we must measure our success by what we accomplish not just for one political party or another, not for this or that interest group, but for America and its enduring ideal of liberty and justice for all.

By Mrs. FEINSTEIN:

S. 2640. A bill to provide for adequate school facilities in Yosemite National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Madam President, I am pleased to introduce this legislation today to authorize the Interior Department to provide critical services to three national parks in my home State of California.

With the passage of this bill, Yosemite, Manzanar, and Golden Gate National Parks will receive the Federal support needed to continue to offer a broad range of services to the millions of tourists and Californians who visit these national treasures each year.

This bill meets four distinct needs in these parks: it authorizes the Interior Secretary to designate Federal emergency funds to small schools in Yosemite National Park, allows the Yosemite Area Regional Transportation System, YARTS, to continue operating and extends the Manzanar and Golden Gate National Recreational Area, GGNRA, Advisory Commissions for ten more years.

The first component of this bill provides critical funds to three small schools nestled in the heart of Yosemite National Park.

Approximately 126 children of park service employees are taught in the quaint one-room buildings of Wawoma, El Portal, and Yosemite Valley elementary schools. The remote location of these schools, along with their small sizes and California's unique method for funding education, have all contributed to the schools amassing a combined deficit of $241,000. In their efforts to continue to provide basic educational services to students, the schools have had to cut supplemental instruction that would normally be available to students taught outside of the Park.

In light of these facts, this bill allows the Interior Secretary to assist these schools if their combined state funding falls below $75,000. It also clarifies how funds will be used by limiting allocations to providing general upkeep, maintenance, and classroom instruction.

Furthermore, this legislation allows the Park Service to allot federal funds for the continuing operation of the Yosemite Area Regional Transportation System, YARTS.

YARTS is a bus service that gives visitors the option of taking a free shuttle through Yosemite National Park instead of driving on their own. Since it began operating in 2000, this service has played a crucial role in improving visitor accessibility to the Park's attractions, alleviating traffic congestion on access roads and reducing the amount of air pollution emitted by incoming cars.

The Federally funded demonstration project that allowed YARTS to offer services on a temporary basis expired in May and since then, YARTS has leveraged local funds to ensure that services were not discontinued.

Both the Park Service and YARTS are supportive of continuing their mutually beneficial agreement. This legislation would do just that by taking the burden off local entities and providing the necessary assistance that this service needs.

The last component of this bill will extend the advisory commissions of the Manzanar Historic Site and Golden Gate National Recreation Area for ten more years.

Both of these commissions have active committees that represent a wide range of user groups from bicyclists to bird watchers to outdoor enthusiasts. They provide a vital communications link between the Park Service and the surrounding communities that enjoy the attractions that these national sites have to offer. Without these commissions, the Park Service would be hard pressed to provide the same level of service and attention to the broad interests and diverse communities that they serve.

I continue to be a strong advocate for public involvement in Park Service decisions. I believe that these commissions have been essential in ensuring that the Park Service upholds its commitment to allow community participation in its decision making process, particularly when it comes to contentious issues.

California's national parks are truly invaluable, each one of the parks that this bill supports offers an opportunity for visitors and residents to enjoy unique national habitats and open spaces. This legislation mark the beginning of a process that I hope will result in the Park Service and the community working together not only to protect the environment, but also the interests of the nearby communities. I invite my colleagues to join me in supporting this bill.

By Mrs. MURRAY (for herself, Mr. BAUCUS, Ms. CANTWELL, Mr. DAYTON, and Mr. WELLSTONE):

S. 2641. A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products; to the Committee on Environment and Public Works.

Mrs. MURRAY. Madam President, today I rise and join my colleagues Senators BAUCUS, CANTWELL, DAYTON, and WELLSTONE in introducing legislation to improve protections for workers and consumers against a known carcinogen: asbestos. The primary purpose of the Ban Asbestos in America Act of 2002 is to require the Environmental Protection Agency, EPA, to ban the substance by 2005.

Most Americans believe that asbestos has already been banned. People have this misconception in part because EPA tried to ban it in 1989, and the ban was well publicized. But what wasn't so publicized was the fact that in 1991, the 5th Circuit Court of Appeals overturned EPA's ban, and the first Bush Administration didn't appeal the decision to the Supreme Court. While new uses of asbestos were banned, existing ones were not.

People also believe asbestos has been banned because the mineral has been heavily regulated, and some uses are now prohibited. But the sweeping ban that EPA worked for ten years to put in place never went into effect. As a result, products such as asbestos clothing, pipeline wrap, roofing felt, vinyl-asbestos floor tile, asbestos-cement shingle, disc brake pads, gaskets and roof coatings still contain asbestos today. Had EPA's ban gone into effect, these products would no longer be allowed to contain this deadly substance.

This morning I met with three people who wish there had been better protections in place against the dangers of asbestos years ago. I had the honor of meeting Mrs. Susan Vento, the wife of the beloved Congressman Bruce Vento from Minnesota who died from a disease caused by asbestos in October of 2000 at the age of 60. Representative Vento was exposed to asbestos when he worked in factories in St. Paul during college.

I also had the privilege of meeting Lt. Col. James Zumwalt, the son of the legendary Navy Admiral Elmo Zumwalt who also died in 2000 of mesothelioma, a rare cancer of the lining of the lungs and internal organs caused by asbestos. Like so many others who served in the Navy, Admiral Zumwalt was exposed to asbestos during his military service.

In addition, I had the pleasure to meet Mr. Brian Harvey, a former English teacher from Washington State University and a survivor of the deadly disease. Like Congressman Vento, Mr. Harvey was exposed to asbestos working summers during college, only Mr. Harvey worked in a timber mill in Shelton, WA instead of in factories in St. Paul. Mr. Harvey received aggressive treatment from the University of

Washington, and his triumph over the deadly disease offers all of us hope.

You don't have to tell Mrs. Vento, Lt. Colonel Zumwalt or Mr. Harvey that asbestos can kill, or that it hasn't been banned. Unfortunately, they already know about asbestos.

I have also heard from other Washington State residents about the devastating effects that asbestos exposure can have on people's lives. I'd like to take a moment to tell you about an e-mail I received from two of my constituents, Mr. Charles Barber and his wife, Ms. Karen Mirante, who live in Seattle. They wrote to me last year to express support for my efforts on asbestos. Mr. Barber and Ms. Mirante had just recently learned that both of their fathers were diagnosed with mesothelioma, the same deadly disease that took the lives of Congressman Vento and Admiral Zumwalt.

Mr. Barber's father, Rudolph ''Rudy'' Barber, was a World War II veteran who worked at Todd shipyards. Then he worked for Boeing for 35 years building airplanes. According to his son, when Rudy served on a troopship during the war he recalled sleeping in a bunk under asbestos-coated pipes which flaked so badly that he had to shake out his sleeping bag every morning.

A few years after retiring from Boeing, Rudy Barber started to develop breathing problems. First he was told by one doctor that his disease could be cured with surgery, but it wasn't. After undergoing surgery, another doctor diagnosed him with mesothelioma. After a year and a half of suffering and of enduring repeated radiation and chemotherapy treatments, Mr. Barber died on April 28, 2002. According to his family, he never complained and continued to help his family and neighbors with maintenance and farm work for as long as he could.

Karen Mirante's father, Fred Mirante, was a retired truck driver who was active in labor issues. While the source of Mr. Mirante's exposure to asbestos is unknown, it is likely that he breathed in asbestos from brakes when he worked on cars. After receiving experimental therapies for the disease and after a two and one-half year battle, he died on June 4, 2002. June 16, last Sunday, was the first Father's Day that Mr. Barber and Ms. Mirante had to spend without their cherished, hard-working dads.

I mention Bruce Vento, Admiral Zumwalt, Mr. Harvey, Mr. Barber and Mr. Mirante to demonstrate that asbestos disease strikes all different types of people in different professions who were exposed to asbestos at some point in their lives. Asbestos knows no boundaries. It is still in thousands of schools and buildings throughout the country, and is still being used in some consumer products.

I first became interested in this issue because, like most people, I thought asbestos had been banned. But in 1999, the Seattle Post-Intelligencer starting running stories about a disturbing trend in the small mining town of Libby, Montana. Residents there suffer from high rates of asbestosis, lung cancer and mesothelioma. These findings prompted Montana Senator MAX BAUCUS to ask EPA to investigate. The agency found that the vermiculite mine near Libby, which operated from the 1920s until 1990, is full of tremolite asbestos. EPA is still working to clean up Libby, which is now a Superfund site.

W.R. Grace, the company which ran the mine, had evidence of the harmful health effects of its product, but did not warn workers, town residents or consumers. Instead, the product was shipped to over 300 sites nationally for processing and then was used to make products such as home insulation and soil additives. EPA and the Agency for Toxic Substances and Disease Registry, ATSDR, have determined that 22 sites are still contaminated today, including one in Spokane, WA.

At many plants where vermiculite from Libby was processed, waste rock left over from the expansion process was given away for free, and people used it in their yards, driveways and gardens. During its investigation into sites around the country which processed vermiculite from Libby, ATSDR discovered a picture taken of two darling little boys, Justin and Tim Jorgensen, climbing on waste rock given out by Western Minerals, Inc. in St. Paul, MN sometime in the late 1970s. According to W.R. Grace records, this rock contained between 2 and 10 percent tremolite asbestos. This rock produced airborne asbestos concentrations 135 times higher than the Occupational Safety and Health Administration's current standard for workers. Thankfully, neither Justin nor Tim has shown any signs of disease, but their risks of developing asbestos diseases, which have latency periods of 15 to 40 years, are increased from their childhood exposures.

People may still today be exposing themselves to harmful amounts of asbestos in vermiculite. As many as 35 million homes and businesses may have insulation made with harmful minerals from Libby. And EPA has also tested agricultural products, soil conditioners and fertilizers, made with vermiculite, and determined that some workers may have been exposed to dangerous concentrations of tremolite asbestos.

As I learned more about Libby, and how asbestos has ended up in products by accident, I was shocked to learn that asbestos is still being used in products on purpose. While some specific uses have been banned, the EPA's more sweeping ban was never put into effect because of an asbestos industry backed lawsuit. As a result, new uses of asbestos were banned, but most existing ones were not. Asbestos is still used today to make roofing products, gaskets, brakes and other products. In 2001 the U.S. consumed 13,000 metric tons of it. Asbestos is still entering the product stream in this country, despite its known dangers to human health.

In contrast, asbestos has been banned in these 20 countries: Argentina, Austria, Belgium, Chile, Croatia, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Latvia, the Netherlands, Norway, Poland, Saudi Arabia, Sweden, Switzerland, and the United Kingdom. Now it is time for the United States to ban asbestos, too. According to EPA, 27 million Americans had significant exposure to the material on the job between 1940 and 1980. It is time for the sad legacy of asbestos disease we have witnessed during the 20th century to come to an end. I want to ensure our government does all it can to minimize future suffering and death caused by this substance.

That is why today I am introducing the Ban Asbestos in America Act of 2002. The legislation has four main parts. First and foremost, this bill protects public health by doing what the EPA tried to do 13 years ago: ban asbestos in the United States. The bill requires EPA to ban it by 2005. Like the regulations EPA finalized in 1989, companies may file for an exemption to the ban if there is no substitute material available: if there is no substitute material available and EPA determines the exemption won't pose an unreasonable risk of injury to public health or the environment.

Second, the bill requires EPA to conduct a pubic education campaign about the risks of asbestos products. Within 6 months of passage, the EPA and the Consumer Product Safety Commission will begin educating people about how to safely handle insulation made with vermiculite. I believe the government needs to warn people that their insulation, if made with vermiculite, may be contaminated with asbestos. Home owners and workers may be unknowingly exposing themselves to asbestos when they conduct routine maintenance near this insulation. While EPA has agreed to remove vermiculite insulation from homes in Libby, the agency currently has no plans to do this nation-wide.

The legislation also requires EPA to conduct a survey to determine which foreign and domestic products being consumed in the United States today have been made with asbestos. There is no solid, up-to-date information about which products contain it, although EPA has estimated that as many as 3,000 products still do.

The survey will provide the foundation for a broader education campaign so consumers and workers will know how to handle as safely as possible asbestos products that were purchased before the ban goes into effect.

Third, the legislation requires funding to improve treatment for asbestos diseases. The bill directs the Secretary of Health and Human Services, working through the National Institutes of Health, to ''expand, intensify and coordinate programs for the conduct and support of research on diseases caused

by exposure to asbestos.'' The Ban Asbestos in America Act requires the creation of a National Mesothelioma Registry to improve tracking of the disease. If there had been an asbestos disease tracking system in place, public health officials would have detected the health problems in Libby much sooner, and may have saved lives.

In addition, the bill authorizes funding for 7 mesothelioma treatment centers nationwide to improve treatments for and awareness of this fatal cancer. As was the case with Mr. Harvey, who received treatment from the University of Washington, early detection and proper treatment make the difference between life and death. This bill authorizes $500,000 for each center for five years. This means more mesothelioma patients will receive treatments that can prolong their lives.

In response to the EPA Inspector General's report on Libby, Montana, EPA committed to create a Blue Ribbon Panel on asbestos and other durable fibers. However, because of insufficient resources, EPA has now narrowed the focus of the Panel to address issues surrounding only the six regulated forms of asbestos. The bill requires EPA to expand its Blue Ribbon Panel on Asbestos to address issues beyond those surrounding the six regulated forms of asbestos.

The Ban Asbestos in America Act of 2002 expands the Blue Ribbon Panel's scope to include nonasbestiform asbestos and other durable fibers. The Panel shall include participation by the Department of Labor, the Department of Health and Human Services and the Consumer Product Safety Commission. In its response to the Inspector General, EPA was originally planning for the Panel to address implementation of and grant programs under Asbestos Hazard Emergency Response Act, creation of a National Emissions Standard for Hazardous Pollutants under the Clean Air Act for contaminant asbestos, and other legislative and regulatory options for protecting public health.

The Administration also promised for the Panel to review the feasibility of establishing a durable fibers testing program within EPA, options to improve protections against exposure to asbestos in asbestos-containing products in buildings, and public education. The Ban Asbestos in America Act of 2002 requires the Panel to address these subjects as EPA originally planned.

The legislation also requires the Panel to explore the need to establish across federal agencies a uniform asbestos standard and a protocol for detecting and measuring asbestos. Currently, asbestos is regulated under at least 11 statutes. There are different standards within EPA and across federal agencies, and agencies rely on different protocols to detect and measure the substance. This has led to widespread confusion for the public, for example, in 2000, there were reports that there was asbestos in crayons. There has also been confusion surrounding asbestos exposure in New York City following the collapse of the World Trade Center Towers. And in Libby, the EPA Inspector General's report cited split jurisdiction and multiple standards as one of the reasons EPA didn't do a better job of protecting the people of Libby from exposure to asbestos in the first place.

The Blue Ribbon Panel will also review the current state of the science on the human health effects of exposure to asbestos and other durable fibers, whether the current definition of asbestos containing material should be modified throughout the Code of Federal Regulations, and current research on and technologies for disposal of asbestos-containing products and contaminant asbestos products. The bill leaves up to the discretion of the Panel whether it will expand its scope to include manmade fibers, such as ceramic and carbon fibers. The Blue Ribbon Panel's recommendations are due 2 years after enactment of the Act.

Our Federal agencies need to do a better job of coordinating and working together on asbestos, which will mean less confusion for the public and improved protection for everyone.

The toll that asbestos has taken on people's lives in this country is staggering. And while Senators BAUCUS, CANTWELL, DAYTON, WELLSTONE, and I continue to mourn the loss of Congressman Bruce Vento, Admiral Elmo Zumwalt, more than 200 people from Libby and thousands of others, today our message is one of hope.

Our hope is that by continuing to work together, we will build support for the Ban Asbestos in America Act. If we can get this legislation passed, fewer people will be exposed to asbestos, fewer people will contract asbestos diseases in the first place, and those who already have asbestos diseases will receive treatments to prolong and improve quality of life. I urge my colleagues to support this important legislation. I ask unanimous consent that the text of the Ban Asbestos in America Act of 2002 be printed in the RECORD.

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

S. 2641

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 ''Ban Asbestos in America Act of 2002''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Administrator of the Environmental Protection Agency has classified asbestos as a category A human carcinogen, the highest cancer hazard classification for a substance;

(2) there is no known safe level of exposure to asbestos;

(3)(A) in hearings before Congress in the early 1970s, the example of asbestos was used to justify the need for comprehensive legislation on toxic substances; and

(B) in 1976, Congress passed the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(4) in 1989, the Administrator promulgated final regulations under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) to phase out asbestos in consumer products by 1997;

(5) in 1991, the United States Court of Appeals for the 5th Circuit overturned the regulations, and the Administrator did not appeal the decision to the Supreme Court;

(6) as a result, while new uses of asbestos were banned, asbestos is still being used in some consumer and industrial products in the United States;

(7) available evidence suggests that—

(A) imports of some types of asbestos-containing products may be increasing; and

(B) some of those products are imported from foreign countries in which asbestos is poorly regulated;

(8) many people in the United States incorrectly believe that—

(A) asbestos has been banned in the United States; and

(B) there is no risk of exposure to asbestos through the use of new commercial products;

(9) asbestos has been banned in Argentina, Austria, Belgium, Chile, Croatia, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Latvia, the Netherlands, Norway, Poland, Saudi Arabia, Sweden, Switzerland, and the United Kingdom;

(10) asbestos will be banned throughout the European Union in 2005;

(11) the World Trade Organization recently upheld the right of France to ban asbestos, with the United States Trade Representative filing a brief in support of the right of France to ban asbestos;

(12) the 1999 brief by the United States Trade Representative stated, ''In the view of the United States, chrysotile asbestos is a toxic material that presents a serious risk to human health.'';

(13) people in the United States have been exposed to harmful levels of asbestos as a contaminant of other minerals;

(14) in the town of Libby, Montana, workers and residents have been exposed to dangerous levels of asbestos for generations because of mining operations at the W.R. Grace vermiculite mine located in that town;

(15) the Agency for Toxic Substances and Disease Registry found that over a 20-year period, ''mortality in Libby resulting from asbestosis was approximately 40 to 60 times higher than expected. Mesothelioma mortality was also elevated.'';

(16)(A) in response to this crisis, in January 2002, the Governor of Montana requested that the Administrator of the Environmental Protection Agency designate Libby as a Superfund site; and

(B) the Administrator is in the process of placing Libby on the National Priorities List;

(17)(A) vermiculite from Libby was shipped for processing to 42 States; and

(B) Federal agencies are investigating potential harmful exposures to asbestos-contaminated vermiculite at sites throughout the United States; and

(18) although it is impracticable to ban asbestos entirely because asbestos is a naturally occurring mineral in the environment and occurs in several deposits throughout the United States, Congress needs to do more to protect the public from exposure to asbestos.

SEC. 3. ASBESTOS-CONTAINING PRODUCTS.

(a) IN GENERAL.—Title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) is amended—

(1) by inserting before section 201 (15 U.S.C. 2641) the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end the following:

"Subtitle B—Asbestos-Containing Products

"SEC. 221. DEFINITIONS.

''In this subtitle:

''(1) ASBESTOS-CONTAINING PRODUCT.—The term 'asbestos-containing product' means any product (including any part) to which asbestos is deliberately or knowingly added or in which asbestos is deliberately or knowingly used in any concentration.

''(2) CONTAMINANT-ASBESTOS PRODUCT.—The term 'contaminant-asbestos product' means any product that contains asbestos as a contaminant of any mineral or other substance, in any concentration.

''(3) COVERED PERSON.—The term 'covered person' means—

''(A) any individual;

''(B) any corporation, company, association, firm, partnership, joint venture, sole proprietorship, or other for-profit or nonprofit business entity (including any manufacturer, importer, distributor, or processor);

''(C) any Federal, State, or local department, agency, or instrumentality; and

''(D) any interstate body.

''(4) DISTRIBUTE IN COMMERCE.—

''(A) IN GENERAL.—The term 'distribute in commerce' has the meaning given the term in section 3.

''(B) EXCLUSIONS.—The term 'distribute in commerce' does not include—

''(i) an action taken with respect to an asbestos-containing product in connection with the end use of the asbestos-containing product by a covered person that is an end user; or

''(ii) distribution of an asbestos-containing product by a covered person solely for the purpose of disposal of the asbestos-containing product.

''(5) DURABLE FIBER.—

''(A) IN GENERAL.—The term 'durable fiber' means a silicate fiber that—

''(i) occurs naturally in the environment; and

''(ii) is similar to asbestos in—

''(I) resistance to dissolution;

''(II) leaching; and

''(III) other physical or chemical processes expected from contact with lung cells and fluids.

''(B) INCLUSIONS.—The term 'durable fiber' includes—

''(i) richterite;

''(ii) winchite;

''(iii) erionite; and

''(iv) nonasbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite, and actinolite.

''(6) FIBER.—The term 'fiber' means an acicular single crystal or similarly elongated polycrystalline aggregate particle with a length to width ratio of 3 to 1 or greater.

"SEC. 222. PANEL ON ASBESTOS AND OTHER DURABLE FIBERS.

''(a) PANEL.—

''(1) IN GENERAL.—The Administrator shall continue the panel (established by the Administrator and in existence on the date of enactment of this subtitle) to study asbestos and other durable fibers.

''(2) PARTICIPATION.—The Secretary of Labor, the Secretary of Health and Human Services, and the Chairman of the Consumer Product Safety Commission shall participate in the activities of the panel.

''(b) ISSUES.—The panel shall study and, not later than 2 years after the date of enactment of this section, provide the Administrator recommendations for, public education programs relating to—

''(1) the need to establish, for use by all Federal agencies—

''(A) a uniform asbestos exposure standard; and

''(B) a protocol for measuring and detecting asbestos;

''(2) the current state of the science relating to the human health effects of exposure to asbestos and other durable fibers;

''(3) implementation of subtitle A;

''(4) grant programs under subtitle A;

''(5) revisions to the national emissions standards for hazardous air pollutants promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.);

''(6) legislative and regulatory options for improving consumer and worker protections against harmful health effects of exposure to asbestos and durable fibers;

''(7) whether the definition of asbestos-containing material, meaning any material that contains more than 1 percent asbestos by weight, should be modified throughout the Code of Federal Regulations;

''(8) the feasibility of establishing a durable fibers testing program;

''(9) options to improve protections against exposure to asbestos from asbestos-containing products in buildings;

''(10) current research on and technologies for disposal of asbestos-containing products and contaminant-asbestos products; and

''(11) at the option of the panel, the effects on human health that may result from exposure to ceramic, carbon, and other manmade fibers.

"SEC. 223. STUDY OF ASBESTOS-CONTAINING PRODUCTS AND CONTAMINANT-ASBESTOS PRODUCTS.

''(a) IN GENERAL.—In consultation with the Secretary of Labor, the Chairman of the International Trade Commission, the Chairman of the Consumer Product Safety Commission, and the Assistant Secretary for Occupational Safety and Health, the Administrator shall conduct a study on the status of the manufacture, processing, distribution in commerce, ownership, importation, and disposal of asbestos-containing products and contaminant-asbestos products in the United States.

''(b) ISSUES.—In conducting the study, the Administrator shall examine—

''(1) how consumers, workers, and businesses use asbestos-containing products and contaminant-asbestos products that are entering commerce as of the date of enactment of this subtitle; and

''(2) whether consumers and workers are being exposed to unhealthful levels of asbestos through exposure to products described in paragraph (1).

''(c) REPORT.—Not later than January 1, 2005, the Administrator shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

"SEC. 224. PROHIBITION ON ASBESTOS-CONTAINING PRODUCTS.

''(a) IN GENERAL.—Subject to subsection (b), the Administrator shall promulgate—

''(1) not later than January 1, 2004, proposed regulations that prohibit covered persons from manufacturing, processing, or distributing in commerce asbestos-containing products; and

''(2) not later than January 1, 2005, final regulations that prohibit covered persons from manufacturing, processing, or distributing in commerce asbestos-containing products.

''(b) EXEMPTIONS.—

''(1) IN GENERAL.—Any person may petition the Administrator for, and the Administrator may grant an exemption from the requirements of subsection (a) if the Administrator determines that—

''(A) the exemption would not result in an unreasonable risk of injury to public health or the environment; and

''(B) the person has made good faith efforts to develop a substance, or identify a mineral, that—

''(i) does not present an unreasonable risk of injury to public health or the environment; and

''(ii) may be substituted for an asbestos-containing product.

''(2) TERMS AND CONDITIONS.—An exemption granted under this subsection shall be in effect for such period (not to exceed 1 year) and subject to such terms and conditions as the Administrator may prescribe.

''(c) INVENTORY.—

''(1) IN GENERAL.—Subject to paragraph (3), each covered person (other than an individual) that possesses an asbestos-containing product that is subject to the prohibition established under this section shall establish an inventory of the asbestos-containing product possessed by the covered person as of January 1, 2005.

''(2) CONTENTS.—The inventory of a covered person subject to paragraph (1) shall—

''(A) be in writing; and

''(B) include—

''(i) the type of each asbestos-containing product possessed by the covered person;

''(ii) the number of product units of each asbestos-containing product in the inventory of the covered person; and

''(iii) the location of the product units.

''(3) RECORDS.—The information in an inventory of a covered person shall be maintained for a period of not less than 3 years.

''(4) WAIVER.—The Administrator may waive the application of this subsection to an end user that possesses a de minimis quantity of an asbestos-containing product, as determined by the Administrator.

''(d) DISPOSAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than June 1, 2005, each covered person that possesses an asbestos-containing product that is subject to the prohibition established under this section shall dispose of the asbestos-containing product, by a means that is in compliance with applicable Federal, State, and local requirements.

''(2) EXEMPTION.—Nothing in paragraph (1)—

''(A) applies to an asbestos-containing product that—

''(i) is no longer in the stream of commerce; or

''(ii) is in the possession of an end user; or

''(B) requires that an asbestos-containing product described in subparagraph (A) be removed or replaced.

"SEC. 225. PUBLIC EDUCATION PROGRAM.

''(a) IN GENERAL.—Not later than March 1, 2005, and subject to subsection (c), in consultation with the Chairman of the Consumer Product Safety Commission and the Secretary of Labor, the Administrator shall establish a program to increase awareness of the dangers posed by asbestos-containing products and contaminant-asbestos products in the marketplace, including homes and workplaces.

''(b) GREATEST RISKS.—In establishing the program, the Administrator shall—

''(1) base the program on the results of the study conducted under section 223;

''(2) give priority to asbestos-containing products and contaminant-asbestos products used by consumers and workers that pose the greatest risk of injury to human health; and

''(3) at the option of the Administrator on receipt of a recommendation from the panel, include in the program the conduct of projects and activities to increase public awareness of the effects on human health that may result from exposure to—

''(A) durable fibers; and

''(B) ceramic, carbon, and other manmade fibers.

''(c) MINIMAL RISKS.—If the Administrator determines, on the basis of the study conducted under section 223, that asbestos-containing products used by consumers and workers do not pose an unreasonable risk of injury to human health, the Administrator shall not be required to conduct a program under this section.

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

(b) VERMICULITE INSULATION.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency and the Consumer Product Safety Commission shall begin a national campaign to educate consumers concerning—

(1) the dangers of vermiculite insulation that may be contaminated with asbestos; and

(2) measures that homeowners and business owners can take to protect against those dangers.

SEC. 4. ASBESTOS-CAUSED DISEASES.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

''SEC. 417D. RESEARCH ON ASBESTOS-CAUSED DISEASES.

''(a) IN GENERAL.—The Secretary, acting through the Director of NIH and the Director of the Centers for Disease Control and Prevention shall expand, intensify, and coordinate programs for the conduct and support of research on diseases caused by exposure to asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

''(b) ADMINISTRATION.—The Secretary shall carry out this section—

''(1) through the Director of NIH and the Director of the Centers for Disease Control and Prevention; and

''(2) in collaboration with the Administrator of the Agency for Toxic Substances and Disease Registry and the head of any other agency that the Secretary determines to be appropriate.

''(c) REGISTRY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Centers for Disease Control and Prevention, in cooperation with the Director of the National Institute for Occupational Safety and Health and the Administrator of the Agency for Toxic Substances and Disease Registry, shall establish a National Mesothelioma Registry.

''(2) CONTENTS.—The Registry shall contain information on diseases caused by exposure to asbestos, particularly mesothelioma.

''(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available for the purposes described in subsection (a) under other law, there are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2003 and each fiscal year thereafter.

''SEC. 417E. MESOTHELIOMA TREATMENT PROGRAMS.

''(a) FUNDING.—The Secretary, in consultation with the Director of NIH and the Director of the Centers for Disease Control and Prevention, shall provide not to exceed $500,000 for each of fiscal years 2003 through 2007 to each institution described in subsection (b) to strengthen the mesothelioma treatment programs carried out at those institutions.

''(b) INSTITUTIONS.—The institutions described in this subsection are the following:

''(1) The Memorial Sloan-Kettering Hospital, New York, New York.

''(2) The Karmanos Cancer Institute at Wayne State University, Detroit, Michigan.

''(3) The University of California at Los Angeles Medical School, Los Angeles, California.

''(4) The University of Chicago Cancer Research Center, Chicago, Illinois.

''(5) The University of Pennsylvania Hospital, Philadelphia, Pennsylvania.

''(6) The University of Texas, through the M.D. Anderson Cancer Research Center Houston, Texas.

''(7) The University of Washington, Seattle, Washington.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,500,000 for each of fiscal years 2003 through 2007.''.

SEC. 5. CONFORMING AMENDMENTS.

The table of contents in section 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended—

(1) by inserting before the item relating to section 201 the following:

''Subtitle A—General Provisions'';

and

(2) by adding at the end of the items relating to title II the following:

''Subtitle B—Asbestos-Containing Products

''Sec. 221. Definitions.

''Sec. 222. Panel on asbestos and other durable fibers.

''Sec. 223. Study of asbestos-containing products and contaminant-asbestos products.

''Sec. 224. Prohibition on asbestos-containing products.

''Sec. 225. Public education program.''.

By Mr. NELSON of Florida (for himself, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. BAYH):

S. 2642. A bill to require background checks of alien flight school applicants without regard to the maximum certificated weight of the aircraft for which they seek training, and to require a report on the effectiveness of the requirement; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Madam President, in the wake of the September 11 terrorist attacks, it was discovered that many of the hijackers received flight training in the United States. In addition, Zacarias Moussaoui, the alleged ''20th hijacker,'' was apprehended by investigators in Minnesota after accounts that he was only interested in learning to fly, not land, an airplane.

Section 113 of the Aviation and Transportation Security Act requires background checks of all foreign flight school applicants seeking training to operate aircraft weighing 12,500 pounds or more. While this provision should help ensure that events like the September 11 attacks are not performed by U.S.-trained pilots using hijacked jets in the future, it does nothing to prevent different types of potential attacks against our domestic security.

The FBI recently issued a terrorism warning indication that small planes might be used to carry out attacks. We need to ensure that we are not training terrorists to perform these activities. We can't allow critical warnings to go unheeded.

Today I am introducing legislation that would close this dangerous loophole by requiring background checks on all foreign applicants to U.S. flight schools, regardless of the aircraft on which they plan to train. I am joined in this effort by Senators THOMAS, FEINSTEIN, and BAYH, and I look forward to the Senate's prompt consideration of this legislation.

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. 2642

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

SECTION 1. FLIGHT SCHOOL BACKGROUND CHECKS.

Section 44939(a) of title 49, United States Code, is amended by striking ''having a maximum certificated takeoff weight of 12,500 pounds or more''.

SEC. 2. REPORT ON EFFECTIVENESS OF BACKGROUND CHECK REQUIREMENT.

Within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Attorney General shall submit a joint report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure evaluating the effectiveness of activities conducted under section 44939 of title 49, United States Code.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 287—CONGRATULATING THE DETROIT RED WINGS ON WINNING THE 2002 NATIONAL HOCKEY LEAGUE STANLEY CUP CHAMPIONSHIP AND AGAIN BRINGING THE CUP HOME TO HOCKEYTOWN

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 287

Whereas on June 13, 2002, the Detroit Red Wings (in this resolution referred to as the ''Red Wings'') defeated the Carolina Hurricanes, 3–1, in game 5 of the National Hockey League championship series;

Whereas this victory marks the Red Wings' 10th Stanley Cup Championship, continuing the team's reign as the most storied American hockey team;

Whereas this victory marks the Red Wings' third Stanley Cup Championship in the past 6 years, establishing them as one of the great dynasties in the history of the National Hockey League;

Whereas the Red Wings, who average over 30 years of age, proved once again that talent and experience can triumph over more youthful competition;

Whereas the Red Wings had the best record in the National Hockey League for the decade of the 1990s as well as this past year;

Whereas Nicklas Lidstrom, who has anchored the Detroit Defense for 11 years, became the first European-born player to win the Conn Smythe Trophy for the most valuable player in the playoffs;

Whereas Marian and Mike Ilitch, the owners of the Red Wings and community leaders in Detroit and Michigan, have returned Lord Stanley's Cup to Detroit yet again;

Whereas the Red Wings, who have played in Detroit since 1926, continue to hold a special place in the hearts of all Michiganders;