S. 830

At the request of Mr. CHAFEE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 834

At the request of Mr. MURKOWSKI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 834, a bill to provide duty-free treatment for certain steam or other vapor generating boilers used in nuclear facilities.

S. 857

At the request of Mr. HELMS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 857, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 952

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 957

At the request of Mr. WELLSTONE, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 957, a bill to provide certain safeguards with respect to the domestic steel industry.

S. 964

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 964, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 965

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 965, a bill to impose limitations on the approval of applications by major carriers domiciled in Mexico until certain conditions are met.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Missouri (Mr. BOND), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day.''

S. RES. 68

At the request of Mr. JOHNSON, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 68, a resolution designating September 6, 2001 as ''National Crazy Horse Day.''

S. RES. 71

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 91

At the request of Mr. NELSON of Florida, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 91, a resolution condemning the murder of a United States citizen and other civilians, and expressing the sense of the Senate regarding the failure of the Indonesian judicial system to hold accountable those responsible for the killings.

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

S. CON. RES. 34

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 34, a concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

AMENDMENT NO. 459

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 459.

AMENDMENT NO. 509

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 509.

AMENDMENT NO. 517

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 517.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KENNEDY, Mr. TORRICELLI, Mr. SCHUMER, Mr. DURBIN, Ms. STABENOW, and Mr. REID):

S. 989. A bill to prohibit racial profiling; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I rise along with the Senator from New Jersey, Mr. CORZINE, and the Senator from New York, Mrs. CLINTON, and others, to introduce the End Racial Profiling Act of 2001. This bill is a package of steps to eliminate racial profiling once and for all. Congress should protect the rights of all Americans to walk, drive, or travel on our streets and highways and through our airports free of discrimination. It is time for us to act.

I am very pleased to be joined by a number of distinguished colleagues. I simply have to point out that I think almost minutes after Senators CORZINE and CLINTON were sworn in, they were already talking to me and Representative CONYERS of the House about how we could introduce a strong bill to deal with this problem. I thank them and appreciate the strong work and support they have given. They have made significant contributions and have offered good ideas to strengthen the legislation.

I also acknowledge our long-time leader on this issue, Representative JOHN CONYERS, the ranking member of the House Judiciary Committee. He is introducing the companion bill in the House today. This is the third Congress in which Representative CONYERS has introduced legislation on racial profiling. He has fought long and hard to educate the Congress and all Americans about racial profiling. Before he took on the issue, I don't think many of us knew what racial profiling was. I thank Representative CONYERS for his tremendous leadership. It is an honor to be working with him on this bill.

Those who have experienced racial profiling suffer great harm. They are unfairly treated as suspect, humiliated, and can feel fear, anxiety or even anger. It is a grave indignity.

U.S. Army Sergeant Rossano Gerald testified during a hearing in the Judiciary Subcommittee on the Constitution last year about his personal experience as a victim of racial profiling. Sergeant Gerald is a veteran of the Persian Gulf war and a law-abiding citizen. In August 1998, he was driving along a major highway in Oklahoma with his 12-year-old son when he was pulled over and handcuffed. Both he and his son were thrown into the back seat of a state trooper's car while the trooper extensively searched Sergeant Gerald's car. When the entire episode was over, the trooper gave Sergeant Gerald a warning ticket for changing lanes without signaling and left his car with over $1,000 of damage.

In moving testimony before the subcommittee, a hearing which then-Senator ASHCROFT chaired and has said influenced his thinking on the issue, Sergeant Gerald said,

I was very humiliated by this experience. I was embarrassed and ashamed that people driving by would think I had committed a serious crime. It was particularly horrible to

be treated like a criminal in front of my impressionable young son.

Robert Wilkins also testified before the subcommittee. He and his family were stopped along a highway in Maryland. He described his experience as ''humiliating and degrading.'' He said:

So there we were. Standing outside the car in the rain, lined up along the road, with police lights flashing, officers standing guard, and a German Shepard jumping on top of, underneath, and sniffing every inch of our vehicle. We were criminal suspects; yet we were just trying to use the interstate highway to travel from our homes to a funeral. It is hard to describe the frustration and pain you feel when people presume you to be guilty for no good reason and you know that you are innocent. I particularly remember a car driving past with two young children in the back seat, noses pressed against the window. They were looking at the policemen, the flashing lights, the German Shepard and us. In this moment of education that each of us receives through real world experiences, those children were putting two and two together and getting five. They saw some black people standing along the road who certainly must have been bad people who had done something wrong, for why else would the police have them there? They were getting an untrue, negative picture of me, and there was nothing in the world that I could do about it.

Mr. President, as Americans, we take great pride in our freedom and independence. Central to our sense of who we are is our firm belief that we are free to walk the paths of our own choosing, free to move about as we please, and free from the intrusion of the government in that movement.

Immigrants came to our nation's shores to escape arbitrary government. Fleeing the British Government's discrimination based on religion in the 1600s, Puritans came to Massachusetts, Quakers came to New Jersey and then Pennsylvania, Catholics came to Maryland, and Jews came to Rhode Island.

And responding to indiscriminate searches and seizures conducted by the British, our Founders adopted the fourth amendment, which states: ''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . .''

It is thus fundamental to American history and rooted in American law that the officers of the state may not arrest or detain its citizens arbitrarily or without cause.

But this is not the case for all Americans today. Some Americans still cannot walk where they choose. Some Americans cannot travel free from the harassment of the government. Some Americans still do not receive the full benefit of their civil rights.

Although many did come to these shores as immigrants, many came in chains, because of the color of their skin. They and their descendants endured our nation's long struggle against slavery and discrimination. Sadly, even now, skin color alone still makes too many Americans more likely to be a suspect, more likely to be stopped, more likely to be searched, more likely to be arrested, and more likely to be imprisoned.

Mr. President, I believe that the vast majority of law enforcement agents nationwide discharge their duties professionally, without bias, and protect the safety of their communities. But I also believe that racial profiling is a very real problem. The use by law enforcement officers of race, ethnicity or national origin in deciding which persons should be subject to traffic stops, stop and frisks, questioning, searches and seizures is a problematic law enforcement tactic.

Mr. President, the bill that Representative CONYERS first introduced in the 105th Congress, and which we introduced again in the 106th Congress, was a traffic stops study bill. It would have required the Attorney General to conduct a nationwide study of traffic stops based on existing data and a sampling of jurisdictions that would provide additional data to the Attorney General. We proposed a study bill because, at that time, there was still very much education that needed to take place in Congress and America. We thought that a study would provide the facts to show people that racial profiling indeed is very real in America today.

Mr. President, we no longer need, just a study. We now have facts that show us that racial profiling is a problem. Statistical evidence from a number of jurisdictions across the country demonstrates that racial profiling is a real and measurable phenomenon. For example, data collected under a federal court consent decree revealed that between January 1995 and 1997, 70 percent of the drivers stopped and searched by the Maryland State Police on Interstate 95 were black, while only 17.5 percent of drivers and speeders were black.

A 1992 study of traffic stops in Volusia County, Florida revealed that 70 percent of those stopped on a particular interstate highway in central Florida were black or Hispanic, although only 5 percent of the motorists on that highway were black or Hispanic. Further, minorities were detained for longer periods of time per stop than whites, and were 80 percent of those whose cars were searched after being stopped.

We also know that racial profiling is a problem not only for motorists on our nation's highways. Racial profiling, unfortunately, extends to racial and ethnic minority Americans as pedestrians or travelers through our nation's airports.

A December 1999 report by New York's Attorney General on the use of ''stop and frisk'' tactics by the New York City Police Department revealed that between January 1998 through March 1999, 84 percent of the almost 175,000 people stopped by NYPD were black or Hispanic, despite the fact that these two groups comprised less than half of the city's population.

A March 2000 GAO report on the U.S. Customs Service found that black, Asian, and Hispanic female U.S. citizens were 4 to 9 times more likely than white female U.S. citizens to be subjected to X-rays after being frisked or patted down.

Many of those who deny that racial profiling is a problem have argued that these discrepancies can be justified by the fact that blacks and other minorities are more likely to commit crimes—especially drug-related crimes—than whites, and that profiling therefore amounts to a rational law enforcement tactic. The statistics refute this argument.

Although black motorists were disproportionately stopped on I–95 by the Maryland State Police, the instances in which police actually found drugs were the same per capita for white and black motorists.

In Volusia County, Florida, where 70 percent of more than 1000 traffic stops of motorists on an interstate highway were of minority drivers, only 9 stops resulted in so much as a traffic ticket.

The New York Attorney General's report on NYPD stop and frisk tactics revealed that stops of minorities were less likely to lead to arrests than stops of white New Yorkers—the NYPD arrested one white New Yorker for every 8 stops, one Hispanic New Yorker for every 9 stops, and one black New Yorker for every 9.5 stops.

The General Accounting Office found that while black female U.S. citizens were nine times more likely than white female U.S. citizens to be subjected to x-ray searches by the Customs Service, black females were less than half as likely to be found carrying contraband as white females.

In my home state of Wisconsin, racial profiling has touched the lives of many law abiding citizens, including African Americans, Latino Americans, and Asian Americans. My state is home to one of the largest Hmong and Lao populations in the country. They came to our country seeking safety and freedom. But their dreams of freedom have somehow been tarnished by unfair stops by police officers.

I am very pleased that during the last year, a Task Force appointed by former Governor Tommy Thompson developed a set of recommendations for combating racial profiling and restoring the important trust that must exist between law enforcement officials and the communities they are charged to protect and serve.

Because, as we know, racial profiling undermines the willingness of people to work with the police. As one victim of racial profiling in Glencoe, Illinois, said: ''Who is there left to protect us? The police just violated us.''

Mr. President, current efforts by state and local governments to eradicate racial profiling and redress the harms it causes, while laudable, have been limited in scope and insufficient to address this problem nationwide.

During his confirmation hearing, Attorney General Ashcroft said:

I think racial profiling is wrong. I think it's unconstitutional. I think it violates the 14th Amendment. I think most of the men and women in our law enforcement are good

people trying to enforce the law. I think we all share that view. But we owe it to provide them with guidance to ensure that racial profiling does not happen.

This February in his Address to Congress, President Bush said, ''It's wrong, and we will end it in America.'' At remarks marking Black History Month this February in Washington, DC, President Bush said that he would ''look at all opportunities'' to end racial profiling.

Attorney General Ashcroft then wrote Congress to say that the traffic stops statistics study bill that we wrote and supported in the last Congress ''is an excellent starting place for such an enterprise.''

While I welcome the administration's statements, it is now no longer time simply to study. It is time to move beyond studying whether racial profiling exists. We know it exists. Now, let's take the right steps to eliminate it and protect the rights of all Americans to walk or travel free of discrimination. It is time to act. I urge the Attorney General and President to support this bill as the best opportunity to translate our nation's promises into action.

Representative CONYERS and I have taken a fresh look at the role Congress can play in eliminating racial profiling by all law enforcement agencies. Our bill reflects the President's and Attorney General's view that racial profiling is wrong and should end. This bill has two major components. First, the bill explicitly bans racial profiling. Second, the bill sets out several steps for federal, state, and local law enforcement agencies to take to eliminate racial profiling. The bill takes a ''carrot and stick'' approach. It conditions federal funds to state and local law enforcement agencies on their compliance with certain requirements, but also authorizes the Attorney general to provide incentive grants to assist agencies with complying with this Act. The bill requires federal, state, and local law enforcement agencies to adopt policies prohibiting racial profiling; implement complaint procedures to respond to complaints of racial profiling effectiely; implement disciplinary procedures for officers who engage in the practice; and collect data on stops.

Grants awarded by the Attorney general could be used for training to prevent racial profiling; the acquisition of in-car video cameras and other technology; and the development of procedures for receiving, investigating, and responding to complaints of racial profiling. Finally, the bill would require the Attorney General to report to congress two years after enanctment of the Act and each year thereafter on racial profiling in the United States. These are the right steps to take in the interest of better police practices and increased accountability.

Mr. President, this bill is a priority for the civil rights community. It has the support of the Leadership Conference on Civil rights and its member organizations like the NAACP, National Council of La Raza, and ACLU. This bill reflects a new political reality: both Republicans and Democrats can agree that racial profiling is wrong and should be eliminated. Congress can play a role in ensuring that all police departments do their part and give them the financial assistance they may need to get the job done. I urge my colleagues to join with me, Senators CORZINE, CLINTON, KENNEDY, TORRICELLI, SCHUMER, DURBIN, and STABENOW in supporting the End Racial Profiling Act of 2001.

We Americans take great pride in our freedom and independence. Central to our sense of who we are is our firm belief that we are free to walk the paths of our choosing, free to move about as we please, and free of the intrusion of the Government in that movement.

Mr. President, I ask that the text of the bill be printed in the RECORD immediately following my statement.

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

S. 989

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''End Racial Profiling Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—PROHIBITION OF RACIAL PROFILING

Sec. 101. Prohibition.
Sec. 102. Enforcement.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

Sec. 201. Policies to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Sec. 301. Policies required for grants.
Sec. 302. Best practices development grants.

TITLE IV—DEPARTMENT OF JUSTICE REPORT ON RACIAL PROFILING IN THE UNITED STATES

Sec. 401. Attorney General to issue report on racial profiling in the United States.
Sec. 402. Limitation on use of data.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

Sec. 501. Definitions.
Sec. 502. Severability.
Sec. 503. Savings clause.
Sec. 504. Effective dates.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The vast majority of law enforcement agents nationwide discharge their duties professionally, without bias, and protect the safety of their communities.

(2) The use by police officers of race, ethnicity, or national origin in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is a problematic law enforcement tactic. Statistical evidence from across the country demonstrates that such racial profiling is a real and measurable phenomenon.

(3) As of November 15, 2000, the Department of Justice had 14 publicly noticed, ongoing, pattern or practice investigations involving allegations of racial profiling and had filed five pattern and practice lawsuits involving allegations of racial profiling, with four of those cases resolved through consent decrees.

(4) A large majority of individuals subjected to stops and other enforcement activities based on race, ethnicity, or national origin are found to be law-abiding and therefore racial profiling is not an effective means to uncover criminal activity.

(5) A 2001 Department of Justice report on citizen-police contacts in 1999 found that, although African-Americans and Hispanics were more likely to be stopped and searched, they were less likely to be in possession of contraband. On average, searches and seizures of African-American drivers yielded evidence only eight percent of the time, searches and seizures of Hispanic drivers yielded evidence only 10 percent of the time, and searches and seizures of white drivers yielded evidence 17 percent of the time.

(6) A 2000 General Accounting Office report on the activities of the United States Customs Service during fiscal year 1998 found that black women who were United States citizens were 9 times more likely than white women who were United States citizens to be X-rayed after being frisked or patted down and, on the basis of X-ray results, black women who were United States citizens were less than half as likely as white women who were United States citizens to be found carrying contraband. In general, the report found that the patterns used to select passengers for more intrusive searches resulted in women and minorities being selected at rates that were not consistent with the rates of finding contraband.

(7) Current local law enforcement practices, such as ticket and arrest quotas, and similar management practices, may have the unintended effect of encouraging law enforcement agents to engage in racial profiling.

(8) Racial profiling harms individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects. By discouraging individuals from traveling freely, racial profiling impairs both interstate and intrastate commerce.

(9) Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in the police, the courts, and the criminal law.

(10) Racial profiling violates the Equal Protection Clause of the Constitution. Using race, ethnicity, or national origin as a proxy for criminal suspicion violates the constitutional requirement that police and other government officials accord to all citizens the equal protection of the law. Arlington Heights v. Metropolitan Housing Development Corporation, 429 U.S. 252 (1977).

(11) Racial profiling is not adequately addressed through suppression motions in criminal cases for two reasons. First, the Supreme Court held, in Whren v. United States, 517 U.S. 806 (1996), that the racially discriminatory motive of a police officer in making an otherwise valid traffic stop does not warrant the suppression of evidence. Second, since most stops do not result in the discovery of contraband, there is no criminal prosecution and no evidence to suppress.

(12) Current efforts by State and local governments to eradicate racial profiling and redress the harms it causes, while laudable, have been limited in scope and insufficient to address this national problem.

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

(1) to enforce the constitutional right to equal protection of the laws, pursuant to the Fifth Amendment and section 5 of the 14th Amendment to the Constitution of the United States;

(2) to enforce the constitutional right to protection against unreasonable searches and seizures, pursuant to the Fourth Amendment to the Constitution of the United States;

(3) to enforce the constitutional right to interstate travel, pursuant to section 2 of article IV of the Constitution of the United States; and

(4) to regulate interstate commerce, pursuant to clause 3 of section 8 of article I of the Constitution of the United States.

TITLE I—PROHIBITION OF RACIAL PROFILING

SEC. 101. PROHIBITION.

No law enforcement agent or law enforcement agency shall engage in racial profiling.

SEC. 102. ENFORCEMENT.

(a) REMEDY.—The United States, or an individual injured by racial profiling, may enforce this title in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a District Court of the United States.

(b) PARTIES.—In any action brought pursuant to this title, relief may be obtained against: any governmental unit that employed any law enforcement agent who engaged in racial profiling; any agent of such unit who engaged in racial profiling; and any person with supervisory authority over such agent.

(c) NATURE OF PROOF.—Proof that the routine investigatory activities of law enforcement agents in a jurisdiction have had a disparate impact on racial or ethnic minorities shall constitute prima facie evidence of a violation of this title.

(d) ATTORNEYS' FEES.—In any action or proceeding to enforce this title against any governmental unit, the court may allow a prevailing plaintiff, other than the United States, reasonable attorneys' fees as part of the costs, and may include expert fees as part of the attorney's fee.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 201. POLICIES TO ELIMINATE RACIAL PROFILING.

(a) IN GENERAL.—Federal law enforcement agencies shall—

(1) maintain adequate policies and procedures designed to eliminate racial profiling; and

(2) cease existing practices that encourage racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include the following:

(1) A prohibition on racial profiling.

(2) The collection of data on routine investigatory activities sufficient to determine if law enforcement agents are engaged in racial profiling and submission of that data to the Attorney General.

(3) Independent procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents of the agency.

(4) Procedures to discipline law enforcement agents who engage in racial profiling.

(5) Such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

SEC. 301. POLICIES REQUIRED FOR GRANTS.

(a) IN GENERAL.—An application by a State or governmental unit for funding under a covered program shall include a certification that such unit and any agency to which it is redistributing program funds—

(1) maintains adequate policies and procedures designed to eliminate racial profiling; and

(2) has ceased existing practices that encourage racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a) shall include the following:

(1) A prohibition on racial profiling.

(2) The collection of data on routine investigatory activities sufficient to determine if law enforcement agents are engaged in racial profiling and submission of that data to the Attorney General.

(3) Independent procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents.

(4) Procedures to discipline law enforcement agents who engage in racial profiling.

(5) Such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

(c) NONCOMPLIANCE.—If the Attorney General determines that a grantee is not in compliance with conditions established pursuant to this title, the Attorney General shall withhold the grant, in whole or in part, until the grantee establishes compliance. The Attorney General shall provide notice regarding State grants and opportunities for private parties to present evidence to the Attorney General that a grantee is not in compliance with conditions established pursuant to this title.

SEC. 302. BEST PRACTICES DEVELOPMENT GRANTS.

(a) GRANT AUTHORIZATION.—The Attorney General may make grants to States, law enforcement agencies and other governmental units, Indian tribal governments, or other public and private entities to develop and implement best practice devices and systems to ensure the racially neutral administration of justice.

(b) USES.—The funds provided pursuant to subsection (a) may be used to support the following activities:

(1) Development and implementation of training to prevent racial profiling and to encourage more respectful interaction with the public.

(2) Acquisition and use of technology to facilitate the collection of data regarding routine investigatory activities in order to determine if law enforcement agents are engaged in racial profiling.

(3) Acquisition and use of technology to verify the accuracy of data collection, including in-car video cameras and portable computer systems.

(4) Development and acquisition of early warning systems and other feedback systems that help identify officers or units of officers engaged in or at risk of racial profiling or other misconduct, including the technology to support such systems.

(5) Establishment or improvement of systems and procedures for receiving, investigating, and responding meaningfully to complaints alleging racial or ethnic bias by law enforcement agents.

(6) Establishment or improvement of management systems to ensure that supervisors are held accountable for the conduct of their subordinates.

(c) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that grants under this section are awarded in a manner that reserves an equitable share of funding for small and rural law enforcement agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—The Attorney General shall make available such sums as are necessary to carry out this section from amounts appropriated for programs administered by the Attorney General.

TITLE IV—DEPARTMENT OF JUSTICE REPORTS ON RACIAL PROFILING IN THE UNITED STATES

SEC. 401. ATTORNEY GENERAL TO ISSUE REPORTS ON RACIAL PROFILING IN THE UNITED STATES.

(a) REPORTS.—

(1) IN GENERAL.—Not later than two years after the enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report on racial profiling by Federal, State, and local law enforcement agencies in the United States.

(2) SCOPE.—The reports issued pursuant to paragraph (1) shall include—

(A) a summary of data collected pursuant to sections 201(b)(2) and 301(b)(2) and any other reliable source of information regarding racial profiling in the United States;

(B) the status of the adoption and implementation of policies and procedures by Federal law enforcement agencies pursuant to section 201;

(C) the status of the adoption and implementation of policies and procedures by State and local law enforcement agencies pursuant to sections 301 and 302; and

(D) a description of any other policies and procedures that the Attorney General believes would facilitate the elimination of racial profiling.

(b) DATA COLLECTION.—Not later than six months after the enactment of this Act, the Attorney General shall by regulation establish standards for the collection of data pursuant to sections 201(b)(2) and 301(b)(2), including standards for setting benchmarks against which collected data shall be measured. Such standards shall result in the collection of data, including data with respect to stops, searches, seizures, and arrests, that is sufficiently detailed to determine whether law enforcement agencies are engaged in racial profiling and to monitor the effectiveness of policies and procedures designed to eliminate racial profiling.

(c) PUBLIC ACCESS.—Data collected pursuant to section 201(b)(2) and 301(b)(2) shall be available to the public.

SEC. 402. LIMITATION ON USE OF DATA.

Information released pursuant to section 401 shall not reveal the identity of any individual who is detained or any law enforcement officer involved in a detention.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

SEC. 501. DEFINITIONS.

In this Act:

(1) COVERED PROGRAM.—The term ''covered program'' means any program or activity funded in whole or in part with funds made available under any of the following:

(A) The Edward Byrne Memorial State and Local Law Enforcement Assistance Programs (part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)).

(B) The ''Cops on the Beat'' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), but not including any program, project, or other activity specified in section 1701(d)(8) of that Act (42 U.S.C. 3796dd(d)(8)).

(C) The Local Law Enforcement Block Grant program of the Department of Justice, as described in appropriations Acts.

(2) GOVERNMENTAL UNIT.—The term ''governmental unit'' means any department, agency, special purpose district, or other instrumentality of Federal, State, local, or Indian tribal government.

(3) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means a Federal,

State, local, or Indian tribal public agency engaged in the prevention, detection, or investigation of violations of criminal, immigration, or customs laws.

(4) LAW ENFORCEMENT AGENT.—The term ''law enforcement agent'' means any Federal, State, local, or Indian tribal official responsible for enforcing criminal, immigration, or customs laws, including police officers and other agents of Federal, State, and local law enforcement agencies.

(5) RACIAL PROFILING.—The term ''racial profiling'' means the practice of a law enforcement agent relying, to any degree, on race, ethnicity, or national origin in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity, except that racial profiling does not include reliance on such criteria in combination with other identifying factors when the law enforcement agent is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect.

(6) ROUTINE INVESTIGATORY ACTIVITIES.—The term ''routine investigatory activities'' includes the following activities by law enforcement agents: traffic stops; pedestrian stops; frisks and other types of body searches; consensual or nonconsensual searches of the persons or possessions (including vehicles) of motorists or pedestrians; inspections and interviews of entrants into the United States that are more extensive than those customarily carried out; and immigration-related workplace investigations.

SEC. 502. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 503. SAVINGS CLAUSE.

Nothing in this Act shall be construed to limit legal or administrative remedies under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14141), the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.), and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SEC. 504. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act shall take effect on the date of the enactment of this Act.

(b) CONDITIONS ON FUNDING.—Section 301 shall take effect 1 year after the date of enactment of this Act.

Mr. CORZINE. Mr. President, I rise on this special day to talk about an issue that I think defines our health as a society—the issue of racial profiling. I thank my colleagues, Senator FEINGOLD and Senator CLINTON—particularly Senator FEINGOLD, for his tremendous leadership on this issue over several Congresses. During the last session he held a number of hearings on racial profiling, and he and his staff have worked tirelessly to elevate the importance of this issue on to the national agenda as a matter of civil rights. I also would be remiss if I didn't mention Congressman CONYERS, who has taken an equally valiant and effective role in presenting this issue on the floor of the House. It is one about which I think we all feel passionately.

The practice of racial profiling is the antithesis of America's belief in fairness and equal protection under the law. Stopping people on our highways, our streets, and at our borders because of the color of their skin tears at the very fabric of what it is to be an American.

We are a nation of laws, and everyone should receive equal protection under the law. Our Constitution tolerates nothing less. We should demand nothing less. There is no equal protection, there is no equal justice, if law enforcement agencies engage in policies and practices that are premised on a theory that the way to stop crime is to go after black and brown people on the hunch that they are more likely to be criminals.

Let me add that not only is racial profiling wrong, it is also not effective as a law enforcement tool. There is no evidence that stopping people of color adds to catching the bad guys. In fact, there is statistical evidence which points out that singling out black and Hispanic motorists for stops and searches doesn't lead to a higher percentage of arrests. Minority motorists are simply no more likely to be breaking the law than white motorists.

Unfortunately, racial profiling persists. In the last wave of statistics from New Jersey, minority motorists accounted for 73 percent of those searched on the New Jersey Turnpike. Even the State attorney general admitted that State troopers were twice as likely to find drugs or other illegal contraband when searching vehicles driven by whites.

Take the example of the March 2000 General Accounting Office report on the U.S. Customs Service. The report found that black, Asian, and Hispanic women were four to nine times more likely than white women to be subjected to x rays after being frisked or patted down. On the basis of x ray results, black women were less than half as likely as white women to be found carrying contraband.

This is law enforcement by hunch. No warrants, no probable cause. What is the hunch based on? Race, plain and simple.

Nowhere was this more evident than in my own home State 3 Aprils ago. Four young men on the New Jersey Turnpike in a minivan—on their way to North Carolina, hoping to get college basketball scholarships—were stopped by two State troopers. Frightened, the driver lost control of the van, and two dozens shots rang out and struck the van. Three out of the four young men were shot.

I spoke to those kids a while ago. One of them told me he was asleep when his van was pulled over. He told me, ''What woke me up was a bullet.''

Stories such as this should wake us all up in America. The practice of racial profiling broadly undermines the confidence of the American people in the institutions on which we depend to protect and defend us. Different laws for different people do not work.

Now we know that many law enforcement agencies, including some in my home State, have acknowledged the danger of the practice and have taken steps to combat it. I commend them for those efforts. Many law enforcement officials believe this is the step we need to take. It is a national problem. It is not a local problem, it is not a State problem, it is a national problem, and it requires a Federal response applicable to all. That is why my colleagues and I have introduced this legislation to end this practice. We want to be sure there are no more excuses, no more bullets waking folks up on questions about what racial profiling means.

This bill defines racial profiling clearly and then bans it; no routine stops solely on the basis of race, national origin, or ethnicity.

We will also require a collection of statistics to accurately measure whether progress is being made, whether problems exist. By collecting this data, we will get a fair picture of law enforcement at work.

We use statistics in every aspect of our life. I came from the financial services industry. We collected statistics. If you go to a hospital, they collect statistics. We need to do that with regard to law enforcement so we have the information to detect problems early on.

It is not our intention to micromanage law enforcement. Our bill does not tell law enforcement agencies what data should be collected. Instead, we direct the Attorney General to develop the standards for data collection, and he presumably will work with law enforcement in developing those particular standards for particular situations.

Our legislation also specifically directs the Attorney General to establish standards for setting benchmarks against which the collected data should be measured so that no data is taken out of context that some in law enforcement rightly fear.

No, it is an indication, a benchmark, not an absolute. If the numbers reveal a portrait of continued racial profiling, then the Justice Department or independent third parties can seek relief in Federal court ordering that remedies be put into effect to end racial profiling.

Our bill will also put in place procedures to receive and investigate complaints of alleged racial profiling. By the way, this mirrors legislation that is now going through the New Jersey State Legislature on a bipartisan basis. It will require procedures to discipline law enforcement officers engaging in racial profiling.

Finally, we will encourage a climate of cultural change in law enforcement with a carrot and stick. We are not trying to say that this all be done through the law; part of this has to come from a real cultural change.

First the carrot. We recognize that law enforcement should not be expected to do this alone. It is a bigger problem. We are saying if you do the job right, fairly and equitably, you can be eligible to receive a best practices development grant to help pay for the programs dealing with advanced training, to help pay for the computer technology necessary to collect the data, such as hand-held computers in police cars, so statistics can be collected. We will help pay for video cameras and recorders for patrol cars, which protects the person who is stopped and also the law enforcement officer. It has been very well received across this country where it has been applied.

It will help pay for establishing or improving systems for handling complaints alleging ethnic or racial profiling and will help to establish management systems to assure supervisors are held accountable for subordinates.

If they do not do the job right, there is a stick. If State and local law enforcement agencies refuse to implement procedures to end and prevent profiling, they will be subject to a loss of Federal law enforcement funds.

Let me be clear. This bill is not about blaming law enforcement, but we do believe we need to see change. It is not designed to prevent law enforcement from doing its job, it is to encourage them to do a better job. In fact, we believe it will help our law enforcement officers in this Nation maintain the public trust they need to do their jobs.

If race is part of a description of a specific suspect involved in an investigation, this law does not prevent them from using that information or having that information distributed, but stopping people on a random, race-based hunch will be outlawed.

Race has been a never-ending battle in this country. It began with our Constitution when the Founding Fathers argued over the rights of southern slaves. Then we fought a war over race. We fought a war that ripped our country apart. Our country emerged whole, but discrimination and Jim Crow laws continued for decades—discrimination sanctioned in part by our own Supreme Court.

Our country's history has always been about change, about growth, about getting better, about recognizing things that weaken us from within. A generation ago, we began to fight another war, a war founded on peaceful principles, a war that killed our heroes, burned our cities, and shook us, once again, to the very core. But we advanced with important civil rights initiatives, such as the Voting Rights Act, the public accommodation laws. We demanded and gained like laws to fight discrimination in employment, housing, and education.

It is time for us to take another very important step. Racial profiling has bred humiliation, anger, resentment, and cynicism throughout this country. It has weakened respect for the law by many, not just the offended.

I close by putting it in simple words: Racial profiling is wrong, and it must end. Today Senator FEINGOLD, Senator CLINTON, I, and others in the House pledge to do just that: to define it, to ban it, and then enforce that ban.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I cannot help but notice, as I look at the Presiding Officer and the Senator from New Jersey, how fortunate we are to have new Members who have immediately come to the Senate and exerted leadership—the Presiding Officer on education, as well as other issues; and the Senator from New Jersey, his determination and hard work on this has been truly striking. I am just delighted to be working with him on this.

I also thank the Senator from Massachusetts for his courtesy in allowing us to interrupt the education bill for this purpose.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be an original cosponsor of this legislation.

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

Mrs. CLINTON. Mr. President, I rise today in support of the bipartisan End of Racial Profiling Act of 2001. I believe it is a thoughtful and balanced effort, designed to bring people together, not to divide. I also want to express my sincere gratitude to my esteemed colleagues, Senator FEINGOLD and Senator CORZINE, for their leadership and tremendous efforts in crafting this legislation that affects so many communities throughout this country.

I also want to acknowledge the efforts of Representative CONYERS, the Ranking Member of the House Judiciary Committee, and a leader on this issue. Representative CONYERS has worked to obtain the support of both Democrats and Republicans alike, including Republican Representatives ASA HUTCHINSON, CHRIS SHAYS, TIM JOHNSON, CONSTANCE MORELLA, and JIM GREENWOOD. I thank them for attending the bipartisan press conference this morning and showing their support for this legislation. I hope we will be able to build upon this strong bipartisan support in the Senate.

I am also pleased that we were joined by Chief Bruce Chamberlin, an esteemed and experienced member of the national law enforcement community, who is the Chief of Police of Cheektowaga—in the western part of the great state of New York.

It was important for Chief Chamberlin to be here with us today to express his support for the bill because he recognizes, as we all do, that racial profiling is wrong and that this bill is an important step in bringing this practice to an end.

Racial profiling is unjust. It relegates honest, law-abiding citizens to second-class status when they suffer the embarrassment, the humiliation, the indignity, of being stopped or searched, and in some cases even physically harmed simply because of their race, ethnicity or national origin.

Racial profiling is not an effective law enforcement tool. The experts at John Jay College of Criminal Justice and elsewhere will tell you that the evidence is unquestionably clear, for example, that the vast majority of Blacks and Hispanics who are stopped or searched have committed no crime.

Indeed, racial profiling has an insidious and devastating effect on entire communities because it increases the level of mistrust between law enforcement and the communities it is charged with the heavy burden to protect. That result serves no one. It fails to serve law enforcement because a critical component of truly effective law enforcement is strong community-police relations, partnerships in which law enforcement and our communities are working together to reduce crime and to make our communities as safe as they can be.

Racial profiling fails to serve prosecutors, because law-abiding people who don't have faith that their law enforcement will protect them properly and treat them with dignity will not have faith in law enforcement when sitting on juries and assessing the credibility of police officers who often play a key role in getting convictions for criminals.

What does this bill do and what doesn't it do?

As you, my colleagues consider this legislation, understand that this bill is not about blaming law enforcement or saying that law enforcement is bad or doesn't do a good job. We know that this is simply not true.

Those who uphold our Nation's laws on the streets where we live are men and women of courage. They go to work each day without the same degree of certainty that most of us have that they will return home safely, because they never know when the next traffic stop, the next domestic dispute, the next arrest will explode in their face. There is a memorial here in Washington with the names of more than 14,000 American heroes who gave their lives to make ours a safer country.

What this bill does do is make very clear that racial profiling is wrong and that law enforcement agencies that haven't done so already should adopt policies and procedures to eliminate and prevent racial profiling.

Some might ask, how can adopting policies and procedures help stop racial profiling? Well, the experts at John Jay College will tell you that in the 1960s and early 1970s, most police departments in this country left it up to the individual officer to decide when to shoot to kill. During that time, the racial disparity among persons shot and killed by police was as high as eight African-Americans for every white person, and very much higher among victims who were neither armed nor in the process of assaulting a police officer.

During the 1970s and early 1980s, police departments promulgated and enforced strict standards, basically decreeing that deadly force could be exercised only in defense of the life of the officer or another person. In the large police departments in this country, these changes were accompanied by reductions of as much as 51 percent in the number of civilians killed by police. It also resulted in the significant reduction in the number of officers killed in the line of duty. This is just one example of how good policies and procedures can actually save lives without reducing the effectiveness of law enforcement.

Recognizing the importance of policies and procedures to eliminate and prevent racial profiling, this bill provides incentives for law enforcement to promote such policies by providing grants to state and local law enforcement agencies to use in ways they believe will be most effective for their communities—whether to purchase equipment and other resources to assist in data collection or to provide training to officers to improve community relations and build trust.

Chief Chamberlin spoke eloquently this morning about the importance of training and building relationships between law enforcement and communities. His actions, however, have spoken even louder than his words. He has taken the lead in Western New York in forming the Law Enforcement and Diversity Team or ''LEAD'' program, which exists to enhance communication and understanding between suburban law enforcement agencies and the diverse citizenry of Western New York. The LEAD team, sponsored by the National Conference for Community and Justice and the Erie County Chiefs of Police, developed one of the Nation's leading programs—''Building Bridges'' to start a dialogue between police officers and people of diverse cultural and racial backgrounds.

The U.S. Department of Transportation has utilized excerpts from the LEAD Team's ''What to do When Stopped by Police'' brochure for the department's national publication. The program has been adopted by the Buffalo and Cheektowaga school systems in the curriculum for high schools students. It provides an important educational opportunity for the entire community and assists in the development of positive relationships between police and community by eliminating some level of fear, distrust, and skepticism.

Other New Yorkers have also worked to improve the relationship between communities and law enforcement. New York's Attorney General, Elliot Spitzer, has instituted training programs in an effort to try and prevent racial profiling. In fact, just this past February through April, the Attorney General's office conducted in-service training of all members of the New Rochelle, New York Police Department at the request of that department. The training took place on Thursday mornings and focused, among other things, on what is meant by ''racial profiling'' and the perceptions of community members of police encounters in order to raise awareness. The training also reported on data collection efforts taking place across the country and the results of those efforts.

Academia can also play a role in promoting trust between law enforcement and the community. For example, the John Jay College of Criminal Justice—whose Master of Public Administration Program was ranked first in the nation among graduate schools with specializations in Criminal Justice Policy and Management by U.S. News and World Report for the second year in a row—has begun to conduct a six-week free course for members of the New York City Police Department on the racial and cultural diversity of New York City. More than 600 police officers from across New York City have enrolled in a course entitled: ''Police Supervision in a Multiracial and Multicultural City.''

With this bill, efforts like those currently led by Chief Chamberlain, Attorney General Spitzer, and John Jay College will be expanded throughout the country.

More than a year ago when I spoke about this issue at the Riverside Church in New York City, I said, ''we must all be on the same side.'' I am so proud that today—we are all here together—on the same side, citizens, officers of the law, Republicans and Democrats—to say that racial profiling is wrong and must end.

We are here to say that in fighting racial profiling, we can at the same time forge even better relations between police and the neighborhoods they patrol, as we wage a common effort to reduce crime and make our communities safe.

In closing, I hope that as we move forward with the consideration of this legislation, it will engender a positive and thoughtful dialogue between and among members of Congress, the President, law enforcement, and the civil rights community. And that by eliminating the practice of racial profiling, we can begin to restore the bonds of trust between communities and the law enforcement officers that serve them.

By Mr. SMITH of New Hampshire:

S. 990. A bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes; to the Committee on Environment and Public Works.

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce a comprehensive wildlife conservation measure, the American Wildlife Enhancement Act of 2001. This bill will help to increase conservation efforts by promoting local control and State partnerships through flexible, incentive driven conservation programs and increased partnerships with local land owners. The true conservationists are those who live on and work the land, and it is my intention to provide the incentives to help them continue those efforts. People don't come to New Hampshire for the malls. They come to kayak, bike, fish, swim, hunt, hike trails, ski, and more. That's our industry. We cannot, and should not, turn away from that. I believe that when we conserve our wildlife and wildlife areas, we affirm our long-standing tradition of honoring our natural American heritage. This bill is about achieving that goal in a cooperative, partnership approach, something that unfortunately, the Federal Government has too long neglected.

This bill will accomplish these goals by infusing additional funds into the popular Pittman-Robertson program; establishing a new competitive matching grant fund that would allow private landowners to apply for assistance to protect endangered and threatened species on their land; and establishing a new competitive grant fund that would allow one or several States to apply for a grant to protect an area of regional or national significance through the purchase of an easement or acquisition. This measure represents our best, and most effective, chances of addressing the growing needs for wildlife conservation in our Nation.

Title I of this bill authorizes $350 million a year to enhance the Pittman-Robertson Wildlife Restoration program. Unlike the existing Pittman-Robertson program, which is funded through a tax on hunting equipment, the enhanced program would be authorized for a specific time period, would have to compete for funds through the appropriations process and would be held in an account that is separate from the already established Wildlife Restoration Fund.

Funds for this enhanced program would be distributed to the States through a formula based on land area and population, with no State receiving less than one percent of the available funding. Projects eligible for funding through the new program would include: acquisition and improvement of wildlife habitat; hunter education; wildlife population surveys; construction of facilities to improve public access; management of wildlife areas; recreation; conservation education; and facility development and maintenance. States would pay for a project up front and would be reimbursed up to 75 percent of the total cost of the project. Similar language was included in last year's Commerce-State-Justice appropriations measure, but was authorized for one year, at a level of $50 million. The program has been successful since its inception, and should continue past this fiscal year. My bill would authorize this program for five years at a level of $350 million each year.

The State of New Hampshire ranks 44th out of 50 States in land area and

41st in population. Still, the State received $487,000 out of the money appropriated in last year's Commerce-State-Justice appropriations bill. If my bill were enacted and fully appropriated, even a small State like New Hampshire would be eligible to receive $3.5 million. Believe me, $3.5 million would make an incredible difference not only for New Hampshire, but nationwide. There is not only a demonstrated need for these additional funds, but a keen interest in seeing this infusion of appropriations within a time-tested program, the Pittman-Robertson Wildlife Restoration Program, popular with sportsmen and women and conservationists alike.

The second title of my bill establishes a new competitive matching grant fund that would allow private landowners to apply for assistance to protect endangered and threatened species on their land through the development and implementation of recovery agreements. A recovery agreement would provide an economic incentive to protect habitat for threatened and endangered species, list specific recovery goals, schedule an implementation plan, and monitor the results. In return for agreeing to carry out these activities, the landowner would receive financial compensation. Currently any effort that a private landowner undertakes to conserve an endangered species is paid for out-of-pocket. Under this bill though, for the first time, private landowners will be able to apply for a grant to assist in the recovery of endangered or threatened species on their property. In other words, they would be eligible to get compensation for some of the conservation measures that they now have to pay for themselves.

That is a big step forward. Since approximately 90-percent of the listed endangered and threatened species inhabit non-federal lands, one of the keys to the successful recovery of our endangered and threatened species is the increased participation of private landowners. This is best achieved through a collaborative, not combative, process that provides landowners with an incentive to participate.

This title is an amendment to the Endangered Species Act. This title should not be interpreted as a vehicle for comprehensive reform, but as a great opportunity to get dollars to those land owners who want to protect species today. I welcome the opportunity to work with all of my colleagues on comprehensive reform to the Endangered Species Act through hearings, debate and bipartisan legislation. However, in the meantime we need to provide private land owners the opportunity to protect the habitat of endangered species.

The final title of my bill would establish a new competitive grant fund that would allow one or more States to apply for a grant to protect an area of regional or national significance through the purchase of an easement or acquisition. Without a source of flexible Federal funds such as this, States and local communities alone will be unable to protect some of the Nation's most important natural areas. I highlight the Northern Forest that spans the states of New Hampshire, Maine, Vermont, and New York; the Central Appalachian Highlands; the Mississippi Delta, just to name a few. This flexible funding will allow States and communities to protect vital natural, cultural and recreational areas without creating or expanding Federal units. Such a funding program promotes local control and multi-state partnerships, and is also cost-effective.

I am a firm believer in preserving our national treasures for future generations to enjoy. I also believe that the States, local communities and individual property owners are in the best position to identify and protect the species and areas that are in the greatest need of conservation. But they also need financial assistance from the Federal Government to effectively conserve and manage the natural resources that need either protection or restoration. This belief is strongly reflected in my bill.

I have received a very positive response for this bill from the interested constituencies, both in New Hampshire and nationwide. In general, there is a growing consensus that we must act now or we will lose many of our special places, and if we wait, what is destroyed or lost will be gone forever. It is our responsibility to act as stewards of the environment. I have said it before and I will say it again: it is not anti-conservative to be pro-environment.

This bill is one that should attract the interest of both sides of the aisle. On that note, I would like to thank Senator REID, my counterpart on the Environment and Public Works Committee, for his leadership on the issue of wildlife conservation. In April, he chaired a field hearing in Reno, NV, on State wildlife and conservation issues. I know he is engaged in this matter, and I look forward to working with him to advance the goals of the American Wildlife Enhancement Act.

I encourage my colleagues to support the American Wildlife Enhancement Act of 2001 and ask 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. 990

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Wildlife Enhancement Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—PITTMAN-ROBERTSON WILDLIFE CONSERVATION AND RESTORATION PROGRAMS IMPROVEMENT
Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Wildlife Conservation and Restoration Account.
Sec. 104. Apportionment of amounts in the Account.
Sec. 105. Wildlife conservation and restoration programs.
Sec. 106. Nonapplicability of Federal Advisory Committee Act.
Sec. 107. Technical amendments.
Sec. 108. Effective date.
TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY
Sec. 201. Purpose.
Sec. 202. Endangered and threatened species recovery assistance.
TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM
Sec. 301. Non-Federal land conservation grant program.

TITLE I—PITTMAN-ROBERTSON WILDLIFE CONSERVATION AND RESTORATION PROGRAMS IMPROVEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Pittman-Robertson Wildlife Conservation and Restoration Programs Improvement Act''.

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) ACCOUNT.—The term 'Account' means the Wildlife Conservation and Restoration Account established by section 3(a)(2).

''(2) CONSERVATION.—

''(A) IN GENERAL.—The term 'conservation' means the use of a method or procedure necessary or desirable to sustain healthy populations of wildlife.

''(B) INCLUSIONS.—The term 'conservation' includes any activity associated with scientific resources management, such as—

''(i) research;

''(ii) census;

''(iii) monitoring of populations;

''(iv) acquisition, improvement, and management of habitat;

''(v) live trapping and transplantation;

''(vi) wildlife damage management;

''(vii) periodic or total protection of a species or population; and

''(viii) the taking of individuals within a wildlife stock or population if permitted by applicable Federal law, State law, or law of the District of Columbia or a territory.

''(3) FUND.—The term 'fund' means the Federal aid to wildlife restoration fund established by section 3(a)(1).

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

''(5) STATE FISH AND GAME DEPARTMENT.—The term 'State fish and game department' means any department or division of a department of another name, or commission, or 1 or more officials, of a State, the District of Columbia, or a territory empowered under the laws of the State, the District of Columbia, or the territory, respectively, to exercise the functions ordinarily exercised by a State fish and game department or a State fish and wildlife department.

''(6) TERRITORY.—The term 'territory' means Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

''(7) WILDLIFE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'wildlife' means—

''(i) any species of wild, free-ranging fauna (excluding fish); and

''(ii) any species of fauna (excluding fish) in a captive breeding program the object of which is to reintroduce individuals of a depleted indigenous species into the previously occupied range of the species.

''(B) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—For the purposes of each wildlife conservation and restoration program, the term 'wildlife' includes fish.

''(8) WILDLIFE-ASSOCIATED RECREATION PROJECT.—The term 'wildlife-associated recreation project' means—

''(A) a project intended to meet the demand for an outdoor activity associated with wildlife, such as hunting, fishing, and wildlife observation and photography;

''(B) a project such as construction or restoration of a wildlife viewing area, observation tower, blind, platform, land or water trail, water access route, area for field trialing, or trail head; and

''(C) a project to provide access for a project described in subparagraph (A) or (B).

''(9) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—The term 'wildlife conservation and restoration program' means a program developed by a State fish and game department and approved by the Secretary under section 12.

''(10) WILDLIFE CONSERVATION EDUCATION PROJECT.—The term 'wildlife conservation education project' means a project, including public outreach, that is intended to foster responsible natural resource stewardship.

''(11) WILDLIFE-RESTORATION PROJECT.—

''(A) IN GENERAL.—The term 'wildlife-restoration project' means a project consisting of the selection, restoration, rehabilitation, or improvement of an area of land or water (including a property interest in land or water) that is adaptable as a feeding, resting, or breeding place for wildlife.

''(B) INCLUSIONS.—The term 'wildlife-restoration project' includes—

''(i) acquisition of an area described in subparagraph (A) that is suitable or capable of being made suitable for feeding, resting, or breeding by wildlife;

''(ii) construction in an area described in subparagraph (A) of such works as are necessary to make the area available for feeding, resting, or breeding by wildlife;

''(iii) such research into any problem of wildlife management as is necessary for efficient administration of wildlife resources; and

''(iv) such preliminary or incidental expenses as are incurred with respect to activities described in this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) The first section, section 3(a)(1), and section 12 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669, 669b(a)(1), 669i) are amended by striking ''Secretary of Agriculture'' each place it appears and inserting ''Secretary''.

(2) The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) is amended by striking ''Secretary of the Interior'' each place it appears and inserting ''Secretary''.

(3) Section 3(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is amended by striking ''(hereinafter referred to as the 'fund')''.

(4) Section 6(c) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e(c)) is amended by striking ''established by section 3 of this Act''.

(5) Section 11(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–2(b)) is amended by striking ''wildlife restoration projects'' each place it appears and inserting ''wildlife-restoration projects''.

SEC. 103. WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.

(a) IN GENERAL.—Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) by striking ''SEC. 3. (a)(1) An'' and inserting the following:

''SEC. 3. FEDERAL AID TO WILDLIFE RESTORATION FUND.

''(a) IN GENERAL.—

''(1) FEDERAL AID TO WILDLIFE RESTORATION FUND.—An'';

(2) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

''(A) ESTABLISHMENT.—There is established in the fund an account to be known as the 'Wildlife Conservation and Restoration Account'.

''(B) FUNDING.—There are authorized to be appropriated to the Account for apportionment to States, the District of Columbia, and territories in accordance with section 4(d)—

''(i) $50,000,000 for fiscal year 2001; and

''(ii) $350,000,000 for each of fiscal years 2002 through 2006.''; and

(3) by striking subsections (c) and (d).

(b) CONFORMING AMENDMENTS.—

(1) Section 3(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is amended in the first sentence—

(A) by inserting ''(other than the Account)'' after ''wildlife restoration fund''; and

(B) by inserting before the period at the end the following: ''(other than sections 4(d) and 12)''.

(2) Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A)—

(I) by inserting ''(other than the Account)'' after ''the fund''; and

(II) by inserting ''(other than subsection (d) and sections 3(a)(2) and 12)'' after ''this Act''; and

(ii) in paragraph (2)(B), by inserting ''from the fund (other than the Account)'' before ''under this Act''; and

(B) in the first sentence of subsection (b), by striking ''said fund'' and inserting ''the fund (other than the Account)''.

(3) Section 6 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ''(other than sections 4(d) and 12)'' after ''this Act'';

(ii) in the last sentence of paragraph (1), by striking ''this Act from funds apportioned under this Act'' and inserting ''this Act (other than sections 4(d) and 12) from funds apportioned from the fund (other than the Account) under this Act'';

(iii) in paragraph (2)—

(I) in the first sentence, by inserting ''(other than sections 4(d) and 12)'' after ''this Act''; and

(II) in the last sentence, by striking ''said fund as represents the share of the United States payable under this Act'' and inserting ''the fund (other than the Account) as represents the share of the United States payable from the fund (other than the Account) under this Act''; and

(iv) in the last paragraph, by inserting ''from the fund (other than the Account)'' before ''under this Act'' each place it appears; and

(B) in subsection (b), by inserting ''(other than sections 4(d) and 12)'' after ''this Act'' each place it appears.

(4) Section 8A of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g–1) is amended in the first sentence by inserting ''from the fund (other than the Account)'' before ''under this Act''.

(5) Section 9 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h) is amended in subsections (a) and (b)(1) by striking ''section 4(a)(1)'' each place it appears and inserting ''subsections (a)(1) and (d)(1) of section 4''.

(6) Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(A) in subsection (a)(1)—

(i) by inserting ''(other than the Account)'' after ''the fund''; and

(ii) in subparagraph (B), by inserting ''but excluding any use authorized solely by section 12'' after ''target ranges''; and

(B) in subsection (c)(2), by inserting before the period at the end the following: ''(other than sections 4(d) and 12)''.

(7) Section 11(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–2(a)(1)) is amended by inserting ''(other than the Account)'' after ''the fund''.

SEC. 104. APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.

Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended by striking the second subsection (c) and subsection (d) and inserting the following:

''(d) APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.—

''(1) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out activities funded from the Account, not more than 3 percent of the total amount of the Account available for apportionment for the fiscal year.

''(2) APPORTIONMENT TO DISTRICT OF COLUMBIA AND TERRITORIES.—For each fiscal year, after making the deduction under paragraph (1), the Secretary shall apportion from the amount in the Account remaining available for apportionment—

''(A) to each of the District of Columbia and the Commonwealth of Puerto Rico, a sum equal to not more than ½ of 1 percent of that remaining amount; and

''(B) to each of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, a sum equal to not more than ¼ of 1 percent of that remaining amount.

''(3) APPORTIONMENT TO STATES.—

''(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year, after making the deduction under paragraph (1) and the apportionment under paragraph (2), the Secretary shall apportion the amount in the Account remaining available for apportionment among States in the following manner:

''(i) ⅓ based on the ratio that the area of each State bears to the total area of all States.

''(ii) ⅔ based on the ratio that the population of each State bears to the total population of all States.

''(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—For each fiscal year, the amounts apportioned under this paragraph shall be adjusted proportionately so that no State is apportioned a sum that is—

''(i) less than 1 percent of the amount available for apportionment under this paragraph for the fiscal year; or

''(ii) more than 5 percent of that amount.

''(4) USE.—

''(A) IN GENERAL.—Apportionments under paragraphs (2) and (3)—

''(i) shall supplement, but not supplant, funds available to States, the District of Columbia, and territories—

''(I) from the fund; or

''(II) from the Sport Fish Restoration Account established by section 9504(a) of the Internal Revenue Code of 1986; and

''(ii) shall be used to address the unmet needs for a wide variety of wildlife and associated habitats, including species that are not hunted or fished, for projects authorized

to be carried out as part of wildlife conservation and restoration programs in accordance with section 12.

''(B) PROHIBITION ON DIVERSION.—A State, the District of Columbia, or a territory shall not be eligible to receive an apportionment under paragraph (2) or (3) if the Secretary determines that the State, the District of Columbia, or the territory, respectively, diverts funds from any source of revenue (including interest, dividends, and other income earned on the revenue) available to the State, the District of Columbia, or the territory after January 1, 2000, for conservation of wildlife for any purpose other than the administration of the State fish and game department in carrying out wildlife conservation activities.

''(5) PERIOD OF AVAILABILITY OF APPORTIONMENTS.—Notwithstanding section 3(a)(1), for each fiscal year, the apportionment to a State, the District of Columbia, or a territory from the Account under this subsection shall remain available for obligation until the end of the second following fiscal year.''.

SEC. 105. WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.

(a) IN GENERAL.—The Pittman-Robertson Wildlife Restoration Act is amended—

(1) by redesignating sections 12 and 13 (16 U.S.C. 669i, 669 note) as sections 13 and 15, respectively; and

(2) by inserting after section 11 (16 U.S.C. 669h–2) the following:

''SEC. 12. WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.

''(a) DEFINITION OF STATE.—In this section, the term 'State' means a State, the District of Columbia, and a territory.

''(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—

''(1) IN GENERAL.—A State, acting through the State fish and game department, may apply to the Secretary—

''(A) for approval of a wildlife conservation and restoration program; and

''(B) to receive funds from the apportionment to the State under section 4(d) to develop and implement the wildlife conservation and restoration program.

''(2) APPLICATION CONTENTS.—As part of an application under paragraph (1), a State shall provide documentation demonstrating that the wildlife conservation and restoration program of the State includes—

''(A) provisions vesting in the State fish and game department overall responsibility and accountability for the wildlife conservation and restoration program of the State;

''(B) provisions to identify which species in the State are in greatest need of conservation; and

''(C) provisions for the development, implementation, and maintenance, under the wildlife conservation and restoration program, of—

''(i) wildlife conservation projects—

''(I) that expand and support other wildlife programs; and

''(II) that are selected giving appropriate consideration to all species of wildlife in accordance with subsection (c);

''(ii) wildlife-associated recreation projects; and

''(iii) wildlife conservation education projects.

''(3) PUBLIC PARTICIPATION.—A State shall provide an opportunity for public participation in the development, implementation, and revision of the wildlife conservation and restoration program of the State and projects carried out under the wildlife conservation and restoration program.

''(4) APPROVAL FOR FUNDING.—If the Secretary finds that the application submitted by a State meets the requirements of paragraph (2), the Secretary shall approve the wildlife conservation and restoration program of the State.

''(5) PAYMENT OF FEDERAL SHARE.—

''(A) IN GENERAL.—Subject to subparagraph (D), after the Secretary approves a wildlife conservation and restoration program of a State, the Secretary may use the apportionment to the State under section 4(d) to pay the Federal share of—

''(i) the cost of implementation of the wildlife conservation and restoration program; and

''(ii) the cost of development, implementation, and maintenance of each project that is part of the wildlife conservation and restoration program.

''(B) FEDERAL SHARE.—The Federal share shall not exceed 75 percent.

''(C) TIMING OF PAYMENTS.—Under such regulations as the Secretary may promulgate, the Secretary—

''(i) shall make payments to a State under subparagraph (A) during the course of a project; and

''(ii) may advance funds to pay the Federal share of the costs described in subparagraph (A).

''(D) MAXIMUM AMOUNT FOR LAW ENFORCEMENT ACTIVITIES.—Notwithstanding section 8(a), for each fiscal year, not more than 10 percent of the apportionment to a State under section 4(d) for the wildlife conservation and restoration program of the State may be used for law enforcement activities.

''(6) METHOD OF IMPLEMENTATION OF PROJECTS.—A State may implement a project that is part of the wildlife conservation and restoration program of the State through—

''(A) a grant made by the State to, or a contract entered into by the State with—

''(i) any Federal, State, or local agency (including an agency that gathers, evaluates, and disseminates information on wildlife and wildlife habitats);

''(ii) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

''(iii) a wildlife conservation organization; or

''(iv) an outdoor recreation or conservation education entity; and

''(B) any other method determined appropriate by the State.

''(c) WILDLIFE CONSERVATION STRATEGY.—

''(1) IN GENERAL.—Not later than 5 years after the date of the initial apportionment to a State under section 4(d), to be eligible to continue to receive funds from the apportionment to the State under section 4(d), the State shall, as part of the wildlife conservation and restoration program of the State, develop and begin implementation of a wildlife conservation strategy that is based on the best available and appropriate scientific information.

''(2) REQUIRED ELEMENTS.—A wildlife conservation strategy shall—

''(A) use such information on the distribution and abundance of species of wildlife as is indicative of the diversity and health of the wildlife of the State, including such information on species with low populations and declining numbers of individuals as the State fish and game department determines to be appropriate;

''(B) identify the extent and condition of wildlife habitats and community types essential to conservation of the species of wildlife of the State identified using information described in subparagraph (A);

''(C)(i) identify the problems that may adversely affect—

''(I) the species identified using information described in subparagraph (A); and

''(II) the habitats of the species identified under subparagraph (B); and

''(ii) provide for high priority research and surveys to identify factors that may assist in the restoration and more effective conservation of—

''(I) the species identified using information described in subparagraph (A); and

''(II) the habitats of the species identified under subparagraph (B);

''(D)(i) describe which actions should be taken to conserve—

''(I) the species identified using information described in subparagraph (A); and

''(II) the habitats of the species identified under subparagraph (B); and

''(ii) establish priorities for implementing those actions; and

''(E) provide for—

''(i) periodic monitoring of—

''(I) the species identified using information described in subparagraph (A);

''(II) the habitats of the species identified under subparagraph (B); and

''(III) the effectiveness of the conservation actions described under subparagraph (D); and

''(ii) adaptation of conservation actions as appropriate to respond to new information or changing conditions.

''(3) PUBLIC PARTICIPATION IN DEVELOPMENT OF STRATEGY.—A State shall provide an opportunity for public participation in the development and implementation of the wildlife conservation strategy of the State.

''(4) REVIEW AND REVISION.—Not less often than once every 10 years, a State shall review the wildlife conservation strategy of the State and make any appropriate revisions.

''(5) COORDINATION.—During the development, implementation, review, and revision of the wildlife conservation strategy of the State, a State shall provide for coordination, to the maximum extent practicable, between—

''(A) the State fish and game department; and

''(B) Federal, State, and local agencies and Indian tribes that—

''(i) manage significant areas of land or water within the State; or

''(ii) administer programs that significantly affect the conservation of

''(I) the species identified using information described in paragraph (2)(A); or

''(II) the habitats of the species identified under paragraph (2)(B).

''(d) USE OF FUNDS FOR NEW AND EXISTING PROGRAMS AND PROJECTS.—Funds made available from the Account to carry out activities under this section may be used—

''(1) to carry out new programs and projects; and

''(2) to enhance existing programs and projects.

''(e) PRIORITY FOR FUNDING.—In using funds made available from the Account to carry out activities under this section, a State shall give priority to species that are in greatest need of conservation, as identified by the State.

''(f) LIMITATION ON USE OF FUNDS FOR WILDLIFE CONSERVATION EDUCATION PROJECTS.—Funds made available from the Account to carry out wildlife conservation education projects shall not be used to fund, in whole or in part, any activity that promotes or encourages opposition to the regulated hunting or trapping of wildlife.''.

(b) CONFORMING AMENDMENT.—Section 8(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g) is amended by striking the last sentence.

SEC. 106. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—The Pittman-Robertson Wildlife Restoration Act (as amended by section 105(a)(1)) is amended by inserting after section 13 the following:

"SEC. 14. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

"Coordination with State fish and game department personnel or with personnel of any other agency of a State, the District of Columbia, or a territory under this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—The Dingell-Johnson Sport Fish Restoration Act is amended—

(1) by redesignating section 15 (16 U.S.C. 777 note) as section 16; and

(2) by inserting after section 14 (16 U.S.C. 777m) the following:

"SEC. 15. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

"Coordination with State fish and game department personnel or with personnel of any other State agency under this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 107. TECHNICAL AMENDMENTS.

(a) The first section of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669) is amended by striking "That the" and inserting the following:

"SECTION 1. COOPERATION OF SECRETARY OF THE INTERIOR WITH STATES.

"The".

(b) Section 5 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669d) is amended by striking "SEC. 5." and inserting the following:

"SEC. 5. CERTIFICATION OF AMOUNTS DEDUCTED OR APPORTIONED.".

(c) Section 6 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e) is amended by striking "SEC. 6." and inserting the following:

"SEC. 6. SUBMISSION AND APPROVAL OF PLANS AND PROJECTS.".

(d) Section 7 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669f) is amended by striking "SEC. 7." and inserting the following:

"SEC. 7. PAYMENT OF FUNDS TO STATES.".

(e) Section 8 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g) is amended by striking "SEC. 8." and inserting the following:

"SEC. 8. MAINTENANCE OF PROJECTS; FUNDING OF HUNTER SAFETY PROGRAMS AND PUBLIC TARGET RANGES.".

(f) Section 8A of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g–1) is amended by striking "SEC. 8A." and inserting the following:

"SEC. 8A. APPORTIONMENTS TO TERRITORIES.".

(g) Section 12 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669i) is amended by striking "SEC. 12." and inserting the following:

"SEC. 12. RULES AND REGULATIONS.".

SEC. 108. EFFECTIVE DATE.

This title takes effect on October 1, 2001.

TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY

SEC. 201. PURPOSE.

The purpose of this title is to promote involvement by non-Federal entities in the recovery of the endangered species and threatened species of the United States and the habitats on which the species depend.

SEC. 202. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) IN GENERAL.—Section 13 of the Endangered Species Act of 1973 (87 Stat. 902) is amended to read as follows:

"SEC. 13. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

"(a) DEFINITIONS.—In this section:

"(1) SMALL LANDOWNER.—The term 'small landowner' means an individual who owns not more than 150 acres of land.

"(2) SPECIES RECOVERY AGREEMENT.—The term 'species recovery agreement' means an endangered and threatened species recovery agreement entered into under subsection (c).

"(b) ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.—

"(1) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to any person for development and implementation of an endangered and threatened species recovery agreement entered into by the Secretary and the person under subsection (c).

"(2) PRIORITY.—In providing financial assistance under this subsection, the Secretary shall give priority to the development and implementation of species recovery agreements that—

"(A) implement actions identified under recovery plans approved by the Secretary under section 4(f);

"(B) have the greatest potential for contributing to the recovery of an endangered species or threatened species; and

"(C) are proposed by small landowners.

"(3) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary shall not provide financial assistance under this subsection for any activity that is required—

"(A) by a permit issued under section 10(a)(1)(B);

"(B) by an incidental taking statement provided under section 7(b)(4); or

"(C) under another provision of this Act or any other Federal law.

"(4) PAYMENTS UNDER OTHER PROGRAMS.—

"(A) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this subsection shall be in addition to, and shall not affect, the total amount of payments that the person is eligible to receive under—

"(i) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

"(ii) the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 et seq.);

"(iii) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.); or

"(iv) the Wildlife Habitat Incentive Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

"(B) LIMITATION.—A person shall not receive financial assistance under a species recovery agreement for any activity for which the person receives a payment under a program referred to in subparagraph (A) unless the species recovery agreement imposes on the person a financial or management obligation in addition to the obligations of the person under that program.

"(c) ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.—

"(1) IN GENERAL.—In accordance with this subsection, the Secretary may enter into endangered and threatened species recovery agreements.

"(2) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement with a person provisions that—

"(A) require the person—

"(i) to carry out on real property owned or leased by the person activities not required by other law that contribute to the recovery of an endangered species or threatened species; or

"(ii) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered species or threatened species;

"(B) describe the real property referred to in clauses (i) and (ii) of subparagraph (A);

"(C) specify species recovery goals for the species recovery agreement, and activities for attaining the goals;

"(D)(i) require the person to make reasonable efforts to make measurable progress each year in achieving the species recovery goals; and

"(ii) specify a schedule for implementation of the species recovery agreement;

"(E) specify actions to be taken by the Secretary or the person to monitor the effectiveness of the species recovery agreement in attaining the species recovery goals;

"(F) require the person to notify the Secretary if any right or obligation of the person under the species recovery agreement is assigned to any other person;

"(G) require the person to notify the Secretary if any term of the species recovery agreement is breached;

"(H) specify the date on which the species recovery agreement takes effect and the period of time during which the species recovery agreement shall remain in effect;

"(I) provide that the species recovery agreement shall not be in effect on or after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the species recovery agreement; and

"(J) schedule the disbursement of financial assistance provided under subsection (b) for implementation of the species recovery agreement, on an annual or other basis during the period in which the species recovery agreement is in effect, based on the schedule for implementation required under subparagraph (D)(ii).

"(3) REVIEW AND APPROVAL OF PROPOSED SPECIES RECOVERY AGREEMENTS.—On submission by any person of a proposed species recovery agreement under this subsection, the Secretary shall—

"(A) review the proposed species recovery agreement and determine whether the species recovery agreement—

"(i) complies with this subsection; and

"(ii) will contribute to the recovery of each endangered species or threatened species that is the subject of the proposed species recovery agreement;

"(B) propose to the person any additional provisions that are necessary for the species recovery agreement to comply with this subsection; and

"(C) if the Secretary determines that the species recovery agreement complies with this subsection, enter into the species recovery agreement with the person.

"(4) MONITORING OF IMPLEMENTATION OF SPECIES RECOVERY AGREEMENTS.—The Secretary shall—

"(A) periodically monitor the implementation of each species recovery agreement; and

"(B) based on the information obtained from the monitoring, annually or otherwise disburse financial assistance under this section to implement the species recovery agreement as the Secretary determines to be appropriate under the species recovery agreement.

"(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—Of the amounts made available to carry out this section for a fiscal year, not more than 3 percent may be used to pay administrative expenses incurred in carrying out this section.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 15 of the Endangered Species Act of 1973 (16 U.S.C. 1542) is amended by adding at the end the following:

"(d) ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.—There is authorized to be appropriated to carry out section 13 $75,000,000 for each of fiscal years 2002 through 2006.".

(c) CONFORMING AMENDMENT.—The table of contents in the first section of the Endangered Species Act of 1973 (16 U.S.C. prec. 1531) is amended by striking the item relating to section 13 and inserting the following:

''Sec. 13. Endangered and threatened species recovery assistance.''.

TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM

SEC. 301. NON-FEDERAL LAND CONSERVATION GRANT PROGRAM.

(a) IN GENERAL.—The Partnerships for Wildlife Act (16 U.S.C. 3741 et seq.) is amended by adding at the end the following:

''SEC. 7106. NON-FEDERAL LAND CONSERVATION GRANT PROGRAM.

''(a) ESTABLISHMENT.—In consultation with appropriate State, regional, and other units of government, the Secretary shall establish a competitive grant program, to be known as the 'Non-Federal Land Conservation Grant Program' (referred to in this section as the 'program'), to make grants to States or groups of States to pay the Federal share determined under subsection (c)(4) of the costs of conservation of non-Federal land or water of regional or national significance.

''(b) RANKING CRITERIA.—In selecting among applications for grants for projects under the program, the Secretary shall—

''(1) rank projects according the extent to which a proposed project will protect watersheds and important scenic, cultural, recreational, fish, wildlife, and other ecological resources; and

''(2) subject to paragraph (1), give preference to proposed projects—

''(A) that seek to protect ecosystems;

''(B) that are developed in collaboration with other States;

''(C) with respect to which there has been public participation in the development of the project proposal;

''(D) that are supported by communities and individuals that are located in the immediate vicinity of the proposed project or that would be directly affected by the proposed project; or

''(E) that the State considers to be a State priority.

''(c) GRANTS TO STATES.—

''(1) NOTICE OF DEADLINE FOR APPLICATIONS.—The Secretary shall give reasonable advance notice of each deadline for submission of applications for grants under the program by publication of a notice in the Federal Register.

''(2) SUBMISSION OF APPLICATIONS.—

''(A) IN GENERAL.—A State or group of States may submit to the Secretary an application for a grant under the program.

''(B) REQUIRED CONTENTS OF APPLICATIONS.—Each application shall include—

''(i) a detailed description of each proposed project;

''(ii) a detailed analysis of project costs, including costs associated with—

''(I) planning;

''(II) administration;

''(III) property acquisition; and

''(IV) property management;

''(iii) a statement describing how the project is of regional or national significance; and

''(iv) a plan for stewardship of any land or water, or interest in land or water, to be acquired under the project.

''(3) SELECTION OF GRANT RECIPIENTS.—Not later than 90 days after the date of receipt of an application, the Secretary shall—

''(A) review the application; and

''(B)(i) notify the State or group of States of the decision of the Secretary on the application; and

''(ii) if the application is denied, provide an explanation of the reasons for the denial.

''(4) COST SHARING.—The Federal share of the costs of a project under the program shall be—

''(A) in the case of a project to acquire the fee simple interest in land or water, not more than 50 percent of the costs of the project;

''(B) in the case of a project to acquire less than the fee simple interest in land or water (including acquisition of a conservation easement), not more than 70 percent of the costs of the project; and

''(C) in the case of a project involving 3 or more States, not more than 75 percent of the costs of the project.

''(5) EFFECT OF INSUFFICIENCY OF FUNDS.—If the Secretary determines that there are insufficient funds available to make grants with respect to all applications that meet the requirements of this subsection, the Secretary shall give priority to those projects that best meet the ranking criteria established under subsection (b).

''(d) REPORT.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the grants made under this section, including an analysis of how projects were ranked under subsection (b).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2002 through 2006.''.

(b) CONFORMING AMENDMENT.—Section 7105(g)(2) of the Partnerships for Wildlife Act (16 U.S.C. 3744(g)(2)) is amended by striking ''this chapter'' and inserting ''this section''.

By Ms. LANDRIEU (for herself, Mr. BREAUX, Mr. BINGAMAN, Mr. DURBIN, Mr. FEINGOLD, Mr. HAGEL, Mr. MURKOWSKI, and Mr. SESSIONS):

S. 991. A bill to authorize the president to award a gold medal on behalf of the Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I speak today to honor an innovative and patriotic American, a logger-turned-boatbuilder, who single-handedly transformed the concept of amphibious ship design when our nation and her Allies needed it most. Despite some bureaucratic obstacles in America's massive World War II war-machine, Andrew Jackson Higgins skillfully designed and engineered landing craft, eventually winning contracts to build 92 percent of the Navy's war-time fleet of landing craft. Andrew Jackson Higgins' story exemplifies the American Dream, and merits this body's recognition for his ingenuity, assiduous work, and devotion to our country.

In the late 1930's, Higgins was operating a small New Orleans work-boat company, with less than seventy-five employees. He quickly earned a reputation for fast, dependable work by turning out specialized vessels for the oil industry, Coast Guard, Army Corps of Engineers, and U.S. Biological Survey. Despite this reputation, when he presented his plans for swift amphibious landing crafts, he met hard resistance. The U.S. Navy had overestimated French and British abilities to secure France's ports from German encroachment, and overruled decisions to create landing boat crafts. When the U.S. Marine Corps finally identified the need for mass production of amphibious vessels for use in both the Pacific and European theaters, Marine leadership began to lobby the Navy to abandon its internal contracting, and procure ships from Higgins Industries, which boasted high performance quality and unprecedented speed in producing boats. In 1941, the Navy finally asked Higgins to begin designing a landing draft to carry tanks. Instead of a design, Higgins designed, built and delivered a complete working boat. It had only taken 61 hours to design and construct this first Landing Craft, Mechanized (LCM). The Navy was so impressed that they awarded the contract and the Higgins firm grew to seven plants, eventually turning out 700 boats a month, more than all other shipyards in the Nation combined. By war's end, Higgins had produced 20,000 boats, including the 46-foot LCVP, Landing Craft, Vehicle & Personnel, the fast-moving PT boats, the rocket-firing landing craft support boats, the 56-foot tank landing craft, the 170 foot freight supply ships and the 27-foot airborne lifeboats that could be dropped from B-17 bombers.

Able to conceive various ship designs and mass-produce vessels quickly at affordable prices, Higgins not only transformed wartime shipbuilding acquisition, but also sustained the universal faith in American invention and global power projection. Higgins boats landed on the shores of Normandy on June 6, 1944, 57 years ago today, the key enablers in the greatest amphibious assault our world has ever seen. In addition to his contributions to Allied war efforts abroad, Higgins' manufacturing further changed the face of my own city of New Orleans, home to most of the firm's business. I urge my colleagues to support provisions to award Andrew Jackson Higgins the Gold Medal of Honor, in the tradition of our great institution.

In 1964, President Dwight D. Eisenhower was reflecting on the success of the 1944 Normandy invasion to his biographer, Steven Ambrose. He remarked that Andrew Jackson Higgins ''is the man who won the war for us. If Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.'' Mr. Higgins and his 20,000-member workforce embody American creativity, persistence, and patriotism; they deserve to be recognized for their distinguished place in history.

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. 991

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 ''Andrew Jackson Higgins Gold Medal Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Andrew Jackson Higgins was born on August 28, 1886, in Columbus, Nebraska, moved to New Orleans in 1910, and formed Higgins Industries on September 26, 1930;

(2) Andrew Jackson Higgins designed, engineered, and produced the ''Eureka'', a unique shallow draft boat, the design of which evolved during World War II into 2 basic classes of military craft, high speed PT boats, and types of Higgins landing craft (LCPs, LCPLs, LCVPs, LCMs and LCSs);

(3) Andrew Jackson Higgins designed, engineered, and constructed 4 major assembly line plants in New Orleans for mass production of Higgins landing craft, and other vessels vital to the Allied Forces' conduct of World War II;

(4) Andrew Jackson Higgins bought the entire 1940 Philippine mahogany crop and other material purely at risk without a Government contract, anticipating that America would join World War II and that Higgins Industries would need the wood to build landing craft, and Higgins also bought steel, engines, and other material necessary to construct landing craft;

(5) Andrew Jackson Higgins, through Higgins Industries, employed a fully integrated assembly line work force, black and white, male and female, of up to 30,000 during World War II, with equal pay for equal work;

(6) in 1939, the United States Navy had a total of 18 landing craft in the fleet;

(7) from November 18, 1940, when Higgins Industries was awarded its first contract for Higgins landing craft until the conclusion of the war, the employees of Higgins Industries produced 12,300 Landing Craft Vehicle Personnel (LCVP's) and nearly 8,000 other landing craft of all types;

(8) during World War II, Higgins Industries employees produced 20,094 boats, including landing craft and Patrol Torpedo boats, and trained 30,000 Navy, Marine, and Coast Guard personnel on the safe operation of landing craft at the Higgins' Boat Operators School;

(9) on Thanksgiving Day 1944, General Dwight D. Eisenhower stated in an address to the Nation, ''Let us thank God for Higgins Industries, management, and labor which has given us the landing boats with which to conduct our campaign.'';

(10) Higgins landing craft, constructed of wood and steel, transported fully armed troops, light tanks, field artillery, and other mechanized equipment essential to amphibious operations;

(11) Higgins landing craft made the amphibious assault on D-day and the landings at Leyte, North Africa, Guadalcanal, Sicily, Iwo Jima, Tarawa, Guam, and thousands of less well-known assaults possible;

(12) Captain R.R.M. Emmett, a commander at the North Africa amphibious landing, and later commandant of the Great Lakes Training Station, wrote during the war, ''When the history of this war is finally written by historians, far enough removed from its present turmoil and clamor to be cool and impartial, I predict that they will place Mr. (Andrew Jackson) Higgins very high on the list of those who deserve the commendation and gratitude of all citizens.''; and

(13) in 1964, President Dwight D. Eisenhower told historian Steven Ambrose, ''He (Higgins) is the man who won the war for us. If Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.''.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized, on behalf of Congress, to award a gold medal of appropriate design to—

(A) the family of Andrew Jackson Higgins, honoring Andrew Jackson Higgins (posthumously) for his contributions to the Nation and world peace; and

(B) the D-day Museum in New Orleans, Louisiana, for public display, honoring Andrew Jackson Higgins (posthumously) and the employees of Higgins Industries for their contributions to the Nation and world peace.

(2) MODALITIES.—The modalities of presentation of the medals under this Act shall be determined by the President, after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike 2 gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medals struck under this Act, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $60,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.

By Mr. NICKLES (for himself, Mr. CONRAD, Mr. FRIST, and Mr. TORRICELLI):

S. 992. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Finance.

Mr. NICKLES. Mr. President, today I introduce legislation to simplify the taxation of life insurance companies, along with Senator CONRAD and several of our colleagues.

Our legislation repeals section 809 and section 815 of the Internal Revenue Code. Due to significant changes in the life insurance industry and their taxation over the years, these provisions are no longer relevant and their repeal will simplify the tax code.

Section 809 was enacted in 1984 as part of an overhaul of the taxation of life insurance companies. At the time, mutual life insurance companies were thought to be the dominant segment of the industry, and Congress sought to ensure that stock life insurance companies were not competitively disadvantaged. However, today, mutual life insurance companies comprise only about ten percent of the industry. Section 809 raises little revenue, but is very complex and burdensome. Since the reason for its enactment no longer exists, our bill repeals it.

Section 815 has an even longer history, dating back to 1959. Tax changes in 1959 created an accounting mechanism called a ''policyholders surplus account'' for stock life insurance companies. These companies were allowed to defer tax on one-half of their underwriting income so long as it was not distributed to shareholders. This income was accounted for through the policyholder surplus account. In 1984, Congress eliminated the deferral of income, but they did not address the issue of the policyholder surplus accounts. The amounts in those accounts remain subject to tax if certain triggering events occur. Since no company is willing to ''trigger'' the account, this provision also raises little or no revenue, but it directly inhibits business decisions of these companies. Our bill would also repeal this provision.

Congress has worked hard over the last few years to modernize laws governing the financial services industry to encourage its growth and enhance its competitiveness. Elimination of these old, complicated tax provisions will complement this effort and provide greater certainty to the taxation of these companies.

I encourage my colleagues to join me in this initiative.

By Mrs. CARNAHAN (for herself and Mr. BOND):

S. 993. A bill to extend for 4 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; to the Committee on the Judiciary.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 993

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, Public Law 106–70, and Public Law 107–8, is amended—

(1) by striking ''June 1, 2001'' each place it appears and inserting ''October 1, 2001''; and

(2) in subsection (a)—

(A) by striking ''June 30, 2000'' and inserting ''May 31, 2001''; and

(B) by striking ''July 1, 2000'' and inserting ''June 1, 2001''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on June 1, 2001.