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No. 89

## House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BALLENGER).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 25, 2001.

I hereby appoint the Honorable CASS BALLENGER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

### WE MUST ELIMINATE WASTE, FRAUD, AND ABUSE IN THE FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, one of my goals since first being elected to serve in Congress has been to root out waste, fraud, and abuse in the Federal Government and many of its programs. While we have been successful in iden-

tifying and reducing wasteful spending, there is still too much unnecessary spending that needs to be eliminated.

This came out in a report by the Senate Committee on Governmental Affairs entitled *Government at the Brink* that outlines the urgent Federal Government management problems facing the Bush administration. They cited four core problems that exist: One, work force management; two, financial management information; three, technology management; and, four, overlap and duplication.

Senator FRED THOMPSON of Tennessee was the chairman of this committee when this report was compiled. I want to share with my colleagues what his committee found.

A chief source of the information was based on reports issued by the General Accounting Office, the GAO, and agency inspectors general, or the IGs. Now, my colleagues might ask, just how much money are we talking about. Well, according to GAO, we are talking about at least \$35 billion a year, and that is just the tip of the iceberg.

The GAO reported that the Medicare program wastes \$12 billion every year on improper payments. According to the GAO, 10 percent of total health care costs are lost to wasteful spending. What came to light about the misappropriation of our tax dollars is downright alarming. In order to cut out waste in Medicare claims, the Health Care Financing Administration decided that new computer software should be developed to create one mammoth computerized method to review bills. Ultimately, what the American taxpayers got after 4 years was a bill for \$80 million. An official at this agency had this explanation: He said that the money was used in effect as a painful learning experience. We learned about this in 1997.

The Medicare program is not the only offender. Let us take a look at the Department of Education. This govern-

ment agency failed its last three financial audits. The government auditors identified accounting discrepancies totaling up to \$6 billion in Federal education aid that was embezzled, lost, used for real estate purchases, luxury car items, rent, and so forth. If we intend to increase the funding to the Department of Education, then we need to put in strong accounting practices.

Unfortunately, it is not difficult to find all sorts of examples of waste, fraud, and abuse in the Federal Government. The Medicare program and the Department of Education have a long history of wasteful spending. However, the Department of Interior does not know what has happened to over \$3 billion it holds in trust for the American Indians. Or what about what is referred to as the "big dig" up in Boston, Massachusetts? Boston's central artery has cost tremendous amounts of dollars. It has increased about 525 percent, from \$2.6 billion to the current estimate of \$14 billion.

We have serious problems that are cited in the Thompson report that need to be addressed if we are to solve mismanagement of valuable resources. The most compelling of these is work force management. Many agencies lack the right employees with the right skills to do the job. The report also stated that the Clinton administration's downsizing of government hardly made a dent in the true size of government. What it did do was create a brain drain that cost the government many of its most experienced and valuable employees. The end result is that the Federal Government wound up doing the same old thing in the same old way, but with less experienced workers.

Financial management. How can the government operate efficiently when agencies do not know how much money they have, how much they spend, or how much their programs cost.

Information technology management. This is a critical item because

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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we want our government computer systems not to be vulnerable to terrorist attacks, either domestically or internationally. The GAO has designed computer security, a governmentwide program, but it has problems.

The last area of concern is overlap and duplication. For instance, the Federal Government has seven different agencies administering four different programs aimed at job training. Eight different agencies operate 50 different programs to assist the homeless. Nine agencies operate 27 teen pregnancy programs. Seventy different agencies gather and analyze statistical data. Seventeen departments and agencies operate 515 research and development laboratories.

Mr. Speaker, these are just a few of the areas where duplication and overlap waste our tax dollars. We must restrain government spending, but I realize that, just as President Reagan said, government programs once launched never disappear. Actually, a government agency is the nearest thing to eternal life we will ever see here on this Earth.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 54. Concurrent resolution authorizing the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

#### PRAYER

Colonel Edward T. Brogan, Senior Chaplain, United States Air Force, Arlington National Cemetery, offered the following prayer:

Loving God, through Your grace You have established these United States. It is our blessing that Your strength can only be made perfect in our weakness. Enable us to kneel before You this day to receive Your good gift of strength. Perfect each of us, Lord, in our dependence upon You, that we might accomplish all that You would have us to do. Keep us from selfish ambition and brash self-reliance.

Today marks the fifth anniversary of the bombing of Khobar Towers in Dhahran, Saudi Arabia. That bombing reminded us of the cost of being a world power and of combatting evil. This day, Lord, we pray for Your protection upon our military men and women who serve all around the globe. Give them wisdom and energy in their service to our Nation. Watch over their families, ease the pain of the survivors and family members left behind after the terrorist attack at Khobar Towers and at too many other places.

Guide each Member of this House in humility before You and the people of the United States. Please also attend to the needs of the many staffers who accomplish so much of the work of this House. Give clarity and civility in debate, that the decisions reached might well serve our Nation. Bless our land with Your peace and dedication to serving You.

This we pray in Your holy and blessed name. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof. Pursuant to clause 1 of rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. GILCHREST) come forward and lead the House in the Pledge of Allegiance.

Mr. GILCHREST led the Pledge of Allegiance as follows:

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

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

#### RHINOCEROS AND TIGER CONSERVATION REAUTHORIZATION ACT OF 2001

Mr. GILCHREST. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 645) to reauthorize the Rhinoceros and Tiger Conservation Act of 1994, as amended.

The Clerk read as follows:

H.R. 645

*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 "Rhinoceros and Tiger Conservation Reauthorization Act of 2001".

#### SEC. 2. REAUTHORIZATION OF RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) is amended by striking "1996 through 2002" and inserting "2001, 2002, 2003, 2004, 2005, 2006, and 2007".

#### SEC. 3. ADMINISTRATIVE EXPENSES.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) is further amended—

(1) by striking "There are authorized" and inserting "(a) IN GENERAL.—There is authorized"; and

(2) by adding at the end the following:

"(b) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 3 percent or \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act."

#### SEC. 4. COOPERATION.

The Rhinoceros and Tiger Conservation Act of 1994 is further amended by redesignating section 9 (16 U.S.C. 5306) as section 10, and by inserting after section 8 the following:

#### "SEC. 9. ADVISORY GROUP.

"(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of rhinoceros and tiger species.

"(b) PUBLIC PARTICIPATION.—

"(1) MEETINGS.—The Advisory Group shall—

"(A) ensure that each meeting of the advisory group is open to the public; and

"(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

"(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

"(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

"(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group."

#### SEC. 5. PROJECT SUSTAINABILITY.

Section 5(e) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5304) is amended to read as follows:

"(e) PROJECT SUSTAINABILITY.—To the maximum extent practical, in determining whether to approve project proposals under this section, the Secretary shall give consideration to projects which will enhance sustainable conservation programs to ensure effective long-term conservation of rhinoceros and tigers."

#### SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS.—The Rhinoceros and Tiger Conservation Act of 1994 is amended as follows:

(1) Section 4(3) (16 U.S.C. 5303(3)) is amended by striking "Rhinoceros and Tiger Conservation Fund established under section 6(a)" and inserting "the account established by division A, section 101(e), title I of Public Law 105-277 under the heading 'MULTINATIONAL SPECIES CONSERVATION FUND'".

(2) Section 6 (16 U.S.C. 5305) is amended by striking the section heading and all that follows through "(d) ACCEPTANCE AND USE OF DONATIONS.—" and inserting the following:

"SEC. 6. ACCEPTANCE AND USE OF DONATIONS."

(b) TECHNICAL CORRECTION.—Title I of section 101(e) of division A of Public Law 105-277 (112 Stat. 2681-237) is amended under the heading "MULTINATIONAL SPECIES CONSERVATION FUND" by striking "Rhinoceros and Tiger Conservation

*Act, subchapter I" and inserting "Rhinos and Tiger Conservation Act of 1994, part I".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCREST) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCREST).

Mr. GILCREST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the fundamental goal of this legislation is to extend the Rhinoceros and Tiger Conservation Act of 1994. Since 1977, all species of rhinos and tigers have been listed under our Endangered Species Act and on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which prohibits all commercial international trade in these species.

Despite these protections, the population of these species continues to decline; and sadly, rhino and tiger body parts are still an active ingredient in Chinese traditional medicines sold throughout the world.

One of the few positive developments for these species was the enactment of the Rhino and Tiger Conservation Act. Since its establishment 7 years ago, the U.S. Fish and Wildlife Service has spent about \$7 million on 111 conservation projects in 16 countries in Africa and Asia. These projects have monitored populations, equipped game scouts, and educated local communities as to the value of these keystone species.

Without this act, these species would continue their steady slide toward extinction. In fact, during our subcommittee hearing on H.R. 645, the World Wildlife Fund testified that there is little question that the U.S. programs for tigers and rhinos and elephants have helped to avert disaster for these species, even possible extinction in some areas.

Madam Speaker, H.R. 645 is a simple 5-year extension of this vital wildlife conservation law at existing authorization levels. I urge Members to support it.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, I also rise in support of H.R. 645. I first want to commend the gentleman from Maryland (Mr. GILCREST), the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, and the ranking member, the gentleman from Guam (Mr. UNDERWOOD), for their leadership in international wildlife conservation and for introducing this legislation to authorize the Rhinoceros and Tiger Conservation Reauthorization Act of 2001.

Madam Speaker, rhinos and tigers remain some of the most charismatic and endangered species of wildlife anywhere on the planet. All subspecies are listed as endangered on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or CITES. They have also become emblematic of the great global conservation challenge of our time, and that challenge is how do we best rectify the demands of a growing human population with the needs of keystone wildlife species and the protection of their habitats.

The U.S. Fish and Wildlife Service recently released a summary report concerning the Rhino Conservation Act, which succinctly captured this challenge in the report's introduction. Slightly paraphrasing the report, it reads as follows:

"Rhinos and tigers are included in the heritage of many cultures. They have made their way into storybooks, religions, medicines and ad campaigns. However, our attraction to these species and their habitats also threatens their existence. It has led to their killing for trophies and medicines and to the fragmentation and outright destruction of their habitat by people seeking timber and land resources. They are now among the world's most endangered species."

Madam Speaker, I ask my colleagues to support this legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD), the ranking member on the subcommittee.

Mr. UNDERWOOD. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, I want to express my thanks and my gratitude to the gentleman from Maryland (Chairman GILCREST) for this particular piece of legislation and to reiterate my strongest support for this legislation, which basically is noncontroversial.

In 1994, Congress passed the Rhinoceros and Tiger Conservation Act in recognition of the crisis that rhinos and tigers were faced with imminent extinction in the wild. With the passage of the act and the subsequent creation of the Rhinoceros and Tiger Conservation Fund, conservation activities have been initiated in cooperation with range states and non-governmental organizations across Africa, Southern and Southeast Asia, and the Russian Far East.

Since 1996, the Fish and Wildlife Service has funded 105 grants totaling roughly a little over \$2 million. Most importantly, these appropriated funds have leveraged almost \$4 million in matching funds from cooperating partners. As a result, new conservation and research initiatives have been launched in Africa and Asia, including antipoaching and ranger-training activities, habitat surveys, enhanced surveillance and monitoring of illegal wildlife trade, establishment of wildlife compensation programs, and initiation

of education and outreach activities on the village level.

All of these efforts are making some very, very positive contributions in stemming the threat to rhinos and tigers; but much, much more needs to still be done. That is why we must support H.R. 645.

This legislation would reauthorize funding through fiscal year 2007 to support conservation projects administered through the Multinational Species Conservation Fund. H.R. 645 would also make two helpful modifications to the act to enhance sustainable long-term conservation efforts and to ensure more robust public participation by organizations actively involved in the conservation of rhinos and tigers.

This legislation is noncontroversial. Every witness who testified before the Subcommittee on Fisheries Conservation, Wildlife and Oceans on March 15 spoke in strong support for reauthorization, including the witness testifying for the administration. It was not surprising then that on May 16 the full Committee on Resources reported the bill by unanimous consent.

Two weeks ago the House passed similar noncontroversial legislation to reauthorize programs for African and Asian elephants. This bill is no less important, and I urge all Members to support H.R. 645 so we can continue U.S. leadership in the global conservation of wildlife.

Mrs. CHRISTENSEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCREST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just like to close by saying that the world is growing a great deal smaller. As the population increases and our natural resources decrease, the frontier is gone. No longer can we move to another far-flung region of the Earth and find vast stretches of open space. So what we have left as far as our next challenge and our next frontier is an intellectual frontier to understand how we as humans can manage the diminishing resources with an ever-increasing population and preserve what my grandfather used to say was the majesty and the abundance of nature.

Madam Speaker, this is a picture of one of the species we are trying to save, the magnificent creature known as the tiger. This is an article in "Time Magazine" dating back just a few years to 1994. There is a quote in here from Ullas Kranthi of the New York Wildlife Conservation Society, who on a recent visit to India saw a tigress come and then quickly go. Then he smiled and he said, "When you see a tiger, it is always like a dream." All too soon, dreams may be the only place where tigers roam free.

Madam Speaker, this legislation is designed to make sure that tigers not only roam in our dreams, but actually roam in reality on the few stretches of

open space and habitat that they have left.

Another quote from this article, "What will it say about the human race if we let the tiger go extinct? What can we save? Can we save ourselves?"

On behalf of the gentleman from Guam (Mr. UNDERWOOD), the gentleman from the Virgin Islands (Mrs. CHRISTENSEN), and the staff on both sides of the aisle on the Committee on Resources, I thank all of them for their help; and I urge my colleagues to vote for this most important very tiny amount of money that can go a long way.

□ 1415

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 645, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GILCHREST. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD on H.R. 645, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### AUTHORIZING ADAMS MEMORIAL FOUNDATION TO ESTABLISH COMMEMORATIVE WORK HONORING FORMER PRESIDENT JOHN ADAMS

Mr. HEFLEY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1668) to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his family, as amended.

The Clerk read as follows:

H.R. 1668

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

#### SECTION 1. COMMEMORATIVE WORK TO HONOR JOHN ADAMS AND HIS LEGACY.

(a) FINDINGS.—The Congress finds the following:

(1) Few families have contributed as profoundly to the United States as the family that gave the Nation its second president, John Adams; its sixth president, John Quincy Adams; first ladies Abigail Smith Adams and Louisa Catherine Johnson Adams; and succeeding generations of statesmen, diplomats, advocates, and authors.

(2) John Adams (1735–1826), a lawyer, a statesman, and a patriot, was the author of the Constitution of the Commonwealth of Massachusetts (the oldest written constitution still in force), the leader of the Second Continental Congress, a driving force for independence, a negotiator of the Treaty of Paris (which brought the Revolutionary War to an end), the first Vice President, the second President, and an unwavering exponent of freedom of conscience and the rule of law.

(3) Abigail Smith Adams (1744–1818) was one of the most remarkable women of her time. Wife of former President John Adams and mother of former President John Quincy Adams, she was an early advocate for the rights of women and served the cause of liberty as a prolific writer, fierce patriot, and staunch abolitionist.

(4) John Quincy Adams (1767–1848), the son of John and Abigail Adams, was a distinguished lawyer, legislator, and diplomat and a master of 7 languages, who served as Senator, Minister to the Netherlands under President George Washington, Minister to Prussia under the first President Adams, Minister to Great Britain under President James Madison, chief negotiator of the Treaty of Ghent (which ended the War of 1812), Secretary of State under President James Monroe, author of the Monroe Doctrine (which declared the Western Hemisphere off limits to European imperial expansion), sixth President, and the only former President to be elected to the House of Representatives, where he was known as "Old Man Eloquent" and served with great distinction as a leader in the fight against slavery and a champion of unpopular causes.

(5) Louisa Catherine Johnson Adams (1775–1852), the wife of former President John Quincy Adams, was an educated, accomplished woman and the only first lady born outside the United States. Like Abigail Adams, she wrote eloquently on behalf of the rights of women and in opposition to slavery.

(6) Charles Francis Adams (1807–1886), the son of John Quincy and Louisa Adams, served 6 years in the Massachusetts legislature, was a steadfast abolitionist who received the Free Soil Party's vice-presidential nomination in 1848, was elected to his father's seat in the House of Representatives in 1856, and served as ambassador to Great Britain during the Civil War, where his efforts were decisive in preventing the British Government from recognizing the independence of the Confederacy.

(7) Henry Adams (1838–1918), the son of Charles Francis Adams, was an eminent writer, scholar, historian, and public intellectual, and was the author of many celebrated works, including "Democracy", "The Education of Henry Adams", and his 9-volume "History of the United States during the Administrations of Jefferson and Madison".

(8) Both individually and collectively, the members of this illustrious family have enriched the Nation through their profound civic consciousness, abiding belief in the perfectibility of the Nation's democracy, and commitment to service and sacrifice for the common good.

(9) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated former Presidents as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to former President John Adams.

(10) In recognition of the 200th anniversary of the end of the presidency of John Adams, the time has come to correct this oversight so that future generations of Americans will know and understand the preeminent histor-

ical and lasting significance to the Nation of his contributions and those of his family.

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The Adams Memorial Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams, along with his wife Abigail Adams and former President John Quincy Adams, and the family's legacy of public service.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001, et seq.).

(d) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work. The Adams Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work.

(e) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the commemorative work (including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1001, et seq.)), or upon expiration of the authority for the commemorative work under section 10(b) of such Act, there remains a balance of funds received for the establishment of the commemorative work, the Adams Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.

(f) DEFINITIONS.—For purposes of this Act, the terms "commemorative work" and "the District of Columbia and its environs" have the meanings given to such terms in section 2 of the Commemorative Works Act (40 U.S.C. 1002).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Madam Speaker, I yield myself such time as I may consume.

H.R. 1668 introduced, by the gentleman from Indiana (Mr. ROEMER), would authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy. H.R. 1668 is supported by the administration and has strong bipartisan support.

Perhaps no American family has contributed as profoundly to public service as the family that gave the Nation its second President, John Adams; his wife, Abigail Adams; and their son, our sixth President, John Quincy Adams, who was also, by the way, a member of this body. The family's legacy was far-reaching, continuing with John Quincy Adams's son, John Francis Adams, who was also a member of this body and an ambassador to England during the Civil War; and his son, Henry Adams, an eminent writer and scholar, and it goes on and on.

The bill, as amended, focuses on the remarkable achievements of President

John Adams, his wife Abigail, and their son, John Quincy Adams. We have a monument here in our Nation's Capital honoring our first President, George Washington, as well as monuments honoring Lincoln, Roosevelt and Jefferson, but, incredibly, we have overlooked one person who arguably, second only perhaps to George Washington, did more than any other person to make it all happen. Historian David McCullough reminds us that while Jefferson was the author of the Declaration of Independence, he was the pen of the Revolution, John Adams was its important voice and the driving force. Clearly, we owe him a deep and lasting debt.

Madam Speaker, it was the voice of John Adams in the Continental Congress that was the most responsible for pushing, prodding and cajoling the other Founding Fathers to sever our ties with England. He did this at enormous personal sacrifice: separated from his wife and family for nearly 10 years, taking life-threatening voyages during winter storms across the Atlantic Ocean to secure help for our struggling Army from foreign nations, and risking imprisonment or even execution as a traitor if his efforts were to fail.

He was blunt and outspoken, but he was also warm and humorous and passionate, and he was passionate above all things about his brilliant and accomplished wife, his family and his country.

Many of his views were controversial and unpopular in his day. Even the notion of forming our new country was highly controversial and unpopular. But he put the good of a country as a whole above any desire to win a personal popularity contest.

His death was, fittingly, as interesting as his life. By an incredible coincidence he and Thomas Jefferson both died on the very same day, and, Madam Speaker, that same day was July 4, 1826, the 50th anniversary of the signing of the Declaration of Independence. That was a significant date in their lives, and it is the significant date in the history of our country, thanks to his courage and thankless work. For this reason, we worked very hard to bring this bill to the floor this week to honor this important American whose sacrifices created the very holiday all of us will be celebrating next week. Next week we will mark the 225th anniversary of the signing of the Declaration of Independence. We will finally, at long last, be on our way to correcting a glaring oversight in our Nation's history.

It is ironic that more than 200 years have passed without properly honoring John Adams, but, upon reflection, perhaps we augment the value of our honor by doing so at this late date. After all, how many of us could possibly hope or expect to have such attention devoted to our memories and legacies two centuries after we draw our final breath? That we do so today

speaks volumes about the significance of President John Adams' contributions to our lives.

Finally, Madam Speaker, I would like to take a moment to recognize the truly enormous efforts of the gentleman from Indiana (Mr. ROEMER) and, by the way, his staff as well. They put enormous efforts into this legislation. The gentleman from Indiana has worked tirelessly as a true champion of John Adams, by pushing this legislation through our subcommittee, by bringing two nationally recognized scholars to come before us, and by educating so many of us here in this body and so many citizens of the public at large about the enormous debt we owe to this hero and champion of liberty, John Adams. When the gentleman from Indiana (Mr. ROEMER) retires from Congress next year, he can justifiably look back on his work on this legislation with a long-lasting sense of pride.

Madam Speaker, in closing, I would like to observe that once, in a very low moment, during a period when her husband's work took him to Philadelphia, leaving her alone in Massachusetts, Abigail Adams wrote in a letter to John Adams, "I wonder whether future generations will ever know what we sacrificed for them?" The answer to that question, Madam Speaker, is a resounding "yes," we do know, we will know, because of what we do today, and we are grateful.

I urge my colleagues to support H.R. 1668, as amended.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to join the gentleman from Indiana (Mr. ROEMER), my colleague, as an original cosponsor of H.R. 1668. I am pleased to join my colleagues on the floor today in support of this legislation which honors a great American.

The Subcommittee on National Parks, Recreation and Public Lands held a hearing on June 12 on H.R. 1668 that was highly informative. We received testimony from noted historians David McCullough and Joseph Ellis, who provided the subcommittee with enlightening and detailed testimony on the accomplishments of former President Adams and his family, as well as the appropriateness of establishing a memorial here in Washington, D.C.

John Adams, our first Vice President and second President of the United States, was an early American statesman and patriot, and I am pleased to support this worthy legislative effort to honor former President Adams and his legacy. It is truly overdue.

The bill that is being brought to the floor today includes amendments to clarify the focus of the Adams Memorial. These changes are consistent with the testimony we received at our hearing.

I want to commend the bill's sponsor as well, the gentleman from Indiana

(Mr. ROEMER) for his insight and his perseverance in expanding our knowledge about and generating our interest in our second President and his family, and his perseverance in making this memorial a reality. My thanks also to the gentleman from Colorado (Mr. HEFLEY), our chairman, and the leadership for expediting the consideration of this measure before the July 4 recess.

It is fitting and proper that the House pass this legislation in conjunction with the 4th of July, which honors American independence, an event that John Adams was extremely instrumental in helping to achieve. Madam Speaker, I wholeheartedly support H.R. 1668, as amended, and I urge my colleagues to do likewise.

Madam Speaker, I reserve the balance of my time.

Mr. HEFLEY. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Madam Speaker, first of all, I want to rise to quote John Adams. He said, "I shall never shine until some animating occasion calls forth all of my powers." He shall never shine until some animating occasion shall call forth all of his powers.

Well, he certainly has not shined enough in our Nation's Capital, and we hope to do something about this today with this so-called animating occasion with the House of Representatives poised to pass this tribute to John and Abigail Adams, to John Quincy Adams, and to recognize the legacy of Charles Francis and Henry Adams.

I want to begin by thanking a number of people that have made this possible. As always in the House of Representatives, nothing is easy, and everything is complicated, and everything needs to be more bipartisan, and this is certainly a seminal event for bipartisanship and something coming forward with truly historic speed.

I want to thank the gentleman from Colorado (Mr. HEFLEY) and his staff, the Committee on Resources staff, and the gentleman from Utah (Mr. HANSEN), the chairman; I want to thank on our side the gentleman from West Virginia (Mr. RAHALL), our ranking member, and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her help and devotion to this cause. This could not come to the floor in the expedited manner it did without all of their strong support and help, and the help in a bipartisan way from the Committee on Resources. So I am very grateful to all of you who honor this historic, dazzling, brilliant family with your recognition and your speed here today to bring this to the floor before July 4.

I want to thank the gentleman from Massachusetts (Mr. DELAHUNT), my colleague who showed me all around

Quincy, and the Senate sponsor, Senator KENNEDY. I want to thank the gentlewoman from the District of Columbia (Ms. NORTON), my good friend and classmate, who is such an integral and instrumental force here in our Nation's Capital who has helped us bring this forward. I want to thank my own staff member, Matt Blaschke, who has worked tirelessly on this effort as well.

We do intend to bring this and pass it through the House and take it before the Senate as well, too. Steps from here in our Nation's Capital is a famous painting by John Trumbull, and it outlines the Declaration of Independence and sketches the magnificent and captures the magnificent history of that event. Front and center, at the exact point of center and foreground of that painting stands John Adams. John Trumbull recognized the integral force, the integrity, the valor, the character, the bravery that it took not only to get our Nation behind the Revolution, but then to seek the Declaration of Independence and get it passed through Congress. John Adams was that driving force.

As the gentleman from Colorado (Mr. HEFLEY) said, Thomas Jefferson wrote those eloquent words, but he did not have the voice to argue for those words in the Continental Congress. And taking a step back from even when John Adams was the fire and the passion to argue to the Members of the Continental Congress that, yes, we needed our independence, we were not going to take orders from Great Britain any longer; he also convinced the American people that that was the course that we should take as a people. In David McCullough's wonderful book, and he appeared at a dinner for us at the Library of Congress on John Adams, he carefully articulates in this book that at that time, one-third of the American people were undecided about the course of independence.

□ 1430

One third were Tory and for Great Britain, and one third were true blue and wanted in a patriotic sense our independence. John Adams convinced the American people that we needed to move forward in this revolution and seek for this independence and then pass it through the Continental Congress.

George Washington may have been our first President in the executive branch. John Adams was probably our first President from the extent that he guided these things through the Continental Congress.

Thomas Jefferson talked about his important role, Jefferson said, and I quote "his power of thought and expression moved us from our seats as we listened to his eloquent words."

Revolution, independence, and then setting forth the institutions today of our great republic, nobody except George Washington is probably more particularly in our gratitude for those three events than John Adams.

He then made a decision that may have been one of the most important of his lifetime, here is John Adams, a picture in his prime, he married a woman by the name of Abigail Adams, probably his equal intellectually, writing some of the greatest letters in our Nation's history.

She was a good and decent person who argued against slavery, who argued for women's rights. She also helped establish the tradition of the Adams' as the only founding family, first family never to own slaves, never to own slaves.

They then raised the most dazzling and brilliant family in the history of public service in this country. John and Abigail were married for 54 years. As we salute not only independence and revolution in our republican institutions, we also salute family as we honor John and Abigail Adams.

Then they go on to have a son who becomes our sixth President, John Quincy Adams, who died right over off the Statuary Hall.

John Quincy Adams is distinguished not for only one career, but for three. He is a minister to five different European nations appointed by George Washington. He is the architect of our foreign policy and writes the Monroe Doctrine as the Secretary of State. After finishing up his foreign policy career, he runs for President and wins and serves in principle, not making short-term political decisions to get re-elected, but long-term decisions on principle and policy so that the country is better off. It cost him his reelection.

People like John Adams and John Quincy Adams are needed now as public servants. Then after being President, he goes on to serve in this distinguished body for almost 18 years. He was founder of our foreign policy, President of the United States, Congressman from Quincy, Massachusetts; three great careers.

He has a son, Charles Francis Adams, who helps negotiate, appointed by Abraham Lincoln, to keep us out of the Civil War and keep British out of the Civil War. Finally, he has a son, Henry Adams, who is one of the most distinguished authors and historians in our Nation's history.

This is, indeed, a family that deserves this recognition from this Congress and hopefully from the Senate.

John Quincy Adams said about July 4th, and I quote, "it was not only the birthday of a great Nation, it was the opening of a new era in the history of mankind"; that new opening in the history of mankind, with that declaration, that all people are created equal, is the legacy, in many ways, of this family.

Madam Speaker, I hope that we can pass this today; that the Senate will pass this this week before they go out; that the President will sign this into law; and that we can begin the hard work of passing this and building this in our Nation's Capitol.

Finally, let me end on a quote from John Adams about the truly historic nature of that revolution and that movement for independence.

John Adams said, and I quote, "objects of the most stupendous magnitude, measures in which the lives and liberties of millions born and unborn are most essentially interested are here now before us. We are in the very midst of revolution, the most complete unexpected and remarkable of any in the history of the world."

John Adams, Abigail Adams, John Quincy Adams, and their family, let us bring the remarkable honor to that family with passage of this resolution, of this bill today, and begin the architecture of rewarding valor and virtue of a family and of public service in this Nation, probably the best family in the Nation's history.

Madam Speaker, I want to thank again the staff, the Members, to the bipartisanship shown in this; and I look forward to seeing this through in the next several years.

Madam Speaker, I want to thank again the gentleman from Colorado (Mr. HEFLEY) for yielding me the time.

Madam Speaker, I rise today in strong support of my legislation, H.R. 1668, which authorizes the construction of a memorial to John Adams and his family in Washington.

Our great capital, Washington, D.C., is a city of tributes. Beautiful, elaborate monuments and memorials stand permanently affixed throughout the city to honor our country's most cherished heroes. Millions of people from all over the world come to our great capital every year to learn about our nation and the great men and women whose intellect, ideals, bravery and foresight first established and later preserved our freedom.

But if our commemorative structures are to provide a living history lesson, it is one that is woefully incomplete, for it omits John Adams, our most skilled and consequential diplomat, first Vice President, second President, and his distinguished legacy.

As a public servant, my fascination with Adams extends through three generations of his descendants. As a family, the Adamses were the guardians of our republic, from its creation through adolescence. Their courage and prophetic wisdom kept us out of war, built the foundation of American foreign policy, transcended party politics, and displayed independence in critical times. It is time to embrace their contributions with a proper memorial in our capital city.

Thomas Jefferson called Adams a "colossus for independence." To be sure, he was the most outspoken and persuasive advocate for a break with Britain. Adams had the foresight to insist that Thomas Jefferson write the Declaration of Independence and that George Washington command the Continental Army. He would go on to negotiate the Treaty of Paris, which successfully concluded America's war for independence. He is also the author of the Constitution for the Commonwealth of Massachusetts—the oldest constitution still in force—which specifies that is the "duty" of the government to educate its citizens.

As President, Adams was nonpartisan and ideological, never sacrificing his beliefs for political gain. He skillfully (and wisely) avoided



war with France despite the overwhelming warmongering from his own Federalist Party. Such independence preserved his integrity, but cost him a second term.

One of the few people truly comparable to John Adams both in passion and intellect was his wife, Abigail. Those who knew them personally called their union perfect. Abigail's letters to her husband reveal not only her wit and intelligence, but also a profound belief in the equality of women that was more than 100 years before its time.

As a member of Congress, I am particularly intrigued by John Quincy Adams, the quintessential public servant, and son of John Adams. John Quincy Adams began his career as a diplomat, skillfully serving America's national interests in Russia, the Netherlands, Portugal, Prussia, and Great Britain. Under President Madison he negotiated the Treaty of Ghent, and as Secretary of State during the Monroe Administration, he helped create the most important and decisive foreign policy statement of its time, the Monroe Doctrine.

John Quincy Adams' Presidency was ambitious. Like his father, he believed that the government should invest in education and science for the betterment of its citizens. He proposed a national university and observatory. He pursued his agenda with tenacity and initiative, and like his father, enjoyed negligible political support. Like his father, he served only one term as President.

A true public servant, John Quincy Adams returned to public life after a brief hiatus to serve in the U.S. House of Representatives from his hometown of Quincy, Massachusetts. In his nine terms, he spoke of no issue more often—or with more vigor—than slavery. Like his parents, John Quincy Adams was a stolid abolitionist, known to his colleagues as “old man eloquent.” He also helped to establish the Smithsonian Institution, the museum in the heart of the mall. He died at the “post of duty” as a dedicated public servant, suffering a stroke on the floor of the House. He passed away two days later in the U.S. Capitol.

John Quincy Adams' son, Charles Francis Adams, spent his formative years in Washington, learning through the examples of his distinguished predecessors. As he entered into politics, Charles Francis Adams became increasingly disenchanted with the insincerity and outright corruption of his generation of leaders in Washington. He soon bolted the Whigs in favor of the Free Soil Party, which organized around the principles of a profound opposition to slavery. He received the Party's Vice Presidential nomination in 1848, and eventually held his father's old seat in the U.S. Congress. In 1860, President Lincoln tapped Charles Francis Adams—now a member of the new Republican Party, and widely known for his sharp intellect and persuasive powers—to act as Ambassador to England in order to prevent British military support for the Confederacy. His logic, reserve and directness achieved functional neutrality from Britain, which helped to preserve the integrity of our Union.

Charles Francis Adams' son, Henry Adams, shared his father's frustration with politics and corruption in Washington. His observations steered him towards journalism, where he described the shortcomings of modern politics without falling prey to them. A “liberal Republican,” Henry Adams wrote pointed, brilliant essays exposing political fraud and dishon-

esty. He shared the idealism and independence of his heritage, never putting politics above his convictions. Henry Adams was also an accomplished academic, teaching Medieval History at Harvard, and the first American to employ the “seminar” method of instruction. Henry Adams is best known for his acclaimed autobiography, “The Education of Henry Adams.” Some have called it the greatest autobiography in American history.

The Adamses occupy a position in American history unequaled by any other family. They helped create our nation as champions of freedom; they helped defend and guide it during its vulnerable, early days; and they helped preserve it through the most divisive battle in American history. They devoted their lives to our Republic, and it is time to recognize and celebrate their genius, sacrifices, and significance, here is our nation's capital.

Mr. HEFLEY. Madam Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mrs. CHRISTENSEN. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. HEFLEY. Madam Speaker, we have two speakers remaining; and I wonder if we could after that have a minute or two.

Mrs. CHRISTENSEN. That is fine.

Mr. SOUDER. Madam Speaker, why build a memorial to John Adams along with Abigail and John Quincy? That immediately leads to the question why one, has not one been built before?

John Adams was not a dramatic leader like Washington, Jefferson, Lincoln, Teddy Roosevelt, FDR, or even Ronald Reagan, but John Adams was a man who rose from humble roots in Braintree, Massachusetts to the challenges of his time.

He was elected our first Vice President and the second President because he was the leader of the new New England branch of the government. The Virginians loomed large and were brilliant, but they did not stand alone.

From the beginning, John Adams prodded the Virginians as well as the others to independence. He had watched the British in Boston. He saw the inevitable before others in the Continental Congress did.

The anchor reason for this memorial is John Adams' leadership in creating our Nation, which has been ignored for far too long.

But it is also about his wife, Abigail, an extraordinary writer and political advisor. Without Abigail, it is not clear that John Adams would have been, ever been as successful as he was. The Adams, up until the Bush family, were our Nation's only father and son Presidents.

John Quincy Adams, like his father, was independent. He was not establishment enough for his Federalist base nor populist enough for the Jeffersonians. Charles Francis Adams, Henry Adams and their wives complete possibly the most extraordinary family in our history.

The best argument for this memorial is the extraordinary character of the Adams family, but perhaps not to the

New Republic magazine, which, in a recent thoughtful cover story, criticizes John Adams and author David McCullough, partly by arguing that personality, history, and character are overrated.

Were John and John Quincy Adams morally superior to the Virginians because they did not own slaves and fought against slavery? Let us see, the answer is yes.

Excuses like geography and family background explain some differences, but it does not explain why some people rise above such circumstances, nor does it mean that one position is not morally superior.

It took moral courage for John Quincy Adams, to make his stands, featured in the movie *Armistead*, courage anchored in his belief in Jesus Christ. The recent New Republic cover story can mock character, but a primary part of memorialization is to encourage future generations to emulate the virtuous character traits exemplified by our past leaders.

Should we build memorials to individuals? History is not just a deterministic march like historian Richard Hofstadter and others suggest. The importance of regular people should not be underestimated. I am reading the *Great Platte River Road* wrote by Merrill Mattes right now which is based upon the fascinating journals of average people heading West, but, in fact, there are different makers in history.

People living next door to each other, with similar opportunities and backgrounds, do respond differently to challenges. Some people rise to challenges, others shrink.

If one views memorials in Washington as tributes to a sort of Greek or Roman gods, you will be deeply disappointed upon further investigation. They are merely men with all sorts of flaws. Each of the Adams would certainly acknowledge their moral shortcomings, but that does not mean that they were not extraordinary Americans worth honoring. Even Jefferson with his serious moral failings, was a brilliant writer, Western visionary, and architect, among his other attributes.

Another New Republic criticism in their review of McCullough's book was that writers like McCullough promote books that millions of people like to read. This sort of elitism is often prevalent in publications read only by a small group of people who desire to seem more important than the unwashed masses.

The ultimate irony is that the review concludes by saying that Adams was an elitist. Well, I guess it takes one to know one.

Ultimately, the reviewer maintains that Adams' writings were out of step with his time and certainly out of step with the ideas held today. The reviewer makes some interesting points about ideological framework, some of his views were outdated, but Jefferson was a slave owner and certainly showed none of the gender equity traits of both John Adams and John Quincy Adams.

So is Jefferson to be ignored as well? John Adams was an eclectic visionary and a prolific writer. He is important like Jefferson and Franklin because of his actions and leadership on the ideas which have stood the test of time, not because of a few ideas that did not.

Furthermore, I would argue that John Adams' framework grounded in English law, like the writings of John Dickinson in letters of a Pennsylvania Farmer kept Jefferson and others from drifting into the disasters of the French revolution. Most forget how wrongheaded Jefferson was about the French and how close our radicals came to sending us down that path.

David McCullough with his tremendous book on John Adams, number one on the New York Times best-seller list, has reached multitudes of Americans with the story of John Adams. Hurrah to him for being a popularizer to help pave the way for this memorial.

Madam Speaker, I also want to thank the gentleman from Indiana (Mr. ROEMER), along with the gentleman from Massachusetts (Mr. DELAHUNT), who holds the Adams seat in Congress, for their leadership in bringing this memorial forward.

Madam Speaker, I want to thank the gentleman from Colorado (Mr. HEFLEY), Chairman of the Subcommittee on National Parks, Recreation, and Public Lands, for moving this bill forward expeditiously, so that we can honor John Adams and his family over this 4th of July and that the future generations can learn from the character, valor and wisdom of John, Abigail, and John Quincy from a memorial, hopefully, near the Jefferson Memorial.

In one of the most extraordinary events in American history, John Adams and Thomas Jefferson, died on the same day.

And that day was July 4, on the 50th anniversary of our nation's founding. In 1959 Lester Cappon edited a two-volume edition of correspondence between John Adams and Thomas Jefferson. Like many others in our country, reading the exchanges of intellectual leaders of the founding of our Republic, helped spark my lifelong interest in history.

McCullough's book is a great place to start any study of John Adams. He makes his life vibrant—you feel like you know him well when you are done.

But there is a substantial body of literature on the Adams, if you desire further reading. I own a large office of collection of Adams' books.

The Book of Abigail and John edited by L.H. Butterfield features selected letters between husband and wife, probably unmatched in American history.

Adams: An American Dynasty by Francis Russell and Descent from Glory by Paul Nagel are studies of the Adams generations.

Passionate Sage by Joseph Ellis was just re-issued in paperback, and is an outstanding read whatever problems Professor Ellis is currently having.

I purchased the Character of John Adams by Peter Shaw in 1976, 25 years ago. It had a profound impact upon me, and made me an Adams admirer ever since.

Paul Nagel's biography of John Quincy Adams is probably the best book for further study of his amazing life.

Mrs. CHRISTENSEN. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the Subcommittee on National Parks, Recreation, and Public Lands.

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, I would like to right off the bat thank the gentleman from Indiana (Mr. ROEMER) for bringing recognition to John and Abigail Adams and their family, a century and three quarters after his death.

I would also like to thank the gentleman from Massachusetts (Mr. DELAHUNT) for his generous gift of time to show me the old house in Quincy and introduce me to the Adams' family.

Having grown up on a family farm in Braintree, now Quincy, Massachusetts, Adams was fully expected to become a farmer and a clergyman, but he soon abandoned any hope of a quiet private life in exchange for a life that called on his vision and valor in the birth of a republic.

I underscore valor, because he and his compatriots at that time for all they knew were marching straight to the gallows. While many of his contemporaries were calling for compromise with Britain, Adams was one of the first to realize that independence was the only reasonable resolution of the relationship between the oppressive parent and its upstart colony.

Adams realized that America's future did not lie in negotiating concessions, but in promoting liberty by whatever means necessary. The fact that he was willing to fight for our independence is an indication of how fervently he believed in liberty, yet much of his public service was focused on avoiding war.

During the first months of his Presidential administration, Adams was confronted with the very real prospect of war with France. Many in his own party, including his own cabinet, supported the idea of waging war. Adams insisted on peaceful negotiations and diplomacy, and he was wise to have done so.

It is also only fitting in this legislation that we recognize his wife, Abigail. Through their 54-year marriage, Abigail was a sounding board and John Adams' closest advisor. No doubt, John Adams was one of the most visionary, valiant and courageous patriots to shape the American system.

There are good reasons why our Constitutional government survives and thrives, and the Massachusetts constitution that preceded it; John Adams' genius is a large part of that reason.

Now, some say we might not want to devote precious space here in the District of Columbia to yet another monument.

□ 1445

By the same token, I suppose we could steer the millions of tourists

here to go to Charlottesville, Virginia, or to Springfield, Illinois, to the hometowns of these great patriots, and see the sites there and send millions of tourists to the narrow streets of Quincy. No. We should have a monument to this great man, these great people, here near the seat of government in Washington, D.C.

I thank my colleague for promoting this legislation.

Mrs. CHRISTENSEN. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I thank the gentlewoman for yielding me this time.

I rise humbly today in support of H.R. 1668 to establish an Adams Memorial Foundation. I speak with profound gratitude to the gentleman from Indiana (Mr. ROEMER), a family man and my colleague, for his sincere promotion and presentation of this ideal, and the gentleman from Colorado (Mr. HEFLEY) for their promotion of this important work.

So many have spoken so eloquently, Madam Speaker, today about the reasons for a memorial to the second President of the United States of America. I would rather reflect on the significance of the day 1 week from today that John Adams, the second President, made possible, July 2, 1776. That is when the Colossus of Independence stepped into the breach and stepped onto the floor of the then Congress of the United States and drew upon his profound Christian faith and drew upon his courage and education, defended liberty and the notion of independence.

Thomas Jefferson would later write that, on that day, "His power of thought and expression moved us from our seats." He went on to say of John Adams' role in the creation of the Declaration of Independence that "no man better merited than Mr. John Adams to hold a most conspicuous place in its design, he was the pillar of its support on the floor of Congress. It is a blessed advocate and defender against the multifarious assaults it encountered. With the British floating in innumerable ships off the coast of Boston, it was the courage and faith and conviction of John Adams more than any other man on July 2, 1776, who began the process that wrought our independence, that wrought the freedom to have the debate on this floor every day."

As we stand 1 week from the celebration on that particular day of days, July 2, 1776, I commend the gentleman from Indiana (Mr. ROEMER), the gentleman from Colorado (Mr. HEFLEY) and all those to support this amendment. It is time that we remember the Colossus of Independence, John Adams.

Mrs. CHRISTENSEN. Madam Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), which will be the home of the new memorial.

Ms. NORTON. Madam Speaker, I thank the gentlewoman from the Virgin Islands for yielding me this time



and for her very hard work, along with the gentleman from Colorado (Mr. HEFLEY), the Chair, in bringing this bill forward at such a timely moment.

I bring, I must say, particular congratulations, however, to the gentleman from Indiana (Mr. ROEMER) for what he has done and the way he has done it. If I may say so, I will be very sorry to see the gentleman from Indiana (Mr. ROEMER) leave at the end of the 107th Congress so that we might not have more enlightened ideas of this kind from him.

What he has done is define a great American family, one of the most distinguished in our history, who has simply been overlooked among all the memorials that stand out there all over Washington, D.C., our first and sixth President, and one of the most important First Ladies, Abigail Adams, an extraordinary writer in her own right and a strong abolitionist.

There is no need for us, really, to lay out the reasons for a memorial for this family in the CONGRESSIONAL RECORD. The reasons have already been laid out in the texts of American history and in the vindication of history itself.

Let me say a word about how the gentleman from Indiana (Mr. ROEMER) went about doing what he is doing because it is a case study, it seems to me, in how to approach a delicate area like the Mall.

He, from the beginning, in writing his bill, consulted with the relevant agencies, especially the National Capital Planning Commission, the agencies which Congress has given the authority over matters dealing with the mall. He is proceeding in full compliance with the Commemorative Works Act. He does not name a site for where the memorial shall be found. That we have given to the NCP. He specifically states what should already be taken for granted, that his bill must be done in keeping with the Commemorative Works Act.

It is important to come forward and say what this Member has done because recently there has been a lot of controversy surrounding memorials on the Mall. Our generation is in danger of using all the available space on this small piece of land meant to serve Americans in perpetuity.

I commend the three commissions who are submitting a plan to fairly apportion space on the Mall. They have found for us areas contiguous to the Mall, areas near the Mall, areas centrally located where tourists may go.

One thing we know is that the Adams family belongs here on the Mall. The only question is how and where to put it. The gentleman from Indiana (Mr. ROEMER) wants to make sure that this is done right and done through the commissions who are expert at doing this.

Madam Speaker, one generation does not have the right to fill the Mall as if there will be no great men or women who come after us, none among our children or grandchildren or great

grandchildren, but the Roemer bill says it even better. There must be space for those who, in our lack of wisdom, we have overlooked on the Mall.

The Roemer bill has found a great American family, which had no contemporaries to speak for them, no interest groups to speak for them. Instead, the Roemer bill let their contributions speak for themselves as a family worthy of recognition prominently in the Nation's Capital.

I thank the gentleman for the work he has done and for the work that will surely enhance the Mall area.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he might consume to the gentleman from Massachusetts (Mr. DELAHUNT), my last speaker, who represents Quincy, the home, the place that was the town that was home to President Adams and his family.

Mr. DELAHUNT. Madam Speaker, I thank the gentlewoman for yielding me this time, and I rise to mark an exciting occasion that, as David McCullough stated in his testimony, is some 200 years overdue, but better late than never.

I would take this occasion, also, to thank David McCullough for his contribution to the American people. Clearly, if there was a historian laureate as there is a poet laureate, I think we could all agree, the overwhelming consensus, it would be David McCullough. He has made history come alive in such a way that he has captured the attention of the American people.

I also want to thank the gentleman from Indiana (Mr. ROEMER). I think it was several Members who indicated their disappointment that he will not be returning in the next term. Let me add my voice to that. But let me reassure them that he will be very much involved and engaged in this effort as it proceeds over the course of the next several years. We have had many conversations regarding this, and I know he will continue to play a huge role.

Well, this legislation would at long last honor John, Abigail and John Quincy Adams, towering figures, as has been pointed out, to whom this Nation owes its very foundation. A family without peer in our Nation's history.

As my colleagues may understand, this is a special moment for me personally as a native son of Quincy, Massachusetts, where both John Adams and John Quincy Adams were born and raised. I sense, I feel deeply a certain political kinship, if you will, with this family as the first resident of Quincy to serve in this body since Charles Francis Adams, the son of John Quincy Adams, and obviously the grandson of John Adams, served in this body from 1859 to 1861.

Furthermore, Abigail Adams, wife and mother of the two Presidents, was from neighboring Weymouth, also part of our congressional district and where my own grandparents farmed and raised their children in the early 1900s.

Personally, this association is deeply humbling and yet the source of great

inspiration. As it is in Weymouth and Quincy and throughout the region, the birthplace of this Nation, from the pilgrims' first landfall in Provincetown on Cape Cod and settlement in Plymouth, Massachusetts, to John Hancock, also of Quincy, who presided over the Continental Congress that declared our independence, no family in American history has contributed so uniquely to the creation, the birth of this country, and to our democracy and to its survival as have John Quincy and Abigail.

The citizens of Quincy, Weymouth and Braintree and across the south shore of Boston have long recognized the magnitude of this legacy with great pride. It is enormously gratifying that we may now share in this pride with fellow Americans by authorizing a fitting memorial in the Capital.

It is and has been no easy task to enhance public appreciation of the Adams family when the objects of your admiration do so little to cooperate. This was a fiercely ambitious and industrious family, but they also displayed a frankness and selflessness that is rare in public life. That may account, I would submit, for the lack of appropriate public recognition until now.

The tendency towards self-effacement is reflected in a 1776 letter from John to Abigail in which he said, and I am quoting, "Let me have my farm, family, and goose quill; and all the honors and offices this world can bestow may go to those who deserve them better and desire them more. I covet them not."

On another occasion, he wrote, "Mausoleums, statues, monuments will never be erected to me."

This modesty was becoming, but certainly unwarranted. Few families in American history have given so much to their country over so many generations as statesmen, diplomats, advocates and authors. For any student of the first two centuries of American history, it seems incredible that there is no such tribute. It should be a highlight of every school pilgrimage to Washington. Well, today we are addressing this omission.

One of the most remarkable experiences of my 5 years in Congress occurred just 2 weeks ago during a subcommittee hearing on this bill chaired by the Congressman from Colorado, and to whom we all owe a debt of gratitude for his handling in such an expeditious fashion by bringing this legislation to the floor. I am sure he agrees that it was a riveting history seminar by two of the most eminent scholars of our time, David McCullough and Joseph Ellis.

They painted a portrait of John Adams as the Colossus of Independence, we have heard that from others, who chose Jefferson to draft the Declaration and nominated Washington to command the Continental Army. As others have referenced and David McCullough suggested, while Jefferson was the pen of the Declaration, it was Adams that gave it voice.

□ 1500

And later, with a nascent America drawing its very first breaths, he was our most effective diplomat in the 1780s, winning recognition of our national sovereignty from European powers and securing loans from the Dutch to finance the revolution, thus keeping an infant Nation alive during its most precarious years. A man of extraordinary courage, he instinctively embraced the public interest, even when it conflicted with his own self-interest, as when, as our second President, he steered America clear of the public outcry for war with France at the expense of his own reelection.

At his side throughout was a one-woman cabinet, Abigail Adams, whose influence would be impossible to overstate. She possessed a keen intellect.

The SPEAKER pro tempore (Mrs. BIGGERT). All time has expired.

Mrs. CHRISTENSEN. Madam Speaker, I ask unanimous consent for an additional 5 minutes on both sides.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Madam Speaker, she was also an unwavering moral compass for her husband and for her son. She expressed with incredulity that patriots striving for independence could conceive of a new nation embracing the concept of slavery. She was their conscience. And their son, John Quincy Adams, diplomat, Secretary of State, author of the Monroe Doctrine, tireless abolitionist, and sixth President of the United States, died in this Chamber, in Congress, while the war with Mexico was being debated.

With so many lawyers and legislators nearby, I just want to say a brief word about the lasting contributions of John and John Quincy Adams to the development of the rule of law, not just here in America but around the world. It is truly a living legacy that continues to have powerful influence in the 21st century as we observe emerging democracies everywhere following, embracing the Adams model.

As early as 1776, Adams wrote, "The surest way to secure an impartial and exact execution of the laws was by guaranteeing an independent Judiciary." "Judges," he said, "should be subservient to none nor more complacent to one than another." In 1780, he had the opportunity to put these ideas, these concepts, into action as the framer of the constitution of the Commonwealth of Massachusetts, the oldest written constitution still in force and the first to enshrine the concept of a coequal and independent Judiciary, "peopled by judges," as he said, "as free, impartial, and independent as the lot of humanity will admit."

He was keenly aware that it is an independent Judiciary that can best

protect fundamental personal liberties against the tyranny of despots and the tyranny of majorities. And when, 9 years later in the Constitutional Convention, our constitution was being considered, the framers adopted the system conceived by Adams, including his system for ensuring the independence of judges through life tenure, fixed compensation, and removal only by impeachment.

When, in 1801 his Presidency was drawing to a close, John Adams appointed John Marshall as the fourth chief justice of the United States, an appointment that would do more than any other in the history of our Nation to confirm the power and the independence of the judicial branch of government.

The Adams vision of the rule of law that a truly independent Judiciary is absolutely essential to a healthy and vibrant democracy has been proven by history, and it is high time that we celebrate that.

Not so long ago we celebrated the 200th anniversary of the arrival of John and Abigail Adams as the first occupants of the White House. With remarkable parallels to the 41st and 43rd Presidents, what an appropriate time to honor the Adams legacy, and I am confident that we shall.

As Mr. Ellis has observed in his testimony before the subcommittee, Washington and Jefferson required Adams' company during their lifetimes. They need him now in their repose. So do we.

So on behalf of the residents of Quincy and Weymouth, Braintree, and the south shore, I suggest we need to honor the Adams legacy now to achieve a more profound appreciation of this masterpiece of human genius and divine blessing called America.

The SPEAKER pro tempore. The gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) has 1 minute remaining and the gentleman from Colorado (Mr. HEFLEY) has 5 minutes remaining.

Mr. HEFLEY. Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself the balance of my time to once again commend and thank our colleague, the gentleman from Indiana (Mr. ROEMER), the sponsor of this bill, and thank our chairman for the generosity with time this afternoon.

Madam Speaker, I yield back the balance of my time.

Mr. HEFLEY. Madam Speaker, I yield myself the balance of my time to again thank the gentleman from Indiana (Mr. ROEMER), the gentleman from Massachusetts (Mr. DELAHUNT), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN). Without the gentlewoman's help, this would not have been possible to move this quickly. She has been a delight to work with on this, and indeed to work with on all the things we have worked with so far in Subcommittee on National Parks, Recreation, and Public Lands. And I want to thank the rest of the subcommittee members as well.

I got a real education during this process. I have to admit that I too have not, and I perceive of myself as being some kind of an amateur historian, I love history; and yet I too did not understand the significance of John Adams, and not only John Adams but the Adams family. I am thankful for this being brought to my attention because it enriches my life as well.

There are principles to be taken, I think, from Adams' life. They are almost without number; but the ones I jotted down were his intelligence, his courage, his tenacity, his love of country, his religious faith, and something we, as politicians, talk about all the time and will be talking about on the stump during the 4th of July, I am sure, his belief in family values. If it were not for that strong belief in family values, he would not have had the kind of illustrious family that he has. So I am thankful for the education I received from this and for the education that future generations of Americans will get from the memorial that is created as a result of this.

Madam Speaker, this is a bill whose time has come. Let us pass it here today. Let us encourage our friends in the Senate to pass it. My dream, and I am sure the dream of the gentleman from Indiana (Mr. ROEMER), would be that they too, even this week before recess, before the 4th of July, would pass this out of the Senate, and we would send it down to the President for his signature.

Mr. SMITH of Texas. Madam Speaker, I am grateful to Representative TIM ROEMER for introducing H.R. 1668. This legislation would authorize the Adams Memorial Foundation to establish a monument in our nation's capital to one of the most remarkable public servants this city and our country have ever known: our first vice-president and our second president, John Adams.

John Adams was the primary architect of the government in which all of us play an active role today, more than 200 years after he commenced his brave and tireless work to liberate his fellow citizens from the English Crown. Virtually millions of people have been the beneficiaries of his brilliant courage, but ironically, few of us fully understand and appreciate the depth or nature of the debt we owe him.

Madam Speaker, it was John Adams who authored a pamphlet that laid out the design adopted by our government in structuring three distinct and independent branches: our bicameral legislature, our executive branch and our independent judiciary. It is useful and appropriate to observe that it was John Adams who arguable fought more fiercely than any other person to ensure that our judiciary was independent. It was John Adams who observed that "we must be a nation of laws and not of men."

Madam Speaker, John Adams was also a great student of the world. He once wrote that "I must study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history, naval architecture, navigation, commerce, and agriculture in order to give their children

a right to study paintings, poetry, music, architecture, statuary, tapestry and porcelain."

Benjamin Rush, himself a signer of the Declaration of Independence, wrote a letter in 1812 to his close friend John Adams in which he acknowledged that, "I consider you and [Jefferson] as the North and South Poles of the American revolution. Some talked, some wrote, and some fought to promote and establish it but you and Mr. Jefferson thought for all of us."

Jefferson himself called Adams the "colossus of independence," and in later recalling the driving force that Adams was in the Continental Congress, Jefferson observed that Adams's "sense and thought moved us from our seats."

Madam Speaker, let us honor, this great leader, patriot, and talented author of liberty to whom we owe our very freedom and independence as we approach the coming Fourth of July holiday; he who did more than any other person in the Continental Congress to bring it all about: John Adams.

It is gratifying that author David McCullough has appropriately been recognized by his alma mater and in 1998 received an honorary degree from Yale University.

Mr. RAHALL. Madam Speaker, with the 225th anniversary of our Declaration of Independence being celebrated next week, it is with particular patriotic pride that the House should consider today H.R. 1668, a bill to authorize the Adams Memorial Foundation to establish a commemorative work to honor former President John Adams, his family and his legacy.

We can thank many people for bringing the House to this point, but I want to pay tribute to the work of one Member of this body who's inspiration and yeoman's work truly has given life and legs to the idea for an Adam's Memorial.

This member's work is based not in the politics of the moment or the whims of a majority, not upon the interest of a monied few or is it masked in media mania.

Representative TIM ROEMER's fount for this memorial was refreshingly found deep within the well spring of democracy itself, intellectual curiosity.

Though Adams himself sought no memorial, even he would appreciate the sentient scene of ROEMER cloistered in the Library of Congress greedily soaking up the lyrical lessons of Adams to the Continental Congress working tirelessly toward independence, drafting our Nation's now oldest constitution, that of the Commonwealth of Massachusetts, and continuing his service as Vice-President and President of the United States.

Representative ROEMER himself stands sentinel to all that Adams worked for his entire life, enlightened leadership. We thank him for his work on this legislation. Which will help illuminate our Nation's founding and the contributions Adams can still bring to Americans today.

Madam Speaker, as this bill's language points out, somewhere along the way, we lost sight of the extraordinary national contributions of John Adams and those of his wife Abigail and their offspring. Among the gleaming marble facades of our presidential constellation along our national mall, among the many sites where we pay homage to individual's throughout America's history here in our Nation's Capital, there is a void, an Adams void, that should be filled.

Daniel Webster, on the occasion of the deaths of John Adams and Thomas Jefferson on July 4th, 1826, noted: "A truly great man . . . is no temporary flame." Rather he concluded it is "a spark of fervent heat, as well as radiant light, with power to rekindle the common mass of human kind; so that when it glimmers in its own decay, and finally goes out in death, no night follows, but it leaves the world all light, all on fire from the potent contact of its own spirit."

It is time we reignited the flame of Adams genius and work. Our flint and steel will be an interpretive memorial for generations to visit, perpetually sparking their curiosities of this great American, John Adams, his legacy and his family.

Former Librarian of Congress, Daniel Boorstin, has highlighted for me a passage in a letter Thomas Jefferson sent Adams recalling the joint efforts of the two old revolutionaries, "We were fellow-laborers in the same cause . . . Laboring always at the same oar, with some wave ever ahead, threatening to overwhelm us, and yet passing harmless under our bark, we knew not how we rode through the storm with heart and hand, and made a happy port . . . and so we have gone on, and shall go on puzzled and prospering beyond example in the history of man."

With heart and hand let us give sail to that same voyage in the tradition of our founders. Let us hold the lamp of liberty bright to find passage through storms beyond our horizons and batten down all doubts of democracy by hoisting high the life and legacy of John Adams.

Mr. HEFLEY. Madam Speaker, I hope that we pass this bill unanimously here today, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 1668, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HEFLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. HEFLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD on H.R. 1668, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

#### AUTHORIZING FUNDING FOR NATIONAL 4-H PROGRAM CENTENNIAL INITIATIVE

Mr. LUCAS of Oklahoma. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 657) to authorize funding for the National 4-H Program Centennial Initiative.

The Clerk read as follows:

S. 657

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

#### SECTION 1. NATIONAL 4-H PROGRAM CENTENNIAL INITIATIVE.

(a) FINDINGS.—Congress finds that—

(1) the 4-H Program is 1 of the largest youth development organizations operating in each of the 50 States and over 3,000 counties;

(2) the 4-H Program is promoted by the Secretary of Agriculture through the Cooperative State Research, Education, and Extension Service and land-grant colleges and universities;

(3) the 4-H Program is supported by public and private resources, including the National 4-H Council; and

(4) in celebration of the centennial of the 4-H Program in 2002, the National 4-H Council has proposed a public-private partnership to develop new strategies for youth development for the next century in light of an increasingly global and technology-oriented economy and ever-changing demands and challenges facing youth in widely diverse communities.

(b) GRANT.—

(1) IN GENERAL.—The Secretary of Agriculture may provide a grant to the National 4-H Council to pay the Federal share of the cost of—

(A) conducting a program of discussions through meetings, seminars, and listening sessions on the National, State, and local levels regarding strategies for youth development; and

(B) preparing a report that—

(i) summarizes and analyzes the discussions;

(ii) makes specific recommendations of strategies for youth development; and

(iii) proposes a plan of action for carrying out those strategies.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the program under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the program under paragraph (1) may be paid in the form of cash or the provision of services, material, or other in-kind contributions.

(3) AMOUNT.—The grant made under this subsection shall not exceed \$5,000,000.

(c) REPORT.—The National 4-H Council shall submit any report prepared under subsection (b) to the President, the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) FUNDING.—The Secretary may fund the grant authorized by this section from—

(1) funds made available under subsection (e); and

(2) notwithstanding subsections (c) and (d) of section 793 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f), funds from the Account established under section 793(a) of that Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Oklahoma (Mr. LUCAS) and the gentlewoman from North Carolina (Mrs. CLAYTON) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Madam Speaker, I yield myself such time as I may consume.

I rise today to urge my colleagues to support S. 657, a bill that authorizes funding for the National 4-H Program Centennial Initiative. 4-H has been a guiding force for America's youth for over the past century. It has taught countless numbers of youth responsibility and a sense of community.

This bill is identical to a House version, H.R. 1388, that the gentleman from Iowa (Mr. GANSKE) and the gentlewoman from North Carolina (Mrs. CLAYTON) and I strongly support. S. 657 will provide the money for the 4-H programs in all 50 States to conduct meetings, seminars, and listening sessions on the national, State and local levels regarding strategies for youth development. Most importantly, it requires a report that Congress and the President can use to help determine what avenues and programs are best suited to helping the youth of this country.

S. 657 will allow the Secretary of Agriculture to provide a \$5 million grant to the National 4-H Council. The bill sets up a cost-share structure so that the private sector will match the grant up to \$5 million.

For those of my colleagues that are wondering why my Subcommittee on Conservation, Credit, Rural Development and Research is so concerned, let me get right to the point. The rural development and research programs that my subcommittee is responsible for overseeing are stretched very thin, and the loss of young people in our rural areas is extremely disturbing. The best thing about the 4-H youth program is that it not only helps youth in rural communities but urban and suburban communities as well, because 4-H programs are present in over 3,000 counties in the United States.

The National 4-H Program Centennial Initiative is good for America's youth and for America's future. I urge my colleagues to vote "yes" on this important piece of legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. CLAYTON. Madam Speaker, I yield myself such time as I may consume.

I also rise in support of this bill, S. 657, which provides funding to support the National 4-H Program Centennial Initiative. For 100 years, the 4-H program has served the youth of this Nation by providing leadership training and education in a wide array of life skills. Our Nation has changed. The 4-H program has changed as well. While many may think that the 4-H program is for rural youth only, the fact is that now over 35 percent of the programs for youth are really, indeed, in urban and suburban areas. Without abandoning their original core constituency, the 4-

H program and its thousands of volunteers have expanded their program throughout our Nation.

So as the 4-H program celebrates its 100 years of service to American youth, this bill will play an important part. S. 657 will authorize funding for a grant, as has been mentioned, which will be administered by the USDA to help the National 4-H Council plan a national convention to develop critical youth-development strategies for the next century. The \$5 million provided by this act will be paid out in a 50-50 Federal-private matching grant, so it will also be a tool to leverage additional private resources or resources from non-Federal sources.

Helping to shape the future of our Nation's youth is one of the most important investments this Congress can make. This is one good effort we can make in that regard. I thank the gentleman for bringing this bill to the floor, and I am delighted to encourage my colleagues to support its passage.

Madam Speaker, I reserve the balance of my time.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GANSKE).

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Mr. GANSKE. Madam Speaker, I am thankful that the House is taking up this legislation today which is the companion bill to the Ganske 4-H bill, H.R. 1388, which has wide bipartisan support.

In April, a group of 4-H'ers from Iowa asked me to introduce this legislation in the House of Representatives. Since 4-H has been working to serve both rural and urban kids for over 100 years, I was proud to help them.

Madam Speaker, this is the 4-H logo. It stands for head, heart, hands and health: Head for clearer thinking, heart for greater loyalty, hands for larger service, and health for better living. These are goals that are laudatory.

4-H is active in all 50 States and the District of Columbia. It has chapters in over 3,000 counties, and has almost 7 million members. There are over 600,000 4-H volunteer leaders around the country, and I want to thank them for their efforts and for the countless hours they have put in. I know that those volunteers also recognize that their own lives are enriched by the time they spend with kids in 4-H.

Madam Speaker, 4-H is often seen as a rural organization, and it has served rural areas very successfully through its history. But the organization is very active in serving youth in our urban areas and cities. Over a third of its members are from the suburbs and cities.

Madam Speaker, 4-H is undertaking an ambitious plan to use the celebration of its 100th anniversary to foster a new initiative in youth development, culminating in a plan of action for families, communities and youth leaders around America to implement

strategies for youth development to lead us into the next century. I strongly encourage my colleagues to support 4-H by voting for this legislation.

I am honored that I was able to play a role in bringing this legislation forward, and I thank the gentleman from Oklahoma (Mr. LUCAS) and the gentlewoman from North Carolina (Mrs. CLAYTON) for their important contributions as well. Vote for this legislation.

Mrs. CLAYTON. Madam Speaker, I do not have any additional requests for time, and I yield back the balance of my time.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, as a proud Hoosier representing proud 4-H'ers across Indiana, and as a former 4-H'er myself, I am proud to stand in favor of S. 657 to authorize funding for the National 4-H Program Centennial Initiative. I want to thank the gentleman from Oklahoma (Mr. LUCAS), the gentlewoman from North Carolina (Mrs. CLAYTON) and the gentleman from Iowa (Mr. GANSKE) for their seminal work on this project, and for their efforts to raise the national profile of 4-H through this study.

Madam Speaker, think of it: 50 States, 3,000 counties, and just as many county fairs, 4-H is making a difference in the lives of America's youth. In the year 2002, 4-H will celebrate 100 years of having fun and making a difference for kids in both rural areas and, in increasing measure, in urban areas around the United States of America.

The grant authorized by this legislation for the Secretary of Agriculture will not only provide the opportunity to study strategies for youth development, but as the gentleman from Oklahoma stated, it will require a report to the President. It will require leadership in 4-H, both public and private, to think clearly about the next 100 years of youth development in 4-H.

Madam Speaker, \$5 million may not seem like a lot of money in this town, but all across America \$5 million is very serious money. It gives us a genuine opportunity to assist 4-H in developing new strategies to face the new horizons for America's youth increasingly beset by distractions of a destructive nature that lead them down a path of unproductive lives.

Madam Speaker, 4-H is fun. But as the gentleman from Iowa (Mr. GANSKE) stated so eloquently, it is much more than just fun. It is head, heart, hands and health. It is teaching the habits of good living to young boys and girls across America.

Madam Speaker, 4-H makes a difference, and so I stand in strong support and urge all of my colleagues to support this bill to authorize funding for the National 4-H Program Centennial Initiative.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is one of those occasions where as a Member of Congress, we have an opportunity to return something to one of the organizations that gave us the opportunities that we now enjoy.

I think back to my days at Crawford Public School as a member of the Crawford Junior 4-H Club when I had my first opportunity to participate in leadership experience, my first opportunity to be a president of anything. This is my opportunity to return to 4-H, this body's opportunity to return to 4-H, part of what it has provided all of us with.

Mr. CHAMBLISS. Madam Speaker, I support this bill to authorize funding for the National 4-H Program Centennial Initiative. From its beginnings as the Corn Club for Boys and Tomato Canning Club for Girls, the 4-H program has grown to one of the largest youth organizations in the United States with more than 6.8 million participants. Today 4-H'ers can be found building model rockets, organizing canned food drives for the needy, showing livestock, delivering a speech before local government officials on issues critical to youth, and much more.

In celebration of the centennial of the 4-H Program in 2002, the National 4-H Council has proposed a public-private partnership, to develop new strategies for youth development for the next century. As our world becomes increasingly global and technology-oriented, the demands and challenges facing youth continue to change. This bill will allow the program to change as well. The bill calls for the federal government to provide a \$5 million federal grant that may be matched by non-federal sources.

Today, as a former 4-H member I ask for your support of the youth of America by passing this bill and allowing this great youth organization to evolve into the next century.

Mr. MORAN of Kansas. Madam Speaker, on behalf of over 94,101 Kansas youth involved in the 4-H program, I rise today in support of the National 4-H Program Centennial Initiative. 2002 marks the 100th anniversary of 4-H and it is only fitting that today we take action to recognize the important contributions that this organization has made in the development of our youth.

In my home state of Kansas, 4-H is the largest youth organization outside of school. Almost 100,000 youth between the ages of 7–19 are involved in 3,065 4-H clubs and groups. 4-H reaches 1 in 7 Kansas youth, helping them develop important life skills such as teamwork, cooperation, time management, and communication.

4-H is a diverse organization, in both its membership and programming. 4-H is traditionally thought of as being targeted to "farm kids." Yet 55% of 4-H'ers in Kansas, a very rural state, reside in suburban and urban areas. Of the 6.8 million youth in 4-H nationwide, 30% represent minority racial, cultural, and ethnic populations. In fact, minority youth are the fastest growing segment of 4-H membership.

While 4-H has expanded to meet the needs and interests of youth with diverse backgrounds in all types of communities, at the same time it continues to honor its historic connection with America's rural communities. In Kansas, 45% of 4-H participants live on

farms or in rural areas. As a member of the Agriculture Committee and the Congressional Rural caucus, I understand and appreciate the leadership and opportunity 4-H has provided to millions of our rural youth over the past century.

The purpose of 4-H is illustrated in the 4 H's—head, heart, hands and health—which make up the symbolic 4-H clover. As the pledge states, 4-H does indeed teach youth to think more clearly, to value loyalty, to engage in service, and to follow a healthy lifestyle so that they may become better citizens who will enrich the lives of others and improve our society.

The occasion of a centennial is a significant milestone for any organization, and I am proud of the century of service 4-H has given to our nation. I encourage my colleagues to recognize the contributions and value of 4-H youth development by supporting the National 4-H Program Centennial Initiative.

Mr. HAYES. Madam Speaker, I rise in support of House bill 1388 to authorize funding for the National 4-H Program Centennial Initiative. For 100 years 4-H programs across the United States have been producing exemplary citizens. I believe that programs such as 4-H that promote healthy lifestyles, good decision making skills, and loyalty to one's self, community, country and world are vital to the development of our nation's youth. The program has successfully reached our youth in over 3,000 counties in all 50 states. Through conferences, exchanges, and camps in North Carolina, 4-H is making a difference in the lives of young people.

Through federally-funded grants, this bill will make it possible to conduct meetings and seminars to determine what youth development programs are needed and/or currently working and allow this important program to succeed another one hundred years.

4-H participants in North Carolina and across the country benefit from the relationships formed and the timeless values taught through the program. The 4-H program teaches young people skills that will last a lifetime, and reaches students in both rural and urban areas, while not misplacing the values the organization was founded upon. Thank you and I urge my colleagues to support this bill.

Mr. RODRIGUEZ. Madam Speaker, I rise this evening to offer my full support of funding for the National 4-H Program Centennial Initiative. 4-H is the youth education branch of the Cooperative Extension Service, which is also a program of the United States Department of Agriculture. The 4-H program is one of the nation's largest youth development organizations operating in over 3,000 counties throughout each of the fifty states. Texas has one of the largest memberships which includes more than 1.1 million children and teenagers. In and around the district I am privileged to represent, the 28th District of Texas, more than 72,000 young people are enrolled in the 4-H program.

In anticipation of its centennial in 2002, the National 4-H Council has proposed the creation of a public-private partnership to develop new strategies for youth development that will reflect the fast-changing realities of life in the 21st Century. Among other things, 4-H hopes to examine the impact of expanding globalization and the role of emerging high technology businesses.

The National 4-H Program Centennial Initiative will promote program discussions on the

national, state, and local levels. These programs, whether meetings, seminars, or listening sessions, will promote new strategies for youth development and education. This legislation will provide grants up to \$5 million to the National 4-H Council to federal share of program costs. Funding for these planning strategies will help address the issues facing millions of youth all across America.

During these sessions, which will begin at the county level, interested young people will be able to raise issues or questions that face them and their future, such as how the 4-H program can best use emerging technologies to meet tomorrow's challenges. The results of these county sessions will form the foundation of a national strategic plan to implement changes and better prepare for the future. The diverse backgrounds and needs of Texas' counties will be reflected in these reports, helping 4-H members all across the nation understand and adapt to our changing world.

Funding for this program will greatly benefit America's future by helping today's youth. We always say that our children are our future. Let's give them the chance to speak out and address the concerns of our changing world.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Oklahoma (Mr. LUCAS) that the House suspend the rules and pass the Senate bill, S. 657.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. LUCAS of Oklahoma. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 657, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### CALLING ON CHINA TO RELEASE LI SHAOMIN AND ALL OTHER AMERICAN SCHOLARS OF CHINESE ANCESTRY BEING HELD IN DETENTION

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 160) calling on the Government of the People's Republic of China to immediately and unconditionally release Li Shaomin and all other American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 160

Whereas in recent months the Government of the People's Republic of China has arrested and detained several scholars and intellectuals of Chinese ancestry with ties to the United States, including at least 2 United States citizens and 3 permanent residents of the United States;

Whereas according to the Department of State's 2000 Country Reports on Human Rights Practices in China, and international human rights organizations, the Government of the People's Republic of China "has continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms";

Whereas the harassment, arbitrary arrest, detention, and filing of criminal charges against scholars and intellectuals has created a chilling effect on the freedom of expression, in contravention of internationally accepted norms, including the International Covenant on Civil and Political Rights, which the People's Republic of China signed in October 1998;

Whereas the Government of the People's Republic of China frequently uses torture and other human rights violations to produce coerced "confessions" from detainees;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China has extensively documented that human rights abuses in the People's Republic of China "included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process", and also found that "[p]olice and prosecutorial officials often ignore the due process provisions of the law and of the Constitution . . . [f]or example, police and prosecutors can subject prisoners to severe psychological pressure to confess, and coerced confessions frequently are introduced as evidence";

Whereas the Government of the People's Republic of China has reported that some of the scholar detainees have "confessed" to their "crimes" of "spying", but it has yet to produce any evidence of spying, and has refused to permit the detainees to confer with their families or lawyers;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China also found that "police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret";

Whereas Dr. Li Shaomin is a United States citizen and scholar who has been detained by the Government of the People's Republic of China for more than 100 days, and was formally charged with spying for Taiwan on May 15, 2001;

Whereas Dr. Li Shaomin has been deprived of his basic human rights by arbitrary arrest and detention, and has not been allowed to contact his wife and child (both United States citizens), or his lawyer;

Whereas Dr. Gao Zhan is a permanent resident of the United States and scholar who has been detained by the Government of the People's Republic of China for more than 114 days, and was formally charged with "accepting money from a foreign intelligence agency" on April 4, 2001;

Whereas Dr. Gao Zhan has been deprived of her basic human rights by arbitrary arrest and detention, and has not been allowed to contact her husband and child (both United States citizens), her lawyer, or Department of State consular personnel in China;

Whereas Wu Jianmin is a United States citizen and author who has been detained by the Government of the People's Republic of

China, has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Qin Guangguang is a permanent resident of the United States and researcher who has been detained by the Government of the People's Republic of China on suspicions of "leaking state secrets", has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Teng Chunyan is a permanent resident of the United States, Falun Gong practitioner, and researcher who has been sentenced to three years in prison for spying by the Government of the People's Republic of China, apparently for conducting research which documented violations of the human rights of Falun Gong adherents in China, has been deprived of her basic human rights by being placed on trial in secret, and her appeal to the Beijing Higher People's Court was denied on May 11, 2001;

Whereas Liu Yaping is a permanent resident of the United States and a businessman who was arrested and detained in Inner Mongolia in March 2001 by the Government of the People's Republic of China, has been deprived of his basic human rights by being denied any access to family members, by being denied regular access to lawyers, is reported to be suffering from severe health problems, and has yet to be formally charged with any crimes;

Whereas because there is documented evidence that the Government of the People's Republic of China uses torture to coerce confessions from suspects, and because the Government has thus far presented no evidence to support its claims that the detained scholars and intellectuals are spies, and because spying is vaguely defined under Chinese law, there is reason to believe that the "confessions" of Dr. Li Shaomin and Dr. Gao Zhan may have been coerced; and

Whereas the arbitrary imprisonment of United States citizens and residents by the Government of the People's Republic of China, and the continuing violations of their fundamental human rights, demands an immediate and forceful response by Congress and the President of the United States: Now, therefore, be it

*Resolved, That—*

(1) the House of Representatives—

(A) condemns and deplores the continued detention of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, Teng Chunyan, and other scholars detained on false charges by the Government of the People's Republic of China, and calls for their immediate and unconditional release;

(B) condemns and deplores the lack of due process afforded to these detainees, and the probable coercion of confessions from some of them;

(C) condemns and deplores the ongoing and systematic pattern of human rights violations by the Government of the People's Republic of China, of which the unjust detentions of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan, are only important examples;

(D) strongly urges the Government of the People's Republic of China to consider carefully the implications to the broader United States-Chinese relationship of detaining and coercing confessions from United States citizens and permanent residents on unsubstantiated spying charges or suspicions;

(E) urges the Government of the People's Republic of China to consider releasing Liu Yaping on medical parole, as provided for under Chinese law; and

(F) believes that human rights violations inflicted on United States citizens and residents by the Government of the People's Republic of China will reduce opportunities for United States-Chinese cooperation on a wide range of issues; and

(2) it is the sense of the House of Representatives that the President—

(A) should make the immediate release of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan a top priority of United States foreign policy with the Government of the People's Republic of China;

(B) should continue to make every effort to assist Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan, and their families, while discussions of their release are ongoing;

(C) should make it clear to the Government of the People's Republic of China, that the detention of United States citizens and residents, and the infliction of human rights violations upon United States citizens and residents, is not in the interests of the Government of the People's Republic of China because it will reduce opportunities for United States-Chinese cooperation on other matters; and

(D) should immediately send a special, high ranking representative to the Government of the People's Republic of China to reiterate the deep concern of the United States regarding the continued imprisonment of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, Teng Chunyan, and Liu Yaping, and to discuss their legal status and immediate humanitarian needs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in an emotional appeal before the House Committee on International Relations last Tuesday, the wife of Dr. Li Shaomin and the husband of Dr. Gao Zhan, two highly respected scholars held hostage by the People's Republic of China, asked Congress and the President to leave no stone unturned in securing the release of their loved ones.

Also at that hearing, Mike Jendrzeczyk of Human Rights Watch made a number of incisive comments and said, "The detentions of respected China scholars have sent a shock wave through the international academic community. Many researchers are increasingly worried about the risks of working in China, and have taken extraordinary steps to speak out."

He noted on April 17, more than 400 leading scholars from 14 countries, as well as Taiwan and Hong Kong, all of them who work in the field of China studies, sent a petition to President Jiang Zemin. The authors of the letter noted that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the latter, which was ratified last February, makes it very clear that holding academics and scholars are precluded by international law. Moreover, China's intolerance to free expression will likely



deter other academics from pursuing research in the People's Republic of China. The respected human rights leader bottom-lines it and says, "The detentions raise serious questions about the rule of law in China and whether it exists."

Indeed, Madam Speaker, at least six Chinese American scholars and intellectuals are today being unjustly detained. They are being held hostage by the PRC, an outrage that demands immediate relief. H. Res. 160, which I introduced on June 8 and now has approximately 40 cosponsors, calls for the immediate and unconditional release of these scholars and academics.

These include: Dr. Li Shaomin, who is a United States citizen and scholar who has been detained by the PRC for 120 days and counting. He has been deprived of his basic human rights by arbitrary arrest, detention and indictment, and has not been allowed to contact his wife and child, both of whom are American citizens as well, nor has he been in contact with his lawyer.

Dr. Gao Zhan is a permanent resident of the United States and is a member of the faculty of American University. She has been detained by the People's Republic of China for 134 days and counting.

Mr. Wu Jianmin is an American citizen and author who has been detained by China and deprived of his basic human rights by arbitrary arrest and detention.

Qin Guangguang is a permanent resident of the United States and a researcher who has been detained by China on suspicions of leaking state secrets. His human rights have been violated by arbitrary arrest and detention.

Ms. Teng Chunyan is a permanent resident of the United States, a researcher and a Falun Gong practitioner. She has been sentenced to 3 years in prison for spying by the PRC. The apparent reason for her sentence is her research showing that the PRC is violating the human rights of Falun Gong adherents in China. If that is true, Madam Speaker, the U.S. State Department is guilty of that charge. This country's Report on Human Rights Practice, which catalogs the myriad of human rights abuses by China, also points out that at least 100 Falun Gong were tortured to death last year as part of their crackdown.

Then there is Mr. Liu Yaping. He is a permanent resident of the United States and a businessman. He was arrested in Inner Mongolia in March 2001. He has been diagnosed with severe health problems while in detention, including a brain aneurysm which may rupture. The reason for his arbitrary arrest and detention are unclear. He has had no contact with his family, and has not had regular access to his lawyers.

Madam Speaker, at a hearing of the Committee on International Relations, noting that both she and her husband, Li Shaomin, are American citizens, Liu

Yingli testified, "If China's Ministry of State Security can get away with imprisoning my husband now, it may well detain more academics in China in the future, regardless of their skin color, or country of origin."

Despite the fact that Dr. Li is not a political activist or dissident, but is a teacher who worked for AT&T in New Jersey for 8 years, Liu Yingli said, "This case is not just about the freedom of one man, but about academic freedom." Again, Dr. Li has been held hostage for 120 days.

Liu Yingli also testified, "It has been nearly 4 months since Li Shaomin's detention on February 25: 4 months of grief and pain, 4 months of worry and fear. But we are American citizens. We should not have to live with such fears."

She said, "This painful experience has not spared our daughter, who is only 9, and our parents, who are more than 70 years old. Our family has spent sleepless nights and restless days waiting for news of Shaomin. Our daughter, Diana, has asked repeatedly when Daddy will come home."

□ 1530

Madam Speaker, when this unjust detention was brought to my attention I expressed concern and dismay. But when I met with Liu and her daughter—I knew more—much more had to be done. Diana, the 9-year-old daughter of Dr. Li asked me to help her dad. She composed two letters and drawings in crayon that really hit home with me. One that was for me and one I was asked to give to President Bush. I would just like to quote the one that I gave to the President on April 25. I hand delivered it to him.

"Hi, Mr. President,

"My name is Diana Li. I am 9 years old. I have never written to a President before in my life. Now I am writing because China has captured my daddy, Shaomin Li. I need your help to rescue my daddy. Would you please help me? I miss my daddy very much. I can imagine if you were captured by China, your daughters would miss you very much, too. And so would their mom.

"Please help me rescue my daddy. Thank you. Diana Li."

Madam Speaker, let us hope that the crayon is mightier than the sword and that Beijing will understand the extreme folly of their hostage-taking and listen as well to the plea of a 9-year-old asking for her father.

And, Madam Speaker, the cases of the other hostages are equally compelling. At the hearing last Tuesday, we also heard from Donghua Xue, the husband of Dr. Gao Zhan, who has been held hostage for 134 days. Mr. Xue, a senior systems analyst at EDS Corporation, told us how on February 11 when he and his wife, a U.S. permanent resident and research fellow at American University and their 5-year-old son Andrew, an American citizen, were leaving China after a brief vacation, were arrested and detained. To quote Mr. Xue.

"The three of us were separated by force, blindfolded and held in three different places."

Donghua was held for 26 days. His 5-year-old son, an American citizen, was separately held for 26 days without any contact whatsoever with his parents or family members. Even our embassy in Beijing was in the dark about this littlest hostage who, I need to say again, is an American citizen.

Madam Speaker, it was and is abundantly clear that Mr. Xue is desperately worried about his wife's condition, and he told us at the hearing that her attorneys in Beijing have made several attempts to visit her and they have all been denied. The only reason we can think of, he went on to say, is that she perhaps has been physically tortured or at least has some obvious wounds that they do not want the outside world to see. In a word he went on, "My wife Gao Zhan is in a very dangerous situation. I am calling on the American government to try even harder to help."

In his testimony, Madam Speaker, Mr. Xue also underscored the Chinese government's rhetorical commitment to the rule of law. He said "the Chinese Ambassador to the U.S. emphasized several times in his letters to the congressional Members and to U.S. officials that, quote, 'China is a country ruled by laws.' The spokesman from the Chinese foreign minister has said that they, quote, 'strictly follow the legal procedures to deal with the scholars' cases.'"

"I certainly wish that these statements were true," he went on, "but from my nightmare experience in China, the statements are far from reality. To make a family disappear from the earth for almost a month, to illegally detain my son Andrew," he testified, "a U.S. citizen for 26 days, without even notifying the U.S. embassy, to separate a 5-year-old American child by force from his legal guardians and his family, to emotionally and psychologically torture a 5-year-old child for several weeks just for interrogations hostage. These actions not only violate Chinese and international laws and U.S.-China treaties, these actions are inhuman and they are barbaric. We can only associate these actions with the terrorism organizations, not with a country that purports to be ruled by laws."

Mr. Xue also made an important comparison, Madam Speaker, with the way in which his wife's case has been portrayed and that of our 24 detained servicemen and women from the EP-3E reconnaissance aircraft. I quote him again:

"When our 24 crew members had been detained in China, they were allowed to meet with U.S. officials. They were allowed to send messages to their families. They lived in a hotel condition according to news reports. They were finally released after 11 days of diplomatic negotiations. We don't know where our scholars are. We don't know

anything about my wife's health condition. But one thing we are 100 percent sure of, they are not living in a hotel condition. Why do they treat crew members and the scholars so differently? It is the Chinese government who is discriminating against the Chinese people. I hope the American government pays the same effort as they did for the crew members to rescue these detained scholars."

Madam Speaker, I urge the passage of this resolution. Hopefully, this is the first step in raising everyone's consciousness concerning this outrage of hostage-taking of these Chinese Americans.

Madam Speaker, I reserve the balance of my time.

Mr. SHERMAN. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 160. I commend my good friend and colleague, the gentleman from New Jersey (Mr. SMITH), for introducing this important resolution and for his quite eloquent advocacy of it. We have so often heard the pleas of children hurt by governments, hurt by violations of human rights; and I think that it will often be quoted, "Let the crayon be mightier than the sword." I say to the gentleman from New Jersey, that is a line that I think we should remember.

Madam Speaker, this resolution calls on the government of the People's Republic of China to immediately and unconditionally release American scholars of Chinese ancestry, including both United States citizens and U.S. permanent residents, being held in detention. Unfortunately, the recent arrest of these scholars is only the latest example of the Chinese Government's willingness to invent false accusations against perfectly innocent people, especially those involved in the noble but dangerous effort to secure human rights for the people of China.

To illustrate the cost in human terms of China's brutality, let us look at one case, one of the several cases that our colleague from New Jersey brought up, and that is the case of Dr. Gao Zhan. Gao Zhan is an academic who specializes in researching women's issues. She and her husband are permanent residents of the United States and their 5-year-old son, Andrew, is an American by birth. Gao and her family traveled to China to visit relatives. As they stood in line at the Beijing airport waiting for their flight back to the United States, they were seized by Chinese officials. Each family member was forced into a separate car waiting outside the terminal and taken away.

Imagine the horror of a mother being suddenly separated from her child by nameless Chinese officials. Imagine the fear experienced by Gao's husband as he was blindfolded, driven for hours to an unknown location, and subsequently interrogated about his wife's research. Imagine being a 5-year-old boy torn away from your parents under such circumstances. Gao's son was taken to a

state-run institution. He was held alone for 26 days, completely separated from his family. Let me repeat, a 5-year-old boy held alone for 26 days without his mother, without his father, or without even access to his grandparents, who happen to live in China.

These actions violate international law and bilateral agreements between the United States and China, not to mention basic human decency in the way of treating people, particularly a 5-year-old child. Chinese authorities finally allowed Gao's husband to retrieve his son and return to the United States. Gao, however, has not fared so well. She is still imprisoned in China on false charges. The Chinese Government refuses to reveal the nature of the so-called evidence against Gao or to give her a chance to publicly defend herself with adequate defense counsel.

We know about the cases of Gao Zhan and the other five scholars that are specifically mentioned in the resolution because they have connections to the United States. They are residents or citizens of the United States. But let us also remember that there are tens of thousands of Chinese citizens who have no connection with America but are dissidents struggling to lay the groundwork for a future democratic China. These thousands are locked away for years in Chinese jails. There is no embassy to ask about them, no newspapers to write about them, and they are relegated to a most uncertain and most inhumane fate. We must remember them. We must honor them and the democratic cause for which they fight.

As a first step, it is absolutely imperative that the Bush administration make the release of these six Chinese Americans a top priority in our relationship with the People's Republic of China. We can win the release of these Chinese Americans if we bring this issue to the highest level. If President Bush personally asks President Jiang to release these and other imprisoned scholars, I am confident that Gao Zhan will see her husband and son again, and that Li Shaomin will soon come home to his wife and his daughter.

It is important that we pass this resolution. It is also important that we keep these human rights abuses in mind when we decide what position to take as a country and as a Congress on the issue of whether the Olympics should be held in Beijing in 2008. It is perhaps unfortunate that the administration has announced that it is neutral with regard to that bid for the Olympics. But the Olympics stands for something. It stands, in part, for the humane treatment of all people. I think this Congress ought to take up and bring up on this floor the resolution urging that the Olympics not be held in Beijing while human rights abuses continue.

In addition, it is important that we as Members of Congress keep these human rights issues in mind as we vote on annual, quote, "normal trade relations," also known as most-favored-na-

tion status when that issue comes to this floor. But for now, I urge all my colleagues to support H. Res. 160.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I thank the gentleman for yielding me this time, and I thank my colleague from New Jersey for his outstanding leadership on House Resolution 160, calling on the Government of the People's Republic of China to immediately and unconditionally release Dr. Li Shaomin and other American scholars of Chinese ancestry currently being held in detention. I also would commend the gentleman from California (Mr. SHERMAN) for his eloquent words today in support of this important resolution.

Madam Speaker, the Good Book says that we are to stand with those in prison as though we ourselves were prisoners. In this well of liberty, this well where resides the dreams and hopes and ambitions of freedom-loving people all over the world, today's resolution authored by the gentleman from New Jersey (Mr. SMITH) is an important statement. It is important that this Congress call on the Government of the People's Republic of China to immediately and unconditionally release Dr. Li Shaomin and other American scholars of Chinese ancestry held in detention and that we call today on the President of the United States to continue immediately and urgently working on behalf of their release.

The Government of the People's Republic of China, Madam Speaker, has targeted, arrested, and detained several scholars and intellectuals of Chinese ancestry with ties to the United States, including, as astonishingly as it may seem, two United States citizens and three permanent residents of the United States of America. According to the Department of State's 2000 Country Reports on Human Rights Practices in China and international human rights organizations, the Government of the PRC has, quote, "continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms. Targeting of intellectuals and scholars for harassment, arbitrary arrest, detention and criminal charges has created a chilling effect on the nascent freedom of expression which has begun to take hold within the People's Republic of China."

Dr. Li Shaomin is a United States citizen, Madam Speaker, and a scholar who has been detained by the Government of the PRC for more than 100 days. He was formally charged with spying for Taiwan on May 15, 2001. Dr. Li has been deprived of his basic human rights by arbitrary arrest and detention and has not, as the gentleman from New Jersey (Mr. SMITH) stated with passion, even been allowed to contact his wife and child or his attorney or been offered even the most

rudimentary due-process rights which, while not secured and vouchsafed for the citizens of China, certainly ought to be respected for the citizens of the United States of America within the geographic boundaries of China.

Accordingly, this resolution, Madam Speaker, does in fact condemn and deplore the continued detention of Dr. Li, of Dr. Gao Zhan and other scholars detained on false charges by the Government of China, calls for their immediate release, deplores the lack of due process and urges the Government of the PRC to consider carefully the implications to its broader relationship with the United States through this detainment and coercion of American citizens and citizens of Chinese descent.

□ 1545

We need look no further, Madam Speaker, than the cover of *The Washington Post* today, which speaks about China's concern about U.S. actions affecting our long-term relationship.

Madam Speaker, I would say it is time for China to begin to worry how its actions against American citizens will affect the relationship of this body to that government.

I close again with that challenge, that quote, from two millennia ago that we ought to stand with those that are in prison, Madam Speaker, as though we ourselves were prisoners. We in this Congress should stand today strongly for House Resolution 160 and call on the government of the People's Republic of China to make this small step toward liberty.

Mr. SHERMAN. Madam Speaker, I yield 6 minutes to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, as representatives of the American people, with this resolution we will today urge the People's Republic of China, in the strongest possible terms, to release Li Shoamin, a naturalized American citizen, and I might add a constituent of mine from New Jersey, from my congressional district, from custody of the Beijing State Security Bureau, where he has been detained since February of this year.

Our actions today are also intended to call attention to the other scholars of Chinese ancestry who are being illegally detained in China. I have met personally on three occasions with Liu Yingli, Mr. Li Shaomin's wife and their charming young daughter, Diana.

When one meets with them and talks with them and sees the pain and uncertainty that they are experiencing over the detainment of their husband and father, it is impossible not to realize how important this legislation is.

I am pleased to join my colleague, the gentleman from New Jersey (Mr. SMITH), in presenting this legislation and urging its passage.

Li Shaomin received his Ph.D. in sociology from Princeton a decade and a half ago. He is a respected and pub-

lished scholar in demography, has contributed greatly to research focused on strategic management and marketing.

On February 25, Dr. Li, who over the years has traveled frequently to Beijing and other parts of China, was traveling across the border to visit a friend. Upon crossing, Dr. Li was detained by state security officials who claimed he had been, well, we do not know. They now say he was engaged in espionage.

The detention of Dr. Li is just another in a string of a half dozen arrests by Chinese authorities of academics who have connections with China. We have a responsibility to let the Chinese Government know that the United States and the world are aware of these actions, are watching closely, and find this sort of behavior unacceptable.

The charges brought against Dr. Li are vague and unsubstantiated. The fact that Dr. Li is the son of a prominent Chinese dissident, Li Honglin, who now resides in Hong Kong, I think is a significant point. It raises extremely serious questions of political motivation for the Chinese detainment of Dr. Li.

Since his detention, Dr. Li's detention, Chinese authorities have refused to release any information or describe any so-called evidence that has surfaced against Dr. Li. Disturbingly, the Chinese authorities also failed to inform Dr. Li's wife directly about the detention until May 17, when she was informed by the state security ministry via telephone that her husband was arrested and charged with espionage. U.S. consular officials have not been granted sufficient access to him, and in addition without explanation from the Chinese authority, Liu Yingli and Dr. Li's lawyer have been denied access to Dr. Li.

Of course, all of this raises questions about the rights of people in China who do not have the U.S. embassy watching out for their interests, how much worse it must be for them.

The People's Republic of China is a proud nation that is increasingly taking its place on the world stage. All of us are aware of their desire to have increased trading relationships with the West; to host the Olympic games; to be on the modern stage of nations. If China wants to be a member of the community of nations, actions like the detainment of Dr. Li are unacceptable and, I would argue, counterproductive. It is only appropriate that Congress make clear that Dr. Li and other U.S. citizens who are being illegally detained must be released.

Violation of human rights, violation of standards, international standards of law, are not behavior consistent with a modern nation that wants to be part of the modern world of trade, of academic inquiry and exchange, and international exchange.

I urge my colleagues in the strongest possible terms to pass this legislation. We must do all we can to see that these Americans are released as quickly as possible.

Mr. SMITH of New Jersey. Madam Speaker, I reserve the balance of my time.

Mr. SHERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge my colleagues to vote yes on H. Res. 160 and to keep these issues in mind as other issues involving the U.S.-China relationship come before this House.

Mr. GILMAN. Madam Speaker, I want to thank Chairman HYDE and the distinguished East Asia and Pacific Subcommittee Chairman, The gentleman from Iowa, Congressman LEACH, for swiftly moving H. Res. 160, a resolution calling on the Government of the People's Republic of China to immediately and unconditionally release certain American citizens and residents from detention in China. I commend the gentleman from New Jersey, Mr. SMITH for drafting this important, timely resolution.

I am very concerned that Chinese-American citizens and U.S. permanent residents of Chinese ancestry are being illegally held by the government of the People's Republic of China. There is no rule of law in that country. In China a person is not innocent until proven guilty. A person's guilt or innocence is predetermined by the government, and, as we all know, thousands of arrests and imprisonments are carried out for political reasons.

Let's be perfectly clear about this. Government sponsored kidnapping is terrorism. It is no less a crime than what is being committed by terrorists against Americans currently being held in the Philippines.

Madam Speaker, as you will recall, the People's Republic of China has done this before. One year it held activist Harry Wu. Another time it held Wang Dan and Wei Jingsheng. Harry Wu was released to ensure the First Lady Hillary Clinton would attend the UN 1995 Beijing Women's Conference. Wang Dan and Wei Jingsheng were temporally released in 1993 as China was bidding to host the 2000 Olympics game. For years the Chinese dictatorship have been holding and releasing, and then holding and releasing Catholic clergy loyal to Pope John Paul II. Some of these hostages are beaten to death, some are eventually released, some permanently, some temporarily after they are leveraged on MFN, WTO, Taiwan or some other significant issue.

So let us be clear. Our State Department is on notice that we want our people back immediately and unconditionally. The President should put on hold any consideration about his meeting with Chinese leaders until this occurs.

The Chinese government and the bureaucrats in the State Department who are still in place from the previous Administration must understand that our people are not pawns for trade. First the Chinese government must return our people and then we can talk about other things, such as trade.

The cautions U.S. response that we have given to date, just will not do. The taking of our citizens is an outrage and they should be released now and unconditionally. Accordingly, I strongly support H. Res. 160.

Mr. HUNTER. Madam Speaker, I would like to make a statement on behalf of H. Res. 160, a bill that I have cosponsored which calls on the Chinese government to immediately and unconditionally release from prison Dr. Li Shaomin and all other American scholars of Chinese ancestry.

As you know, in recent months we have seen the shocking arrest of United States citizens and permanent residents by the People's Republic of China (PRC). These prisoners represent some of the best and brightest of the U.S. academic and business communities, and they have been falsely and tragically charged with committing crimes of espionage and violation of "state secrets" laws while traveling in China. In most cases, these prisoners have been held for long periods of time without formal charges filed against them, without the ability to meet with their attorneys, and without communication with their families and loved ones.

Although the Chinese government has said that many of these individuals have confessed to their crimes, our own State Department's Country Reports on Human Rights Abuses contains condemning data showing the PRC routinely denies prisoners basic due process rights, and regularly extracts confessions by coercion.

As we know, this behavior by the Chinese is nothing new. We remember the brutal way that their government suppressed a movement toward free speech in Tiananmen Square a decade ago, and we have seen no redeeming conduct since that time that would lead us to believe that they intend to change their ways. It was just several weeks ago that an American military aircraft was shot down while flying in international waters, and the service members aboard held hostage while the Chinese government attempted to force an apology by the United States. To this date, we still have been unable to retrieve our own aircraft from their country.

This unusual succession of events is being watched on the world stage by nations that the PRC would do well to please in order to secure their place in the world economy. However, China neither feels contrite regarding their actions, nor do they exhibit acceptable efforts to improve their lot with democratic countries. Unfortunately, the United States consistently regards them for their provocative and brutal actions by extending to them a privileged trade status ideally afforded friendly and democratic nations.

Madam Speaker, this legislation's passage would send a strong signal to the Chinese government that their actions are barbaric and unacceptable. When confronted with situations that threaten American citizens abroad, it is absolutely necessary to speak in a united front. We should also refuse to award them with the riches gleaned from an unbalanced trading relationship that comes at the expense of American jobs and national security.

Mr. WOLF. Madam Speaker, I rise in support of H. Res. 160, which condemns and deplores the continued detention of Li Shaomin, Gao Zhan, Wu Jianmin, Tan Guangguang, Teng Chunyan, and other scholars detained on false charges by the Government of the People's Republic of China, and calls for their immediate and unconditional release. The resolution condemns and deplores the lack of due process afforded to these detainees, and the probable coercion of confessions from some of them.

Furthermore, it condemns and deplores the ongoing and systematic pattern of human rights violations by the Government of the People's Republic of China. Also, the resolution strongly urges the Government of the People's Republic of China to consider the im-

plications to the broader United States-Chinese relationship of detaining and coercing confessions from United States citizens and permanent residents on unsubstantiated spying charges or suspicions. In addition, the measure urges the Government of the People's Republic of China to consider releasing Liu Yaping on humanitarian grounds.

In addition, the measure expresses the sense of the House that human rights violations inflicted on United States citizens and residents by the Government of the People's Republic of China will reduce opportunities of United States-Chinese cooperation on a wide range of issues.

I congratulate Representative SMITH for his work in bringing this resolution to the floor. This is an important statement by the people's House today. It says to the Government of China, that the U.S. House of Representatives cares about the human rights abuses committed by the Government of China.

Just two months ago in March, I had the honor of leading a ceremony in which my constituent, Dong Hau Xue, husband of the imprisoned American University scholar named in this legislation, Dr. Gao Zhan, became a U.S. citizen.

This ceremony was bittersweet. When he and his wife first applied for permanent residency 1998, it had been their hope and prayer that they would experience the joyous day of citizenship together, having both completed the requirements of citizenship.

But this was not to be. Gao Zhan should have been standing alongside her husband and their 5-year-old son Andrew. Instead, Gao Zhan was languishing in a Chinese prison, thousands of miles away, separated from her family and loved ones.

Today marks Gao Zhan's 134th day in captivity. Gao Zhan is an academic researcher at the American University studying women's issues. What kind of government imprisons academics who focus on women's issues?

I know how grim conditions can be in Chinese prisons. I visited Beijing Prison #1 in 1991 where some 40 Tiananmen Square demonstrators were being held. When I was in Tibet, I talked with several individuals who had been in Dapche Prison who told me of the horrible conditions.

It is an outrage that a country pressing to host the athletes of the world during the 2008 Summer Olympic games continues to abuse the basic human rights of citizens and visitors to their nation.

If the Chinese government ever hopes to have any credibility in the world community, China must immediately release Gao Zhan, an innocent woman, wife and mother; U.S. citizens Dr. Li Shaomin and Mr. Wu Jianmin; permanent U.S. residents Mr. Qin Guangguang, Mrs. Teng Chunyan, and Mr. Liu Yaping.

I urge a unanimous vote in support of H. Res. 160 and I implore the government of the People's Republic of China to free Gao Zhan and the other scholars and reunite them with their families.

Mr. DELAY. Madam Speaker, I rise today because I am outraged. Outraged that the People's Republic of China is holding American scholars against their will. H. Res. 160, introduced by my colleague Mr. SMITH of New Jersey, takes an important step toward addressing the human and civil rights abuses committed by the Communist Chinese government. This Congress must not let human

rights abuses by China or any other nation go unchecked.

At the present time, Li Shaomin and other scholars are being held in Chinese prisons for "crimes against the State." These Americans may be enduring torture and coercion, and may be forced into "confessing" to crimes they did not commit. But these are perhaps the least of the indignities that these men and women must endure.

The imprisonment of Li Shaomin and other American scholars of Chinese ancestry are just symptoms of the larger disease that is China's blatant disregard for human life and human rights. It is clear from the State Department's 2000 Country Report on Human Rights Practices in China, that the Communist Chinese government commits, on a daily basis, violations of the most essential and basic human rights.

Let our support for this resolution send a clear and compelling signal that this Congress and our Nation will not stand silently by while natural and universal human rights are curtailed in China or anywhere else.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of House Resolution 160.

Madam Speaker, I am deeply disturbed by the Government of China's recent arrests and detentions of American citizens and U.S. permanent residents of Chinese ancestry.

Prosecutions of Americans by China's State Security Ministry and agencies have been rare since the Korean War. With the recent outbreak of detentions, however, it is troubling that China may now feel it acceptable to target American subjects—as long as they have Chinese blood.

In particular, I find it deplorable that those detained have been held virtually incommunicado for months—denied any contact with immediate family members and even their attorneys. Given the lack of due process and the hidden, clandestine proceedings, it is no wonder that China's charges of espionage and other serious violations against the detainees are viewed as false, and any confessions produced as resulting from torture.

In an effort to address these matters, Madam Speaker, I commend Mr. SMITH, Mr. LANTOS and Ms. ROS-LEHTINEN for introducing House Resolution 160. I am honored to be a co-sponsor of the measure.

In addition to calling upon the Chinese Government for the immediate and unconditional release Dr. Li, Dr. Geo and other American scholars of Chinese ancestry who have been detained, this important legislation urges President Bush to appoint a special envoy and make the detainees' release a top priority in U.S.-Sino relations.

I cannot agree more Madam Speaker, as American citizens and U.S. permanent residents, when they go overseas, must be protected and not be subject to arbitrary harassment and detention on unsubstantiated charges, whether by China or any other nation.

I strongly urge adoption of the legislation by our colleagues.

Mr. SHERMAN. Madam Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, we do have some additional speakers; but regrettably, they are either en route from their home districts or are in appropriations markups. So

at this point since they are not here, Madam Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 160, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CALLING UPON HEZBOLLAH TO ALLOW RED CROSS TO VISIT FOUR ABDUCTED ISRAELIS

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 99) expressing the sense of the House of Representatives that Lebanon, Syria, and Iran should call upon Hezbollah to allow representatives of the International Committee of the Red Cross to visit four abducted Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

The Clerk read as follows:

##### H. RES. 99

Whereas on October 7, 2000, Hezbollah units, in clear violation of international law, crossed the Lebanese border into Israel and kidnapped three Israeli soldiers, Adi Avitan, Binyamin Avraham, and Omar Souad;

Whereas on October 15, 2000, Hezbollah announced that it had abducted a fourth Israeli, Elchanan Tannenbaum;

Whereas these captives are being held by Hezbollah in Lebanon;

Whereas the 1999 Department of State report on foreign terrorist organizations stated that Hezbollah receives substantial amounts of financial assistance, training, weapons, explosives, and political, diplomatic, and organizational assistance from Iran and Syria;

Whereas Syria voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly;

Whereas Lebanon voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly;

Whereas Iran voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly;

Whereas the International Committee of the Red Cross has made numerous attempts to gain access to assess the condition of these prisoners; and

Whereas the International Committee of the Red Cross has been denied access to these prisoners; Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that Lebanon, Syria, and Iran should call upon Hezbollah to allow representatives of the International Committee of the Red Cross to visit four abducted Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum,

presently held by Hezbollah forces in Lebanon.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, even in the midst of war or violent conflict, the need for some limits must be underlined. Those limits are of crucial importance in that they remind us of our essential humanity. When humanitarian standards are ignored, we need to call them to the attention of those who seem to be violating them. In the case of the individuals mentioned in the resolution now before us, who are Israeli soldiers and civilians, the rules are, in fact, being ignored. This resolution relates to several Israeli soldiers and one civilian who have been kidnapped from Israel itself or in Europe. Their captors have admitted holding them and they have said that they are alive, but that is all that is known about them.

In defiance of international norms, their captors are not permitting the International Committee of the Red Cross to have access to them. Of course, the captives should be treated humanely. Of course, they should be released, but they should certainly, at the very least, be provided with protections of international humanitarian law. The International Committee of the Red Cross should be provided with access to them so that their welfare can be ascertained and other appropriate protections be afforded to them. It is cynical and cruel for Hezbollah to deny the ICRC access to them. The real harm is being done to their families who wait for word of their welfare.

Madam Speaker, let me just say that the governments of Lebanon, Syria, and Iran either fund Hezbollah or allow it to operate on their territory. This resolution asks those governments to use their influence to ask Hezbollah to do the right thing. It is not too much to ask. I request that my colleagues join me in supporting this resolution.

Madam Speaker, I would like to thank the chairman of the full committee, the gentleman from Illinois (Mr. HYDE); the ranking member of the full committee, the gentleman from California (Mr. LANTOS); and the chairman of the Subcommittee on the Middle East and South Asia, the gentleman from New York (Mr. GILMAN); and the ranking Democrat of the Subcommittee on the Middle East and South Asia, the gentleman from New York (Mr. ACKERMAN) for moving this bill through their committees.

I also want to thank the gentleman from New York (Mr. CROWLEY) for sponsoring it. It is a good resolution and it deserves the support of this body.

Madam Speaker, I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank my friend, the gentleman from New Jersey (Mr. SMITH), for his words in support of this resolution; and I rise in strong support of this resolution.

Madam Speaker, I want to begin by thanking the chairman of the full committee, the gentleman from Illinois (Mr. HYDE); our distinguished ranking member, the gentleman from California (Mr. LANTOS); my Republican colleagues, the gentleman from New York (Mr. GILMAN), the gentleman from Virginia (Mr. CANTOR), the gentleman from Illinois (Mr. KIRK), and the gentleman from New Jersey (Mr. SMITH) for their work; and my other colleague, the gentleman from New York (Mr. ACKERMAN), for helping to get this resolution to the floor for quick consideration today.

In October 2000, Adi Avitan, Binyamin Avraham, and Omar Souad were abducted while on a routine patrol of Israel's northern border. A fourth man, Elchanan Tannenbaum, a reservist, was taken while on a business trip in Europe.

At the present time, these men are believed to be held by the Hezbollah on Lebanese soil. The United Nations Secretary General Kofi Annan and the International Committee of the Red Cross have made numerous overtures to Hezbollah in an effort to gain access to assess the physical condition and well-being of these prisoners. The Hezbollah has rejected these requests each and every time.

The continued detention of these men by Hezbollah troops is unacceptable and must be addressed immediately.

The conditions of their capture and the subject of detention run completely counter to the international standards and laws. Given that the State Department Report on Terrorism has named Iran and Syria as the patron states of Hezbollah, we must hold the governments in Tehran and Damascus responsible for the well-being of these men.

As signatories to the Universal Declaration on Human Rights, Iran and Syria have a responsibility to the international community to take concrete steps to encourage Hezbollah to permit this visit to take place. President Khatami and President Assad have made statements regarding the desire to join the community of nations. If these statements truly represent the desires of Iran and Syria, I ask them to take the first step toward achieving that objective by exerting their considerable influence over Hezbollah to allow the International Committee of the Red Cross to do their job without further delay.

I first met the families of these men on a visit to Israel earlier this year in January with Members from New York, the gentleman from New York (Mr. WEINER) and the gentleman from New York (Mr. NADLER). It was my hope

that by the time we met again that their sons and fathers would be home.

Last month, I stood beside them once again here in Washington, but the void left by their sons and fathers still remains. I know that the families are grateful that they need not fight for their sons and fathers alone. They are joined by well over 70 Members of the House and the Senate who have cosponsored this resolution before us. We send a strong signal to the patron states of Hezbollah; but most of all, we must send hope to Adi, to Binyamin, to Omar, and Elchanan and their families. We can do just that by passing this resolution today.

Therefore, Madam Speaker, I urge all of my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SHAW. Madam Speaker, I rise today in strong support of House Resolution 99, a resolution to urge Lebanon, Syria, and Iran to allow the International Red Cross to visit the four abducted Israelis. Many of my constituents have contacted me to voice their concerns for the Israeli citizen and the three Israeli soldiers that were taken hostage. I recently received a group of letters from the fifth grade class at the Jacobson Sinai Academy of North Dade, asking me to "imagine how their families are crying from sorrow because their child has been kidnapped." I believe Congress has a responsibility to push for International Red Cross intervention to check on the status of the captured Israelis.

We should continue diplomatic efforts to seek the help of Syria and Iran in opening a dialogue with the Hezbollah. H. Res. 99 sends an important message to the international community that these hostages have not been forgotten, even while the security situation in the Middle East has deteriorated since last fall. I urge the House to unanimously pass this resolution and continue to work towards a lasting peace in the Middle East.

Mr. GILMAN. Madam Speaker. I yield myself such time as I may consume and ask unanimous consent to revise and extend my remarks.

It is with regret that we have to bring this resolution before the House today, but it is necessary to do so, because of an ongoing human tragedy—the capture of several individuals by a terrorist band operating with the support, or perhaps the acquiescence, of three Middle Eastern states, and which is holding them without providing any access by international humanitarian organizations.

I want to express my appreciation for the efforts of the gentleman from New York, Mr. CROWLEY, and the gentleman from Illinois, Mr. KIRK, who have worked so diligently on this resolution. Also, I want to thank the Chairman of the Committee, the gentleman from Illinois (Mr. HYDE) and my colleagues, the gentleman from New York, (Mr. ACKERMAN), our subcommittee Ranking Member, and the gentleman from California (Mr. LANTOS), the full Committee ranking member.

Last October, Hezbollah terrorists crossed the Israeli border near the so-called Shebaa Farms area and captured 3 soldiers. Later that month, they kidnapped an Israeli businessman in Europe.

This resolution is not just about the legality of the captivity of these individuals, although

of course they should be released. The narrow question we are focusing is on whether they should be allowed visits by the International Committee of the Red Cross—and who should be making that appeal to their captors.

There is no question about who is responsible for this act—Hezbollah. Those countries which allow Hezbollah to operate, or which fund it—namely Iran, Syria, and Lebanon—are in a position to influence this request.

We are asking that they would use their influence. It's just that simple. That is what this resolution is seeking.

Accordingly, I ask my colleagues to fully support this resolution, and I reserve the balance of my time.

Mr. KIRK. Madam Speaker, I rise today to call on the immediate release of three Israeli soldiers and one Israeli citizen who have been held hostage by Hezbollah in Lebanon for the last eight months. I thank the gentleman from New York (Mr. CROWLEY) for sponsoring this resolution and the gentleman from Illinois (Mr. HYDE) for bringing it to the floor today.

On October 7, 2000, Hezbollah terrorists crossed the Lebanese border into Israel, ambushed an IDF patrol unit, and abducted Adi Avitan, Binyamin Avraham, and Omar Souad. Only a week later, Elchanan Tannenbaum, an Israeli civilian, was abducted while on a business trip to Switzerland. Despite constant international pressure, Hezbollah has not yet shown any signs of releasing these four hostages. Hezbollah continues to deny any requests to meet with these four men.

The kidnapping of these three soldiers and one citizen is yet another intolerable element of the ongoing struggle in the Middle East. Iran and Hezbollah's blatant violation of established international norms must be confronted. Syria, Lebanon, and Iran all voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly, yet Hezbollah has continued to deny the International Committee of the Red Cross access to these prisoners.

Having worked against Hezbollah in Bosnia, I am aware of the danger they pose to Israelis and America abroad. We must take all necessary steps to ensure that, at the very least, Syria, Lebanon, and Iran call upon Hezbollah to allow representatives of the International Committee of the Red Cross to visit these Israeli hostages. For 261 days, these four men have been held captive. The families of these young men cannot continue to be tormented by the uncertainty of their loved ones' existence. Hezbollah has remained tight lipped on the condition of these men, and several Arabic language newspapers have reported that at least one of the soldiers had died in captivity.

The United States must take a strong position against Hezbollah and call for these terrorists to allow the International Committee of the Red Cross to visit Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum. This resolution is a re-affirmation of our commitment to Israel and the values of democracy, justice, and human decency.

□ 1600

Mr. CROWLEY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 99.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CROWLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING 19 U.S. SERVICEMEN WHO DIED IN TERRORIST BOMBING OF KHOBAR TOWERS IN SAUDI ARABIA ON JUNE 25, 1996

Mr. MCHUGH. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 161) honoring the 19 United States servicemen who died in the terrorist bombing of the Khobar Towers in Saudi Arabia on June 25, 1996, as amended.

The Clerk read as follows:

H. CON. RES. 161

Whereas June 25, 2001, marks the fifth anniversary of the tragic terrorist bombing of the Khobar Towers military housing compound in Dhahran, Saudi Arabia;

Whereas 19 members of the United States Air Force were killed in the bombing and 250 other United States military personnel were wounded;

Whereas the 19 airmen killed while serving their country were Captain Christopher Adams, Sergeant Daniel Cafourek, Sergeant Millard Campbell, Senior Airman Earl Cartrette, Jr., Sergeant Patrick Fennig, Captain Leland Haun, Sergeant Michael Heiser, Sergeant Kevin Johnson, Sergeant Ronald King, Sergeant Kendall Kitson, Jr., Airman First Class Christopher Lester, Airman First Class Brent Marthaler, Airman First Class Brian McVeigh, Airman First Class Peter Morgera, Sergeant Thanh Nguyen, Airman First Class Joseph Rimkus, Senior Airman Jeremy Taylor, Airman First Class Justin Wood, and Airman First Class Joshua Woody;

Whereas the families of these brave airmen still mourn their loss;

Whereas on September 24, 1996, the House of Representatives agreed to House Concurrent Resolution 200 of the 104th Congress honoring the victims of that terrorist bombing;

Whereas those guilty of the attack have yet to be brought to justice; and

Whereas terrorism remains a constant and ever-present threat around the world: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring).* That, on the occasion of the fifth anniversary of the terrorist bombing of the Khobar Towers military housing compound in Dhahran, Saudi Arabia, the Congress—

(1) recognizes the sacrifice of the 19 members of the United States Air Force who died in that attack; and

(2) calls upon every American to pause and pay tribute to those brave airmen.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from



New York (Mr. McHUGH) and the gentlewoman from California (Mrs. TAUSCHER) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

#### GENERAL LEAVE

Mr. McHUGH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 161.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution introduced by the gentleman from Georgia (Mr. ISAKSON) honoring the commitment and sacrifice of the 19 servicemembers killed 5 years ago today on June 25, 1996, when a terrorist truck bomb demolished the Khobar Towers barracks in Saudi Arabia in which they were stationed.

This resolution should remind us that these brave Americans then, as well as those serving in uniform today, willingly risked their lives to defend United States' interests and the freedom and the values that we all enjoy as citizens. Such commitment imposes on the rest of us an obligation to ensure that we do not break faith with those who serve and that we respond to such commitment by resolving to provide the resources necessary for our military forces to successfully carry out the missions assigned to them.

For the families and loved ones of those who died on this day, this resolution signals our continued understanding of the pain and loss that they feel and that the sacrifices made by these 19 men and women, some of America's best and brightest, will not, cannot, be forgotten.

Finally, we as a Nation must understand that terrorism directed at Americans will continue for the foreseeable future. Five years ago, terrorists killed 19 Americans residing in Khobar Towers; 8 months ago, they killed 17 aboard the U.S.S. *Cole*. In the face of this terrorism, we must be vigilant to prevent or reduce the probability of it occurring, and relentless in the pursuit of those who perpetrate such horrendous actions.

While I am pleased that Federal indictments have been issued in connection with the Khobar Towers attack, I and many others join me in a mutual concern that not all of those responsible for the attack have yet been identified. America should not rest until all the perpetrators have been brought to justice.

Madam Speaker, I want to pay particular tribute to the gentleman from Georgia (Mr. ISAKSON) for his work in putting together and advancing this worthy resolution. His commitment, I know, is shared by many in this House,

certainly many on the Subcommittee on Military Personnel; the gentlewoman from California (Mrs. TAUSCHER), the ranking member; the gentleman from Arkansas (Mr. SNYDER); and so many others on both sides of the aisle who recognize that this sort of resolution knows no party. Rather, in joint celebration of lives that were cut off too short and in solemn resolution of a recognition of the loss of those lives, we join together.

Madam Speaker, I would certainly urge all of my colleagues in the House today to join me in supporting this very, very worthy piece of action.

Madam Speaker, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would also like to join my esteemed colleague from New York (Mr. McHUGH), the chairman of the Subcommittee on Military Personnel, in commending my colleague, the gentleman from Georgia (Mr. ISAKSON), for his thoughtfulness today.

This is a terrible day, a terrible anniversary, because 5 years ago today on June 25, 1996, a truck bomb exploded outside the fence around the Khobar Towers compound in Dhahran, Saudi Arabia. The bomb, estimated at more than 3,000 pounds, detonated about 85 feet from a residential unit housing U.S. troops, killing 19 American servicemen and wounded hundreds of other people.

The force of the explosion destroyed or damaged six high-rise apartment buildings and shattered windows throughout the residential compound. What is more, this attack demolished the illusion that American military posted in Saudi Arabia were immune from the terrorism that has plagued the rest of this very volatile region. It was a tragic and painful reminder of the risks our servicemen and women confront to protect the peace and American interests abroad.

As we honor the 19 airmen who gave their lives in Saudi Arabia, we need to remember that they did not die in vain. As a result, we are developing new ways to protect our military forces in the post-Cold War geopolitical environment. We now understand that this means deploying U.S. forces to promote stability in new and unfamiliar areas. And we have to pay more attention than ever before to the security conditions under which our troops are deployed.

Madam Speaker, a few days ago 14 Middle Easterners were indicted for this horrific act. I share a common sentiment with my colleagues and the rest of America that we regret it took so long to bring the indictments in this case. I know that we look forward to completing the court proceedings so the families of the heroes we honor today may begin to have a sense of closure.

Madam Speaker, our action on this resolution today is a message to those

who died, their family members, our Nation and the rest of the world, that we honor the sacrifices of these 19 servicemen and the families they left behind. They served with the highest and best military traditions. No one could have served better or given more.

I thank the gentleman from New York (Chairman McHUGH) and the House leadership for bringing this important issue to the floor. I urge my colleagues to support H. Con. Res. 161.

Madam Speaker, I reserve the balance of my time.

Mr. McHUGH. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON). As the gentlewoman from California (Mrs. TAUSCHER) and I have both mentioned, we are collectively very grateful to the gentleman from Georgia (Mr. ISAKSON) for having the concern and enacting the initiative to bring this resolution to us today on this very sad anniversary.

Mr. ISAKSON. Madam Speaker, my thanks to the gentleman from New York (Mr. McHUGH), the gentlewoman from California (Mrs. TAUSCHER), the gentleman from Arizona (Mr. STUMP), the chairman of committee, and on behalf of really all of us in the Congress of the United States, today to pay tribute to the 19 airmen who 5 years ago today sacrificed their lives in behalf of the people of the United States of America.

Madam Speaker, I thought when I was drafting this resolution, it is kind of ironic that if you think about today, just a month ago we celebrated Memorial Day, where we honored the men and women who have died in the pursuit, and subsequently the defense, of freedom in wars, domestic and foreign, since the founding of our country.

Five months from now we will celebrate Veterans' Day, where we pay tribute to every man and every woman who has ever worn a uniform on behalf of this great Nation.

In 11 days, on the 4th of July, we celebrate the founding of America; we celebrate our birthday. We celebrate our Declaration of Independence, upon which our Founding Fathers pledged their lives, their fortunes, and their sacred honor.

Today, we honor 19 airmen who gave their lives, the supreme sacrifice, at the hands of terrorists 20 miles away from Dhahran in Saudi Arabia. Today I join with all of this Congress in paying tribute to those men, who were Master Sergeant Kendall K. Kitson, Jr.; Tech Sergeant Daniel B. Cafourek; Tech Sergeant Patrick P. Fennig; Tech Sergeant Thanh Van Nguyen; Senior Airman Earl F. Cartrette, Jr.; Senior Airman Jeremy A. Taylor; Sergeant Milard D. Campbell; Airman First Class Brent E. Marthaler; Airman First Class Brian W. McVeigh; Airman First Class Peter J. Morgera; Airman First Class Joseph E. Rinkus; Airman First Class Joshua E. Woody; Captain Christopher J. Adams; Captain Leland T. Haun; Master Sergeant Michael G. Heiser;

Staff Sergeant Kevin J. Johnson; Airman First Class Justin R. Wood; Staff Sergeant Ronald L. King; and Airman First Class Christopher Lester.

As we celebrate our 4th of July or Memorial Day or Veterans' Day on their designated day, for me this day will be a constant reminder of the sacrifice of these men; and it is my hope that all of America pause on this day today and each year thereafter to give thanks for their sacrifice and also be reminded of the threats of terrorism as they exist, both domestic and abroad.

Today, in Washington D.C. the parents and loved ones of many of these who sacrificed their lives are the guests of the FBI in our city, and at this time I want to personally pay tribute to director Louis Freeh. Within hours after the announcement of this attack and this tragedy in Dhahran, Director Freeh boarded an aircraft, assembled 125 members of the FBI, and personally directed the beginning of the investigation in Saudi Arabia, which has led to the indictment last Thursday of 14 accused of conspiring in this great tragedy.

As Director Freeh announced his retirement last week, I am pleased today on the floor of this House on behalf of the many loved ones of these soldiers to express their grateful appreciation to his commitment to the very end of his tenure to attempting to bring to justice those who took the lives of our Nation's sons in defense of freedom. Today is a day for us to give thanks for the men who died on our behalf on that tragic evening.

Madam Speaker, I ask the Members of this House to join in bipartisan and unanimous support in tribute for those brave 19, and to remind all Americans that we should continue to be ever vigilant of the terrors of terrorists and their danger, and ever thankful for the men and women that serve in our Armed Forces, keep us safe and keep us free.

Mrs. TAUSCHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge my colleagues to support H. Con. Res. 161.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCHUGH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, with a final word of appreciation to the gentleman from Georgia (Mr. ISAKSON) and a final word of deepest sorrow and deepest appreciation to the families of these fallen heroes, we can never undo the tragedy that they have witnessed. We can never ameliorate the pain that I know is with them each and every day. But I would hope, and I know my colleagues join me in this hope, that with the adoption of this resolution, they will take from our action some solace in the fact that we do not forget that this Congress remains committed to the resolution of justice and to bringing to trial and to

a proper conviction those who have wrought this tragedy upon such innocence.

Madam Speaker, I again urge all of our colleagues to join us in support of this concurrent resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of House Concurrent Resolution 161, honoring the Service Men Killed in Khobar Towers.

From the frozen battlefield of Breed's Hill, most commonly known as the Battle of Bunker Hill, to the war-torn former provinces of Yugoslavia the military has repeatedly proven its ability to meet the challenges offered by this nation's leadership. Any time the nation called the men and women of the United States armed forces has answered in the affirmative and successfully met the challenges of their mission on the behalf of a free and independent United States of America.

Five years ago, on this date, June 25, 1996, a terrorist bomb at the Khobar Towers in Saudi Arabia killed 19 U.S. servicemen and wounded 400 others. On June 21st of this year, a federal grand jury in Virginia returned a 46-count indictment that charged 13 Saudis and a Lebanese man with complicity in the bombing.

Although none of those charged is now in the United States, I along with members of the Judiciary Committee will be working to see that justice is served in this matter.

Prosecutors brought the charges now because the statute of limitations were to expire next week. I request that Saudi Arabia cooperate fully in our attempt to see that the guilty are brought before a court to answer for this act.

I applaud the men and women of our nation's armed forces who protect and defend our national interest around the globe. The sacrifices of the men and women who are the United States Army have for over two centuries put the country's best interest ahead of their own for the benefit of all of our freedom.

Today, we remember the sacrifices to this nation, because they have made the world a safer place for democracy and freedom. May those 19 service men killed continue to be remembered for their bravery and commitment to this great nation.

I commend the work done by Federal law-enforcement personnel in searching for those responsible for this terrible crime.

I encourage all of my colleagues on both sides of the aisle to support this resolution.

Mr. MICA. Madam Speaker, June 25, 2001 marks the fifth anniversary of the terrorist bombing of the U.S. military housing facility Khobar Towers in Saudi Arabia. Nineteen American servicemen were killed and hundreds wounded in that vicious attack. Last week the United States indicted some of those responsible for those murders. However long it takes to bring those indicted and those responsible for this terrorist act to justice, our country must pursue all guilty parties. Until those who perpetrated this heinous international crime are brought to justice, we cannot rest.

I commend the Bush Administration, the Attorney General and the Federal Bureau of Investigation for making certain that this case is not forgotten. Florida and our nation lost too many innocent victims for this matter to be brushed aside. My Congressional District and the mother and family of AIC Brian McVeigh

who was killed in Khobar Towers, continue to feel the pain of that great loss.

The United States Congress, these surviving relatives, and all the others who lost their loved ones cannot rest until justice prevails.

Mr. GILMAN. Madam Speaker, I commend Mr. ISAKSON for introducing H. Con. Res. 161, which honors the 19 United States servicemen who died in the terrorist bombing of Khobar Towers and the 250 other military personnel who were wounded on June 25, 1996. On the fifth anniversary of the bombing, we honor those who were killed and wounded for serving on the front lines of freedom, far from home.

On June 21st, the Federal Bureau of Investigation indicted the Hizbollah terrorists, who attacked our military personnel. Iranian officials may also have been involved.

The House International Relations has paid tribute to these brave men and women by remaining vigilant towards terrorism and Iran. Specifically, last week the Committee voted to renew for five years the Iran-Lybia Sanctions Act. That Act (ILSA) penalizes foreign firms for investing in the Iranian and Libyan energy sector to deprive those governments of revenues for their programs of weapons of mass destruction and terrorism.

We believe that reauthorizing the ILSA Act pays tribute to the memories of the brave men and women who died five years ago today and serves as a warning to those who attack U.S. servicemen and women. The memories of these brave men and women will always be with us.

Accordingly, I urge my colleagues to fully support this measure.

Mr. WELDON of Florida. Madam Speaker, I rise in strong support of H. Con. Res. 161. It is fitting that we take a some time today on the floor of the U.S. House of Representatives to remember those who paid the highest price of freedom.

Five years ago, on June 25, 1996, the lives of five families in my congressional district were irrevocably changed by a horrendous act of terrorism. Five service members from Patrick Air Force Base were taken from their loved ones and from our community.

It has been a long five years for the loved ones of these men. I hope they can find solace in the fact that last week a federal grand jury indicted fourteen people suspected of carrying out this terrible act. I will do all that I can do to help bring those who committed this vicious act to justice. I call upon the U.S. Department of Justice to do all that they can to place a high priority on this.

These five men were:

Capt. Christopher J. Adams, he was engaged to be married.

Master Sgt. Michael Heiser, who was also engaged.

Capt. Leland "Tim" Haun, was a husband and stepfather.

Staff Sgt. Kevin Johnson, turned 36 on the day of the blast, and was the father of three.

Airman 1st Class Justin Wood, was only 20 years old and was working on his college degree.

H. Con. Res. 161 resolves that: "The Congress, on the occasion of the fifth anniversary of the terrorist bombing of the Khobar Towers in Saudi Arabia, recognizes the sacrifice of the 19 servicemen who died in that attack, and calls upon every American to pause and pay

tribute to these brave soldiers and to remain ever vigilant for signs which may warn of a terrorist attack."

Known to us as Capt. Adams, Master Sgt. Heiser, Capt. Haun, Staff Sgt. Johnson, Airman 1st Class Wood, and to their families and loved ones as Christopher, Mike, Tim, Kevin, and Justin, these men gave their lives in defense of peace and liberty. They must not be forgotten. Our nation owes them a debt of gratitude.

I salute each of you.

Mr. SCARBOROUGH. Madam Speaker, I come before the House today on the fifth anniversary of the tragic Khobar Towers bombing in Saudi Arabia.

Shortly before 10 p.m. on Tuesday, June 25, 1996, a van parked outside the Khobar Towers military complex in Saudi Arabia exploded. The van held an estimated 2,000 pounds of explosives, which killed 19 American servicemen and injured approximately 500 other people.

Of the 19 servicemen killed, 12 were members of Eglin Air Force Base's 33rd Fighter Wing, known as the Nomads, located in my district. The Nomads were on a 90-day rotation as part of Operation Southern Watch, a United Nations mission to keep Iraq's military from invading or harassing neighboring countries. Those killed were scheduled to return to Fort Walton Beach, Florida, the day following the attack.

Today, many family members of the victims will attend a memorial service at Arlington National Cemetery in Arlington, Virginia.

The recent arrest of 13 Saudi Arabians and one Lebanese citizen sends a clear message to the world that America does not tolerate terrorism. The families who lost their loved ones in this terrible crime deserve to see justice and those responsible prosecuted to the fullest extent of the law.

Madam Speaker, on the fifth anniversary of this tragic event, I urge the Congress to continue its efforts to see that justice does prevail for the parents and families of the 19 servicemen who lost their lives on June 25, 1996, in a terrorist attack on Saudi Arabia. They deserve nothing less.

Mr. MCHUGH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 161, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. TAUSCHER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1615

# COMMUNICATION FROM ASSOCIATE ADMINISTRATOR OF HUMAN RESOURCES, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Kathy A. Wyszynski, Associate Administrator of Human Resources, Office of the Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, June 19, 2001.

Hon. J. DENNIS HASTERT,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that the Office of Human Resources, Office of the Chief Administrative Officer, has received a subpoena for documents issued by the United States District Court for the Northern District of Ohio.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KATHY A. WYSZYNSKI,  
Associate Administrator of Human Resources.

## RECESS

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 16 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 6 p.m.

# VACATING ORDERING OF YEAS AND NAYS ON H.R. 1668, AUTHORIZING ADAMS MEMORIAL FOUNDATION TO ESTABLISH COMMEMORATIVE WORK HONORING FORMER PRESIDENT JOHN ADAMS

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the bill, H.R. 1668, as amended, to the end that the Chair put the question on the motion de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 1668, as amended.

The question was taken and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the Adams Memorial Foundation to establish a commemorative work on Federal Land in the District of Columbia and its environs to honor former President John Adams and his legacy".

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H. Res. 160, by the yeas and nays;

H. Res. 99, by the yeas and nays; and

H. Con. Res. 161, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## CALLING ON CHINA TO RELEASE LI SHAOMIN AND ALL OTHER AMERICAN SCHOLARS OF CHINESE ANCESTRY BEING HELD IN DETENTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 160, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 160, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 53, as follows:

[Roll No. 186]

YEAS—379

Abercrombie	Boehner	Collins
Ackerman	Bonilla	Combest
Aderholt	Bonior	Condit
Allen	Bono	Conyers
Andrews	Borski	Cooksey
Armey	Boswell	Costello
Baca	Boyd	Cox
Bachus	Brady (PA)	Coyne
Baird	Brown (FL)	Cramer
Baker	Brown (OH)	Crane
Baldacci	Brown (SC)	Crenshaw
Baldwin	Bryant	Crowley
Ballenger	Burr	Cubin
Barcia	Buyer	Culberson
Barr	Callahan	Cummings
Barrett	Calvert	Cunningham
Bartlett	Camp	Davis (CA)
Barton	Cannon	Davis (FL)
Bass	Cantor	Davis (IL)
Becerra	Capito	Davis, Jo Ann
Bentsen	Capps	Davis, Tom
Bereuter	Capuano	Deal
Berman	Cardin	DeFazio
Berry	Carson (OK)	DeGette
Biggert	Castle	Delahunt
Bilirakis	Chabot	DeLauro
Bishop	Chambliss	DeLay
Blagojevich	Clay	DeMint
Blumenauer	Clayton	Deutsch
Boehler	Clyburn	Dicks

Dingell  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Ferguson  
Filner  
Flake  
Fletcher  
Frank  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Goss  
Graham  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grucci  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Harman  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill  
Hilleary  
Hilliard  
Hinchey  
Hobson  
Hoeffel  
Holden  
Holt  
Honda  
Horn  
Hostettler  
Houghton  
Hoyer  
Hunter  
Hyde  
Inslee  
Isakson  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Jonkorski  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)

Kingston  
Kirk  
Klecza  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
LaHood  
Lampson  
Langevin  
Largent  
Larsen (WA)  
Larson (CT)  
Latham  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (NY)  
Manzullo  
Markey  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Mica  
Miller (FL)  
Miller, Gary  
Miller, George  
Mink  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Napolitano  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Osborne  
Ose  
Otter  
Oxley  
Pallone  
Pascarell  
Pastor  
Payne  
Pence  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Pombo  
Portman  
Price (NC)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Rivers

Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roukema  
Roybal-Allard  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanders  
Sandlin  
Sawyer  
Saxton  
Scarborough  
Schaffer  
Schakowsky  
Schiff  
Schrock  
Scott  
Sensenbrenner  
Serrano  
Shaw  
Shays  
Sherman  
Sherwood  
Shows  
Shuster  
Simpson  
Skeen  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stark  
Stearns  
Stenholm  
Strickland  
Stump  
Stupak  
Sweeney  
Tancredo  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tiberi  
Tierney  
Towns  
Traficant  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Velazquez  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp  
Waters  
Watkins (OK)  
Watson (CA)  
Watt (NC)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

## NOT VOTING—53

Akin  
Berkley  
Blunt  
Boucher  
Brady (TX)  
Burton  
Carson (IN)  
Clement  
Coble  
Diaz-Balart  
Ehrlich  
Foley  
Ford  
Fossella  
Gephardt  
Gordon  
Hinojosa  
Hoekstra

Hooley  
Hulshof  
Hutchinson  
Istook  
John  
Kaptur  
Lantos  
LaTourette  
Lipinski  
Maloney (CT)  
McGovern  
Miller-  
McDonald  
Nadler  
Neal  
Owens  
Paul  
Pelosi

Peterson (MN)  
Platts  
Pomeroy  
Pryce (OH)  
Putnam  
Rangel  
Sanchez  
Sessions  
Shadegg  
Shimkus  
Simmons  
Smith (MI)  
Spence  
Sununu  
Taylor (NC)  
Toomey  
Waxman  
Weiner

□ 1831

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: “Resolution calling on the Government of the People’s Republic of China to immediately and unconditionally release Li Shaomin and other American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release, and for other purposes.”

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 186 I was unavoidably detained. Had I been present, I would have voted “yea.”

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 8 of rule XX, the Chair announces that he will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CALLING UPON HEZBOLLAH TO  
ALLOW RED CROSS TO VISIT  
FOUR ABDUCTED ISRAELIS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 99.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 99, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 53, as follows:

[Roll No. 187]

## YEAS—379

Abercrombie  
Ackerman  
Adenholz  
Ehlers  
Emerson  
Engel  
English  
Eshoo  
Evans  
Everett  
Farr  
Fattah  
Ferguson  
Filner  
Flake  
Fletcher  
Frank  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Goss  
Graham  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grucci  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Harman  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hostettler  
Houghton  
Hoyer  
Hunter  
Hyde  
Inslee  
Isakson  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Jonkorski  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)

Duncan  
Dunn  
Edwards  
Ehlers  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Ferguson  
Filner  
Flake  
Fletcher  
Frank  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Goss  
Graham  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grucci  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Harman  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hostettler  
Houghton  
Hoyer  
Hunter  
Hyde  
Inslee  
Isakson  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Jonkorski  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)

Kucinich  
LaFalce  
LaHood  
Lampson  
Langevin  
Lantos  
Largent  
Larsen (WA)  
Larson (CT)  
Latham  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (NY)  
Manzullo  
Markey  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Mica  
Miller (FL)  
Miller, Gary  
Miller, George  
Mink  
Mollohan  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Napolitano  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Osborne  
Ose  
Otter  
Oxley  
Pallone  
Pascarell  
Pastor  
Payne  
Pence  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Pombo  
Portman  
Price (NC)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Rivers

Rohrabacher Skelton Towns  
 Ros-Lehtinen Slaughter Traficant  
 Ross Smith (NJ) Turner  
 Rothman Smith (TX) Udall (CO)  
 Roukema Smith (WA) Udall (NM)  
 Roybal-Allard Snyder Upton  
 Royce Solis Velazquez  
 Rush Souder Visclosky  
 Ryan (WI) Spratt Vitter  
 Ryan (KS) Stark Walden  
 Sabo Stearns Walsh  
 Sanders Stenholm Wamp  
 Sandlin Strickland Waters  
 Sawyer Stump Watkins (OK)  
 Saxton Stupak Watson (CA)  
 Scarborough Sweeney Watt (NC)  
 Schaffer Tancredo Watts (OK)  
 Schakowsky Tanner Weldon (FL)  
 Schiff Tauscher Weldon (PA)  
 Schrock Tauzin Weller  
 Scott Taylor (MS) Wexler  
 Sensenbrenner Terry Whitfield  
 Serrano Thomas Wicker  
 Shaw Thompson (CA) Wilson  
 Shays Thompson (MS) Wolf  
 Sherman Thornberry Woolsey  
 Sherwood Thune Wu  
 Shows Thurman Wynn  
 Shuster Tiahrt Young (AK)  
 Simpson Tiberi Young (FL)  
 Skeen Tierney

## NOT VOTING—53

Akin Hooley Peterson (MN)  
 Berkley Hulshof Platts  
 Blunt Hutchins Pomeroy  
 Boucher Istook Pryce (OH)  
 Brady (TX) John Putnam  
 Burton Kaptur Rangel  
 Carson (IN) LaTourette Sanchez  
 Clement Lipinski Sessions  
 Coble Maloney (CT) Shadegg  
 Diaz-Balart McGovern Shimkus  
 Ehrlich Millender Simmons  
 Foley McDonald Smith (MI)  
 Ford Moore Spence  
 Fossella Nadler Sununu  
 Gephardt Neal Taylor (NC)  
 Gordon Owens Toomey  
 Hinojosa Paul Waxman  
 Hoekstra Pelosi Weiner

□ 1839

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 187 I was unavoidably detained. Had I been present, I would have voted “yea.”

#### HONORING 19 U.S. SERVICEMEN WHO DIED IN TERRORIST BOMBING OF KHOBAR TOWERS IN SAUDI ARABIA ON JUNE 25, 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 161, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 161, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 53, as follows:

[Roll No. 188]  
 YEAS—379  
 Abercrombie Dreier Kolbe  
 Ackerman Duncan Kucinich  
 Ackerholt Dunn LaFalce  
 Allen Edwards LaHood  
 Andrews Ehlers Lampson  
 Arney Emerson Langevin  
 Baca Engel Lantos  
 Bachus English Largent  
 Baird Eshoo Larsen (WA)  
 Baker Etheridge Larson (CT)  
 Baldacci Evans Latham  
 Baldwin Everett Leach  
 Ballenger Farr Lee  
 Barcia Fattah Levin  
 Barr Ferguson Lewis (CA)  
 Barrett Filner Lewis (GA)  
 Bartlett Flake Lewis (KY)  
 Barton Fletcher Linder  
 Bass Frank LoBiondo  
 Becerra Lofgren Lofgren  
 Bentsen Frost Lowey  
 Bereuter Gallegly Lucas (KY)  
 Berman Ganske Lucas (OK)  
 Berry Gekas Luther  
 Biggert Gibbons Maloney (NY)  
 Bilirakis Gilchrist Manzullo  
 Bishop Gillmor Markey  
 Blagojevich Gilman Mascara  
 Blumenauer Gonzalez Matheson  
 Boehlert Goode Matsui  
 Boehner Goodlatte McCarthy (MO)  
 Bonilla Goss McCarthy (NY)  
 Bonior Graham McCollum  
 Bono Granger McCrery  
 Borski Graves McDermott  
 Boswell Green (TX) McHugh  
 Boyd Green (WI) McInnis  
 Brady (PA) Greenwood McIntyre  
 Brady (TX) Grucci McKeon  
 Brown (FL) Gutierrez McKinney  
 Brown (OH) Gutknecht McNulty  
 Brown (SC) Hall (OH) Meehan  
 Bryant Hall (TX) Meek (FL)  
 Hansen Hansen Meeks (NY)  
 Buyer Harman Menendez  
 Callahan Hart Mica  
 Calvert Hastings (FL) Miller (FL)  
 Camp Hastings (WA) Miller, Gary  
 Cannon Hayes Miller, George  
 Cantor Hayworth Mink  
 Capito Hefley Mollohan  
 Capps Herger Moore  
 Capuano Hill Moran (KS)  
 Cardin Hilleary Moran (VA)  
 Carson (OK) Hilliard Morella  
 Castle Hinchey Murtha  
 Chabot Hobson Myrick  
 Chambliss Hoeffel Napolitano  
 Clay Holden Nethercutt  
 Clayton Holt Ney  
 Clyburn Honda Northup  
 Collins Horn Norwood  
 Combust Hostettler Nussle  
 Condit Houghton Oberstar  
 Conyers Hoyer Obey  
 Cooksey Hunter Olver  
 Costello Hyde Ortiz  
 Cox Inslee Otter  
 Coyne Isakson Oxley  
 Cramer Israel Pallone  
 Crane Issa Pallone  
 Crenshaw Jackson (IL) Pascarell  
 Crowley Jackson-Lee Pastor  
 Cubin (TX) Payne  
 Culberson Jefferson Pence  
 Cummings Jenkins Peterson (PA)  
 Cunningham Johnson (CT) Petri  
 Davis (CA) Johnson (IL) Phelps  
 Davis (FL) Johnson, E. B. Pickering  
 Davis (IL) Johnson, Sam Pitts  
 Davis, Jo Ann Jones (NC) Pombo  
 Davis, Tom Jones (OH) Portman  
 Deal Kanjorski Price (NC)  
 DeFazio Keller Quinn  
 DeGette Kelly Radanovich  
 Delahunt Kennedy (MN) Rahall  
 DeLauro Kennedy (RI) Ramstad  
 DeLay Kerns Regula  
 DeMint Kildee Rehberg  
 Deutsch Kilpatrick Reyes  
 Dicks Kind (WI) Reynolds  
 Dingell King (NY) Riley  
 Doggett Kingston Rivers  
 Dooley Kirk Rodriguez  
 Doolittle Kleczka Roemer  
 Doyle Knollenberg Rogers (KY)

Rogers (MI) Skeen Towns  
 Rohrabacher Skelton Traficant  
 Ros-Lehtinen Slaughter Turner  
 Ross Smith (NJ) Udall (CO)  
 Rothman Smith (TX) Udall (NM)  
 Roukema Smith (WA) Upton  
 Roybal-Allard Snyder Velazquez  
 Royce Solis Visclosky  
 Rush Souder Vitter  
 Ryan (WI) Spratt Walden  
 Ryan (KS) Stark Walsh  
 Sabo Stearns Wamp  
 Sanders Stenholm Waters  
 Sandlin Strickland Watkins (OK)  
 Sawyer Stump Watson (CA)  
 Saxton Sweeney Watt (NC)  
 Scarborough Tancredo Watts (OK)  
 Schaffer Tanner Weldon (FL)  
 Schakowsky Tauscher Weldon (PA)  
 Schiff Tauzin Weller  
 Schrock Taylor (MS) Wexler  
 Scott Terry Whitfield  
 Sensenbrenner Thomas Wicker  
 Serrano Thompson (CA) Wilson  
 Shaw Thompson (MS) Wolf  
 Shays Thornberry Woolsey  
 Sherman Thune Wu  
 Sherwood Thurman Wynn  
 Shows Tiahrt Young (AK)  
 Shuster Tiberi Young (FL)  
 Simpson Tierney

## NOT VOTING—53

Akin Hulshof Platts  
 Berkley Hutchinson Pomeroy  
 Blunt Istook Pryce (OH)  
 Boucher John Putnam  
 Burton Kaptur Rangel  
 Carson (IN) LaTourette Sanchez  
 Clement Lipinski Sessions  
 Coble Maloney (CT) Shadegg  
 Diaz-Balart McGovern Shimkus  
 Ehrlich Millender Simmons  
 Foley McDonald Smith (MI)  
 Ford Nadler Spence  
 Fossella Neal Stupak  
 Gephardt Osborne Sununu  
 Gordon Owens Taylor (NC)  
 Hinojosa Paul Toomey  
 Hoekstra Pelosi Waxman  
 Hooley Peterson (MN) Weiner

□ 1846

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: “Concurrent resolution honoring the 19 United States servicemen who died in the terrorist bombing of the Khobar Towers military housing compound in Dhahran, Saudi Arabia, on June 25, 1996.”

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 188 I was unavoidably detained. Had I been present, I would have voted “yea.”

#### PERSONAL EXPLANATION

Ms. CARSON of Indiana. Mr. Speaker, today I was in my district attending to official business and as a result missed rollcall votes 186 through 188. Had I been present I would have voted “yea” on all 3 rollcall votes.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877

Mr. MOORE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 877.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Kansas?

There was no objection.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### CHINA'S THREAT SHOULD BE CONSIDERED DURING APPROPRIATIONS SEASON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, tonight, as my colleagues know, the first vote we had dealt with the issue of American scholars of Chinese ancestry being held in detention, and this was passed overwhelmingly by the House. Everyone supported calling on China to release these people.

I had planned last week to come on the floor and talk about North Carolina because I am one who is very, very concerned about the fact as we begin very shortly to discuss and debate the appropriations for our United States military.

Too many times I think we as a Nation fail to realize that this is a very unsafe world that we live in. When I think about China and the things that China is doing to build up their military, then I think I have a responsibility back in the third district of North Carolina, which I have the privilege to represent to talk to the people about my concerns as their elected representative.

Tonight, I wanted to take just a couple minutes of my time to say to the House and to those throughout this Nation that China has definitely positioned itself, in my opinion, to be an adversary of this country. We know what happened with our reconnaissance plane that has been held by the Chinese for several months now, which I understand is being taken apart and soon will be shipped back to America. That plane was in international airspace. It should never have been challenged by the Chinese fighter, but it was; and, therefore, the pilot, the American pilot had to land in China.

I wanted to make reference to this chart that I have in front of the podium tonight, which was in The Washington Times, February 29 of the year 2000. And it says "China Warns U.S. of Missile Strike."

Mr. Speaker, that to me is an arrogant statement and a very belligerent statement that China would be making towards the United States of America. This was when China was somewhat trying to threaten the Taiwanese Government by saying that we are going to fire missiles towards your country.

I want to read one of the subtitles to this article. Again the title of the arti-

cle by Bill Gertz is "China Warns U.S. of Missile Strike"; and the subtitle says, "It is not a wise move to be at war with a country such as China, a point which the U.S. policymakers know fairly well also."

This, Mr. Speaker, was a quote of the Liberation Army Daily, the official newspaper of the Chinese People's Liberation Army. Again, I think that is a very threatening statement. I think it is a statement of belligerence. That, again, was long before our reconnaissance plane was forced down in China.

Mr. Speaker, there is a book that I have finished reading that I think is an excellent book to inform the people of my district, the third district of North Carolina. It is called *The China Threat*. It is written by Bill Gertz. Bill Gertz writes for The Washington Times, and I think he is highly respected in certainly this city of Washington, this Nation, and throughout the world of his accuracy and his research. If people would get a chance to read this book, *The China Threat*, the subtitle, "How the People's Republic targets America."

I want to read you just one aspect that is contained in this book: "An international Chinese military document exposes how Beijing is willing to launch a nuclear attack on the United States if America forces an attempt to defend Taiwan."

I bring that point up again, Mr. Speaker, because you can see from this chart that Admiral Blair spoke to the House and Senate Committee on Armed Services back on March 28 of the year 2001, and the admiral warns of perilous buildup of Chinese missiles.

The commander of U.S. forces in the Pacific told Congress today that China's ongoing missile buildup opposite Taiwan is destabilizing and leads to a U.S. response unless halted.

Mr. Speaker, I think it is important that those of us in the United States that will soon be debating the needs of our military that we remember and the American people remember that this is a very unsafe world that we live in.

The only other chart I want to bring up, Mr. Speaker, was in The Washington Times just a few weeks ago. My colleagues can see this. It says, "China Secretly Shipping Arms to Cuba." This was just a couple of weeks ago.

Mr. Speaker, I believe it is important that, when we have a chance, those of us on the Committee on Armed Services, to talk here on the floor of the House as well as back in our district, that we need to remind the people of this country that there are those who do not appreciate our way of life and those who would like to challenge this country.

So, Mr. Speaker, in closing, I do want to again say that it is always a privilege for me to represent the third district of North Carolina, the home of Camp Lejeune Marine Base, Cherry Point Marine Air Station, Seymour Johnson Air Force Base, and the Coast Guard. I have over 50,000 retirees in my

district who have served this Nation, veterans and retirees.

Mr. Speaker, with that, I will close. I will say in closing this is a great book for anyone that is concerned about the national security of this Nation, *The China Threat* by Bill Gertz.

#### HIGH-PRICED PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to talk about an issue that is not a partisan issue, but it is a very important issue that we have not talked about much on the House floor in the last year.

Last year, we passed an amendment to the House Ag appropriations bill, and ultimately was included in the omnibus bill that went to the President's desk, some language which clarified that Americans would have access to prescription drugs at world market prices.

Unfortunately, Secretary Shalala said that her department would not enforce that legislation. Up until this point, Secretary Tommy Thompson has followed suit. So we are going to be forced to offer another amendment in the next several days.

I would like to share with the Members tonight a chart talking about the outrageously high prices that Americans pay for prescription drugs. Now, unfortunately, this chart is outdated. We are having a new one made up. But even the worst news is that the differences between what we pay in the United States and what consumers around the rest of the world pay have not changed.

For example, my 82-year-old father takes a drug called Coumadin. It is a blood thinner. It is one of the most commonly prescribed drugs in the United States. A few years ago when we had this research done, the average price in the United States was \$30.25. The average price in Europe was \$2.85 for exactly the same drug in exactly the same dosage.

Now, as I said, the numbers have changed, and I have a new chart that is available. We will have it in this form probably by tomorrow at noon. But Members who would like a copy of this chart can go to my Web site. It is simply [gil.house.gov](http://gil.house.gov). One can see for oneself the differences that Americans pay.

For example, let us take a commonly prescribed drug called Claritin that is prescribed for allergies. A lot of Americans take it. The average price for that drug in the United States is \$63.06 for a 30-day supply. But that same drug, the average price in Europe, in the European Union, is only \$16.05.

Let us take another drug that is commonly prescribed here in the United States, Prozac. In the United States, the average price for a 30-day supply is



\$71.94, but that same drug in Europe sells for \$44.10.

Now, these are the same drugs, Mr. Speaker. They are made by the same companies in the same FDA approved facilities.

Now the big pharmaceutical companies are arguing safety. They are saying we have got to worry about safety. That is a legitimate concern. I am concerned about safety as well. But remember this, a drug that consumers cannot afford is neither safe nor effective.

Today in America, 14 million seniors have no prescription drug coverage. That speaks also to the some 53 million Americans who have no other health insurance. So we may be talking about as many as 57 million Americans who were forced to pay full retail price for these drugs. They get no help.

Now, some people say, well they have price controls in other countries, and that is true. In some countries, they do have price controls. But it is also true there are countries in Europe that have no price controls. Yet, we pay in America sometimes three times more for exactly the same drug.

Now, Mr. Speaker, I am not asking for bulk importation this year, although I believe an amendment will be offered, and I will certainly support it. All I am really asking for is a clarification so that American consumers that have a legal prescription for a legal drug in the United States from any G-8 country or any NAFTA signatory country ought to be able to get those drugs from those countries at world market prices.

I believe that if we could simply have access to drugs at world market prices, because I am a free trader, I do not believe in price controls, but I do believe that ultimately markets are more powerful than armies. If Americans have access to those markets, we will see drug prices in the United States come down by at least 30 percent. And 30 percent last year or the last year that we have numbers for seniors, they spent something like \$50 billion on prescription drugs. Thirty percent of \$50 billion is real money even here in Washington.

So I am not asking for the world. I am simply saying we need a clarification for our own FDA that law-abiding citizens with a legal prescription ought to be able to buy drugs at world market prices. If they want to use the Internet, that is up to them. Or if they want to go through their local pharmacy, I would certainly permit that as well. But we are not going to stand idly by.

I ask my colleagues, if they could explain this chart and these differentials to their seniors in their districts or their consumers in their districts, then they have every right to vote against my amendment. But if they cannot explain this, I expect that they will be asked by seniors and others in their district why they voted against the amendment. It will be a simple amendment. We hope to offer it later this

week. We appreciate our colleagues' support.

#### OUTRAGEOUSLY HIGH DRUG PRICES (For a 30-day supply)

Drug	U.S. price	Euro. price
Allegra 120 .....	\$69.99	\$20.88
Atarax .....	28.62	4.20
Biaxin 250 .....	113.25	61.74
Claritin .....	63.06	16.06
Coumadin .....	37.74	8.22
Glucophage .....	30.12	4.11
Lipitor .....	52.86	41.25
Premarin .....	17.10	9.90
Prozac .....	71.94	44.10
Zestril 5 .....	25.92	5.52
Zithromax 500 .....	486.00	176.19
Zyrtec .....	50.10	17.73

□ 1900

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

#### ILLEGAL NARCOTICS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I wanted to raise a couple of things that were in yesterday's newspaper that illustrate that as much as we would like the drug problem in America to go away, it has not gone away.

The front page of The New York Times says, "Violence Rises as Club Drug Spreads Out Into the Streets." And it is yet another story about Ecstasy. On the front page of USA Today just a month ago, "Ecstasy Drug Trade Turns Violent." What we see from the charts is that it is exploding on the West Coast, it is stabilized on the East Coast, in the Midwest it is soaring; and in the south it is roughly stabilized.

We are seeing more and more kids realize the extreme dangers as more and more overdose, as more and more lose ground in their schooling as they see side effects like depression, particularly at the so-called rave parties which have been featured a lot in New Orleans and other places on some national TV shows. Just as crack cocaine became an epidemic in America, we are seeing the start of the Ecstasy movement. This is partly because of the drug legalization movement in the Netherlands and in Europe. We are seeing Ecstasy exported from Belgium and the Netherlands into the U.S. It is increasingly becoming the drug of choice. We need to be aggressive in our law enforcement, we need to be aggressive in our prevention and treatment programs, in our outreach programs, as well as our interdiction programs.

In the Indianapolis Star yesterday, the headline says, "Drug Test Ban Felt at State Schools. Ball State University survey shows rise in drug and alcohol

use and student discipline since court rejected policy."

A number of years ago, when I was a staffer for former Senator Dan Coats, we allowed drug-free schools money to be used for drug testing of student athletes. This policy had been spreading through the United States and beyond just the athletic departments to general, random drug testing. In my district, at East Noble High School, at Fremont High School, we had several model programs developed. In Anderson High School, a State court ruled that drug testing the students was illegal search and seizure.

How exactly are we supposed to do prevention programs if the court decides it is the legislative body and does not have any legal precedent with which to decide that but makes that decision?

What we do know, and ironically it took a court decision to overturn a broad drug testing policy of schools, is in fact that in Indiana drug use and alcohol use had gone down, and then when they were ordered to stop the program, in 1 year it has gone back up. So the question is, as we see the results when a program is pulled back, not whether drug testing works, it is how can we do it in a constitutional way, that is sensitive to the individual, whether in the workplace, whether at school or wherever it be? Because drug testing is one of the most effective prevention programs. We have maintained this for years, and this new study in Indiana proves it.

Unless we all work together in prevention, in treatment, in interdiction, and in law enforcement, we are going to continue to lose many more of our young people and adults to the scourge of illegal narcotics.

#### REJECT RENAMING OF NATIONAL AIRPORT IN METRO SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, tomorrow this House is scheduled to consider the transportation appropriation bill. Within that bill there is a provision requiring that the local governments in the Washington, D.C. area spend hundreds of thousands of dollars of their own money to add the name of Ronald Reagan to the Metro system every place it says National Airport.

Now, the local governments have the authority to do this. When a local government requests a name change, the name of the Metro station within its jurisdiction is changed. That deference to local government is really one of the principal things that Ronald Reagan stood for. But this body, deciding that it did not like the fact that the local government had resisted adding those two additional names, is now going to require them to do so, even though this is not a Federal facility. It gets only 6 percent Federal money, 94 percent of

which comes from the riders of the Metro system.

So we ought to ask ourselves, do principles only apply when it is convenient, when it suits our politics; or do we vote consistently with principles like deferring to the sovereignty of local governments in opposition to unfunded Federal mandates? Because this is what this is, an unfunded Federal mandate. It would not be done in other congressional districts, but we are going to be doing it over the opposition of this local government and the regional authority. We are going to do it out of what I can only consider to be partisan petty politics.

We greatly regret the fact that Ronald Reagan today is suffering from Alzheimer's disease. But I know, and I particularly regret it for one reason because I know that if he were able to, he would adamantly insist the Congress not do this to his name. George Will wrote an editorial making this point: he quoted Cato, the famous Roman, who made the point that he would rather have people asking why is this place not named after Cato, than asking why did they name this coliseum or facility after Cato. In other words, modesty ought to be a hallmark of great people. Resistance to arrogance. Yet that is what this provision is. It is an arrogant Federal imposition upon the will of local government.

Local government did not resist adding the name out of resentment of Ronald Reagan, although they certainly resent the fact that they were never consulted when they changed the name of the airport from George Washington's honor to Ronald Reagan. Because it is on the very road that leads to George Washington's home. George Washington's family owned the land that National Airport was built on. In fact, Franklin Roosevelt, when the main terminal was constructed, had it constructed to resemble Mount Vernon. So if they had been consulted, they would have said, well, we really think it should be continued to be named after George Washington since Ronald Reagan never used this airport. It did not offer transcontinental flights. He used Andrews Air Force Base when he was President. So they resent that.

But that is not why they resisted this. They resisted because it does not make practical sense. You cannot fit four long names, Ronald Reagan National Airport, on the literature. But most importantly, all the stations are named after places, not after people. When some people wanted to honor Robert Kennedy by naming the Metro station at the RFK Stadium after Robert Kennedy, the Metro Board likewise resisted. They said, no, we name them after places, we will name it Stadium Armory, not after an individual. Likewise, this metro station should be named National Airport.

Now, many people will think this is a petty picayune issue, but it is a principle. We voted unanimously against unfunded Federal mandates. This is an

unfunded Federal mandate. That principle should be preserved, and so should respect for local government wishes.

Mr. Speaker, this Congress should reject this language that purports to honor Ronald Reagan, but actually defiles his legacy.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2299, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-110) on the resolution (H. Res. 178) providing for consideration of the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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THE ENERGY SHORTAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, this evening I want to devote my comments to a focus on energy and the energy shortage that we have. On one hand I think in some areas we have an energy crisis, on the other hand I think at times we really have an energy problem. In either case, whether an energy crisis or an energy problem, the fact is we need to apply an ingredient called common sense.

There is a lot of areas of common sense. We can find a lot of common sense, like conservation. Issues like conservation, when applied to energy, can be done without a lot of pain. It

does not affect our life-style. In fact, it is a contribution to our country's energy woes, so to speak. So I will visit a little about conservation this evening.

I also want to address where we are, what kind of problem we are facing in future generations. I think it is incumbent upon us, as leaders, to exercise some leadership not for today, which obviously we have to do, but for the future. Our questions about energy should not be questions about energy today exclusively, but should in fact include questions about energy for tomorrow. Of course issues like conservation and issues like alternative power, solar and other types, wind power, et cetera, are a part of our leadership obligations to help address or at least help prepare some answers for future generations on their energy problems.

I thought it would be very good this evening to take a look at what common sense does for us. For example, hydropower. Hydropower does not use coal. Hydropower does not use electricity. It generates electricity. Hydropower does not require natural gas. Hydropower does not require fuel. The fuel that generates hydropower is the natural flow of water. So we are going to talk a little about hydropower. We are going to talk about why hydropower is important for our environment.

In our mad rush to supply energy, regardless of the source, we always have to consider what is the impact to the environment and how can we mitigate the environment. In some cases, not just mitigate the environment, and in fact mitigation of the environment may be old news, the new news for the environment may mean that we have to enhance the environment, a step higher than mitigation of the environment. But I want to stress here this evening that mitigation or enhancement of the environment is not an exclusive set of its own. In other words, we can have the environment, and we can have power production regardless of the source. In fact, through utilization of common sense, we can have protection of an environment and production of energy resources that every one of my colleagues in this room and every one of their constituents is dependent upon.

Something a little interesting happened the other day. I like to mountain bike. I like to ride bikes, though I am just learning. My wife, Lori, Carey and Bruce are trying to get me educated on riding these bikes in a little more sophisticated form, but I saw someone the other day on a mountain bike and we were talking and this individual said to me, he says, You know, mining is so terrible and the energy companies are so terrible, look what they are doing. So I said, You know what, that bike you have got, that bike you paid \$3,000 or \$4,000 for, has titanium in it. It is interesting to me you criticize on one side but you take advantage on the other.

My reason for using this example this evening is to tell my colleagues that I

think this mountain biker can have a titanium bike because I think we can have production of the metals and production of the energy we need while maintaining a balance with the environment. If we do not think, and if that individual does not think, we can, then that individual should give up his titanium mountain bike. I think we can, and I think common sense will allow us.

Of course, the most basic thing that common sense can do for us is conservation.

□ 1915

Mr. Speaker, I have addressed my colleagues any number of times about conservation, things that do not impact one's life; for example, making sure that your ceiling fan is going in a clockwise motion so it draws the cool air up to the ceiling. If it is going counterclockwise, it defeats your purpose.

We talked about the fact and I recommend to people across this country, take out your owner's manual on your car and take a look at the people who designed that car, who test drove that car, who manufactured that car, who sold that car; take a look at how often they say you should change the oil on that car, and then take a look at a quick lube recommendation, and I am not referring specifically to any quick lube. They will tell you change your oil every 3,000 miles. Guess what the manufacturer, the engineer, the salesman of that car, the owner's manual of that car will tell you? You do not need to change it every 3,000 miles. You can change it every 6,000 miles, and they will warranty the car. They will still warranty the car for 3 years or 24,000 miles.

It is not painless to turn off the lights in your house when you leave. In fact, in Europe in many of the hotels, you actually have to have a card. When you go into your hotel room, you take a card, there is a slot, and before you can turn your lights on, you slide in the card. What happens, when you leave, as you pull the card out, all of the lights go off in your hotel room. Now you can program it in such a way that if for security purposes you needed a light on, it would leave that single light on or a couple of lights, but it helps you remember to turn them off.

These are common-sense approaches on conservation. The good news is conservation can be employed by all of us without a lot of pain in our life-style. The bad news is conservation is not the answer. Conservation is a part of the answer. Imagine that we are putting a model together. Conservation is about 10 percent of that model. Maybe we can push it to 20 percent of that model.

Alternative energy, exercising leadership in the future will allow us to go from 2 or 3 percent of alternative energy to making that a bigger part of our model. But in the meantime, we have to go to what we have been doing, and that is we have got to continue to explore for oil-based resources. There

is no other way around it. You can have all kind of pie-in-the-sky wishes. You can have all kinds of people lecture from a podium like this to you saying alternative energy is the answer. It is not the answer. Conservation is the answer. It is not the answer. It is a part of the answer.

Alternative energy is a very important part of the answer. Take a look. If you took all of the alternative energy known to mankind today throughout the world, and you put that energy exclusively for the use of the citizens of the United States of America, it would supply 3 percent of our needs. Three percent. That is assuming you take all of the alternative energy from around the world. We need to increase that percentage; but it is not the total answer. It is part of the answer.

Conservation, look at what happened in California. In California the people conserve not because Governor Gray Davis, who is trying to play like a guardian angel in this situation, and he is not, nor are some Republicans, but frankly the leader of California is trying to come across as the leader to take the people of California out of this crisis. In my opinion, he largely led them in there.

The fact is they are not conserving in California because of their Governor, it is because prices went up. It is the same thing with my wife and I. My wife and I have really been conserving on energy. Why? Not because Gray Davis out of California is having a problem. It is not because I read some government program that said you ought to conserve, it is because of the fact that my gas bill doubled, and that has a way of forcing conservation.

Off the subject for a moment, that is one of the problems with price caps. When you go out to the consumer and say, no matter how much of this energy you use, no matter what time of day you use it, whether it is during peak usage or off-peak hours, it does not matter, you are going to pay the same price regardless, do you know what that does? It encourages use and discourages conservation.

What encourages more conservation than any other factor in the last 6 months? Price. The market. Supply and demand.

What has happened in California, and by the way, when you talk about California, let me point out a couple of things. I am not one of those people that thinks that California should die on the vine. I do not think we should walk away from California. California is a State, and we are the United States. But that does not mean we should not say to California, hey, you are going to have to pull yourself up by your bootstraps. You are going to have to employ self-help. Part of the way you are going to have to help yourself is to be honest, elected officials, and go to your consumers and say this is the true cost of energy. Do not shield it and pretend that it does not exist by subsidizing it with State dollars.

The Governor is subsidizing your electrical costs. You are not paying the true costs. Does that mean you will never have to? Do not kid yourself. Soon it will come back to bite you. Right now California is spending billions and billions and billions of dollars by selling bonds and raising money to pay this. They are keeping the prices capped to a large extent. In the short run it sounds great, and in the short run it is a political recipe for success. They think you are the greatest guy in town.

In the long run, trying to artificially alter the market, in the long run it has been proved since the days of Adam Smith when he wrote the book *The Wealth of Nations*, every time the government has stepped in on rent control, on gas control, on energy control, energy price caps, it always backfires. It has never worked. It has never worked in the history of the country.

Let us go back to California. Now, remember, California, especially the Governor of California, and I am not trying to be particularly terse up here, but I have heard the Governor time and time and time again blame everybody but the people of California, blame everybody except the leadership of California. It is because of Congress. It is the utility companies. Ironically, the Governor of California wants to run for President someday, so he blames the power companies in the State of Texas. It is those villains down there in Texas.

You know what, California, we have 50 States. We have 50 States. One State is in your predicament. Why? Because California leads this country in the philosophy of do not build it in my backyard. California leads this Nation in the philosophy, no, we do not want natural gas transmission lines. Do not talk about electrical transmission lines in our State, or generation facilities in our State.

California, you are too important to this Nation for you to take those positions. California is the sixth most powerful economy of the world. If California was a country of its own, it would be the sixth most powerful economic country in the world, much more powerful from an economic point of view than the country of France.

We need, whether you like California or not, and I happen to like it, we need California. We need them healthy, and I want them to come out of this energy crisis; but let us not come out of here with some artificial wave of the magic wand and think everything is right. We have to sit down and put everything on the table. We have to come up with an energy policy.

Why do I mention energy policy? Do you know why? Because in the State of California, they had an energy policy, kind of partial deregulation. Their energy policy was sell the generation plants, tell the consumers they will not have any increase in the prices; no matter how much they use the energy, no matter how short the supply, the price stays the same.

California decided not to buy long-term contracts on the electrical market, but instead to buy on the spot market, which means you go out tomorrow and you say, what is the price? I will buy it. If the price goes up, you are stuck on Wednesday. If the price goes down, you benefit on Thursday. If the price goes up, you are stuck on Friday. That is what California decided to do. They decided to roll the dice.

Well, the consequences of that are that California got itself into this energy crunch. Can we get California out of it? The answer is, yes, of course. Do we have an obligation to help California? In my opinion, yes, of course.

But California has got to pitch in. I want California to be successful, but California has got to help us on conservation, and kudos to the people of California. In the last month, I saw a number the other day where the California people have conserved a 10 percent increase in conservation. That is a significant number. That is a big help. That shows us and the rest of the Nation that the citizens of California are taking this energy crisis seriously, and they are taking a look at this so-called energy policy that they have. They realize, most citizens of California, that it needs to be amended, but amended in such a way that your energy policy works for future generations.

Mr. Speaker, my focus here this evening is as much for future generations as it is for this generation. So California needs an energy policy that is realistic in price, that is realistic in alternative energy, that is realistic in conservation, but it is also realistic in exploration and allowing electrical transmission lines and allowing generation plants to be built.

At the national level can we stand up proudly and talk about the energy policy we have coming out of Washington, D.C.? There is no energy policy. There is none. For 8 years under the previous administration, we had no energy policy. This President, and I commend the President and I commend the Vice President, Vice President CHENEY, President Bush, they have made some tough statements. They said we have to put everything on the table. It does not mean that it stays on the table. But ANWR, and of course the publicity that you have seen about Alaska is so negative, I cannot imagine how they can get enough votes out of here. But controversial or not, the President's energy policy said let us put it on the table. Let us put together an energy policy because we owe it to the future generation and our own generation and our colleagues like the State of California to come up with an energy policy that is going to work.

And that is why I am speaking tonight, because I think all of us, putting our minds together, we have the greatest mind in the world in this country, we can resolve this. It is not really the kind of crisis that some people say. Sure, we have rolling blackouts, and sure it is a crisis for an individual like

a senior citizen who loses his air conditioning or a farmer whose fans go off for his chickens or turkeys. It is the warning sign. It is a shot over our bow. It is saying to us when Washington, D.C. is the leader of this country, you have an obligation, Washington, colleagues, we have an obligation to put together an energy policy.

The first thing we have to consider when we put together an energy policy is we have to make sure we do not buy into this pie in the sky that conservation alone is going to do it. Conservation will not. It will not do it alone. It is a part, it is a very important part, of our solution. Alternative energy will not do it alone. It is a part.

□ 1930

Do not buy this pie in the sky that we can walk right out of this without drilling another well for oil; without drilling another well for gas; without putting another electrical transmission line in place; without putting a natural gas transmission line in place; we can go ahead and get ourselves out of this and protect future generations, and I will repeat, and protect future generations by simply adopting alternative energy.

Hopefully, in 50 years or 20 years or less we will have that available; but today, for our leadership today, we need to look at what tools are there. Conservation is a part. Alternative energy is a part. Exploration is a part. Hydropower, which we are going to talk about in more depth in a few minutes, is an important part. We can put these parts together on a model, put it there, stick it here, put it together; and it is an energy policy. It is in that energy policy that we can take our leadership roles. It is that energy policy that we can employ in this country so that not one State ends up in the kind of situation that the State of California is in. Because our country is much too strong a country to allow even one State like California or any State to get into the kind of crunch they are in.

But, like I said, California. I am a big fan of California. I love California. But I want you to know, it is like talking to your son or your daughter, tough love, you have got to help us out. There has got to be a little self-help involved here.

Let us look at the fundamental thing that we need to take into consideration as we begin to construct this model of energy policy. Let us take a look at growth in U.S. energy consumption. Obviously, we know that growth in consumption is outpacing production. This is the energy production, 1990 to 2000, so this is a 10-year growth rate, the green line. That is the projected. That was the production. This red line is energy consumption. Take a look at how this line, look at the angle of it versus the angle of our production, energy production. In this country, by the way. In this country.

So my colleagues say, SCOTT, that's fine, you've got production here,

you've got energy consumption there, this country would be in collapse. You're not meeting your demand. You've got too big a gap, this huge margin. How do you meet that gap? I will tell you how. We meet that gap because we are becoming by the day more and more and more dependent on foreign oil. In other words, the leaders like Saddam Hussein, the leaders in different countries throughout this world who are not necessarily friendly to the United States, they will bargain with the United States with money, green; but they are not necessarily our friend. They can shut off the tap anytime they want to. We are becoming more and more dependent.

As long as this blue space continues to grow in width, it means we are becoming more dependent, not on alternative energy as we should, not on consumption as we should, but on foreign oil as we should not. If we could apply to this line energy consumption and we could put in some serious conservation, and by conservation I do not mean you cannot drive your car anymore. I do not mean that you have to walk to the grocery store, that you cannot have a mountain bike that is not made of titanium, or you cannot have a boat made for you so you can river raft on the river or a lawn mower, these different things, refrigeration in your house and so on. I am not saying you have to shut that off, although if you have an extra refrigerator, by the way, in your garage, empty it. More likely than not you are not even using it. You could save yourselves \$17 a month. That is just a little conservation hint there.

So we can lower consumption. But the fact is this: we can with conservation lower this a little. The demand will continue, but we can lower consumption through conservation there. Alternative energy helps us. It does not lower consumption, but it gives us a different method, a different angle of consumption. Those are answers, but they do not come anywhere close to filling the gap, which means we become more and more on a daily basis dependent upon foreign oil. That is not good energy policy.

Now, let us take a look at power plant generation. There seems to be a phobia out there that we are not building generation facilities anywhere in this country, that we have completely ignored electrical generation facilities. That is not true. Remember that primarily the problem that exists today is in the State of California. One State. There are reasons that that specific State got into trouble versus the other 49 States.

There are problems up in the Northwest. That is not because of a failure of planning or a failure of leadership. It is because they are having a drought. The Columbia River is way short on water. They do depend on hydropower up there. But in fact when you take a look at what we have coming online, believe it or not, last year we had 158 generation plants come online. Obviously,

they came online in most of the States except for the State of California, which did not have them in California. They were not building generation. But we are throughout the rest of the country.

So I wanted to point out, last year 158 new power units were completed nationwide, or three plants a week. Three generation facilities a week last year came online. Construction this year is slated to set a record for new power generation. A March report by the firm Energy Ventures Analysis found that power units already in operation or under construction will add 51,805 megawatts in 2001, enough to power half the homes in the Nation. In fact what this suggests is we may very well in certain areas of this country within the next 12 to 18 months actually have an electrical glut, an energy glut. Can you imagine, after what we have been through the last 3 months that actually we would go into a glut-type situation? That is possible.

Let us go on. Utilities and generators have announced plans for equally ambitious additions for 2002 through 2004. According to the filings, the electricity industry expects to build 1,453 new power units during that 4-year period of time, taking time off for weekends. So if you take weekends off, that amounts to one new plant a day for 5 years running. Not all of these may ultimately be built, but the point is this: we are now building generation plants; we will have the generation plants that are necessary for us to meet electrical demand. This is not oil consumption. This is electrical demand.

But there is another factor to this. You may have a lot of power plants in the State of Texas, but you have got to have the ability to share that power, move that power among transmission lines. So you cannot just build an electrical generation facility. You have got to be able to put in transmission lines to distribute that to the areas where the demand is high and the supply is low. But I think there is pretty good news in the future, especially for future generations, as far as our capability to generate electricity. I think even California, that the market, once you get to the market, the less you try and artificially manipulate the market, the more market common sense comes into play.

What do I mean? If a town closes its own hamburger shop, the only hamburger shop in the town, and there is a demand for hamburgers, what tends to happen? You not only have it replaced by one hamburger operation, you end up with two or three hamburger operations. It is the same thing here. If you do not artificially toy with the market, I think we are going to have adequate supply. But that means that we have to have capability to put that supply where the demand is. That means, Governor of California, you have got to build transmission lines in your State. Frankly, every other State has got to do the same, because we are not in

California's situation today. Forty-nine States are not. Forty-nine States in my opinion did more appropriate planning. The reason that we are not in that crisis is because we planned for today.

But the big question is: Have we planned for tomorrow? Every State should pay attention. Let us learn from the painful lessons that California has suffered. Let us take a look at what our own energy demands are. What can we do for conservation? What can we do for electrical generation? Where can we put transmission lines? Where can we put natural gas transmission lines? Those are the questions that an energy policy brings up.

Earlier I mentioned to you that the predominant problem was right here in the State of California. And of course we have explained why. California has tried to artificially toy with the market. They tried partial deregulation. They did not do full deregulation. They put on price caps promising the consumers that for at least a 3-year period of time, no matter how much energy they used, no matter what time of the day they used it, no matter where the generation or transmission was, the price would not go up.

California continued to toy with the market. California continued to manipulate in an artificial fashion the market. That is why California is one of 50 States that now has that problem. The rest of the States are not problem-free. I mentioned earlier the Pacific Northwest, the Columbia River. They are very dependent on hydropower. Texas actually has an ample supply of energy, in part I think because of what their previous Governor and their current Governor, Rick Perry, has instituted; but we do not have the transmission lines that we should have to move it out of Texas to other parts of the country. I think that will be answered within the near future.

In the mid-Atlantic, most of these States have planned very well for the energy problems that they have got. You have got an isolated problem in New York City, although New York City has not hesitated. As soon as the Mayor of New York realized, Mayor Giuliani, that there were problems with electrical supply, they not only tried to slow down demand through conservation but they also figured out slowing down demand through conservation is not the only answer, it is a part of the answer; the other part is we have got to put in some temporary generation facilities to get us through the summer until we can put our energy policy in place. That is what New York has done. It appears that New York is going to have much less of a problem getting through this summer than everyone originally anticipated.

As I mentioned earlier, there are a number of different alternatives that can provide energy that I think utilize the factor of common sense. There are a lot of things if we slow down enough to assess what kind of situation we are

in and how we want to go out of it, i.e., an energy policy which this President, frankly, has decided to put forward, despite the criticism, despite the controversy, it has brought up the debate onto this House floor, which is going to be healthy for all of our constituents. The issue here is, What are some good, commonsense ways of producing the energy that we need? One of them, of course, is hydropower.

Let us talk about hydropower for a moment. Hydropower electricity. Conservation combined with common sense. Conservation combined with common sense, the two C's. Worldwide about 20 percent of all electricity is generated by hydropower. In our country it provides about 10 percent of our power. We are the second largest producer of hydropower. Canada is the first.

Now, keep in mind that every time you talk about hydropower, or you talk about new hydropower, you are going to have the radical environmentalists, the ones who in many cases are very hypocritical, hypocrites. They come to work; they drive up to the meeting to protest hydropower. They go home and use their lights. They have all kinds of recreational vehicles, whether it is a mountain bike, a motorcycle or whatever. They are very dependent on the energy market, and they are dependent on hydropower. Yet it is the radical environmentalists that are not using common sense. It is the commonsense environmentalists that are helping develop and deploy an energy policy that will work for this country.

Let us move and talk for a moment about hydropower. I know my colleagues have an understanding of hydropower; but to some of them out here, they are in areas where they are not dependent on hydropower. Out in the West we are very dependent on hydropower. In fact, Lake Powell provides a great deal of hydropower. Ironically, the national Sierra Club, the radical environmental policy of that club, not all Sierra Club members, but the radical policy of the national Sierra Club is to tear down Lake Powell. That is not a commonsense approach.

Let us take a look at how a hydroelectric dam works. You have the dam. Here is your dam that has to be built. Behind the dam obviously you end up with a reservoir. That reservoir does a number of things. Environmentally, while some of the radical environmentalists will tell you that all it does is damage the environment, in fact at Lake Powell, it has provided lots of water and habitat for species. It has become very important. It is one of the major recreational areas, if not the major recreational facility, in the entire west of the United States. We talk about being able to bring family and unite families. You go down to Lake Powell. That is the family recreation spot of the West.

□ 1945

So you get a lot of benefit out of the reservoir. What you do with the reservoir, you drop the water through the reservoir. It turns the turbine and this is your generator. The turbine goes up to your generator and produces electricity. Hydropower plants capture the energy of falling water. It is the fall of the water, the creation of that energy. It is that that generates the electricity. We do not have to use natural gas here. We do not have to use coal. We do not have to use gasoline or oil. It is a part of nature. We are able to take water, drop it at a steep enough angle; and that water, the power, the energy of that water, generates that electricity.

It supplies 10 percent of the needs of this country. Imagine what we could do if we could have smart, environmentally sensitive hydropower plants and reduce our dependence on oil coming out of the ground. We could do a lot with hydropower. Hydropower is probably the cleanest energy of which we use a major component. In other words, natural gas generators, obviously we are using natural gas. Coal generation, we know that we have an impact there but hydropower has a lot of positive attributes. So my point in bringing up hydropower is I wanted to talk about how we can use hydropower in a commonsense approach and not hurt the environment, mitigate the impact to the environment.

Hydropower is clean. When you use hydropower, it prevents the burning of 22 billion gallons of oil. Listen to this. The hydropower in our country, which provides 10 percent of the power of our country, because we use the energy off the drop of that water it saves us from having to burn 22 billion gallons of oil, or 120 million tons of coal each year. Imagine that. Because we have been able to capture the energy from the drop in that water, we do not burn 120 million tons of coal. Think of that. You want to talk about cleanliness for the environment. We save and do not burn 22 billion gallons of oil.

So the next time you have a radical environmentalist come up to you and talk to you about how evil hydropower is, say, wait a minute. If we did not have the hydropower but we continue to have the need for the electricity, how would you meet that need?

Now, sure, conservation helps; and, sure, some alternative solar helps some. Wind, it helps but not much. How do you meet that margin, Mr. Radical Environmentalist? Why do you want to do go back to burning 22 billion gallons of oil? Do you want to go to 120 million tons of coal?

Hydropower has a lot of positive benefits. It does not produce greenhouse gases or other higher pollution. Hydropower leaves behind no waste. Reservoirs formed by the hydropower projects in Wisconsin, for example, have expanded water-based recreation resources; and they support diverse, healthy, and productive fisheries. In

fact, there are some catch rates for game fish like walleye and smallmouth bass are substantially higher on hydropower reservoirs than natural lakes. It comes back to the point that I am trying to make. We have renewable energy and it is utilized with common sense.

Hydropower is the leading source of renewable energy. It provides more than 97 percent of all electricity generated by renewable resources.

Now, what are the other resources? The other sources include geothermal, wind, and biomass and solar is in there, too, but that only counts for 3 percent. The 97 percent of our renewable resources, in other words we can drop that water and drop that water, 97 percent of it in this country is hydropower.

I will very quickly just show you an illustration of hydropower. Take a look at that hydropower. The next time a radical environmentalist comes up to you and says, Hi, we should not have a dam, we should not use hydropower, that it is evil for some reason. And you say well, what is the alternative? Well, the alternative is let us rely on the other renewable energy. That is it, that is what they are telling you. They are telling you that instead you can drop this hydropower and replace it with this little tiny sliver.

Now there is no doubt, as Vice President CHENEY has said on occasions, numerous occasions, and the President has said, we need to expand this if we can, this red slice of the pie make it bigger and bigger, come up with other alternative energy but today it is not realistic and tomorrow it is not going to be realistic, but maybe for future generations we can put it on the right track and it can become more realistic.

I thought this was very interesting, and I wanted to point it out to my colleagues. This is the average power production expense per kilowatt hour. That is how you measure electricity, per kilowatt hour. Here is fossil fuel steam, generating steam. In other words, you burn coal, you create steam and the steam drives the turbine. Right there, those are the costs.

Now the green represents the amount of fuel you have to consume. How much coal? Remember that 127 million tons of coal? How much fuel do you have to use? That is maintenance to keep the turbine, to oil it, to make sure it is running correctly and in operation, your operational expenses. For fossil-fueled steam, there is operation, there is maintenance, and there is the cost of fuel. For nuclear, the operational expense, because of the safeguards they have to deploy, are extensive in nuclear. Here is maintenance and right there is the cost of fuel, nuclear fuel.

Now remember that we should not say that any of these are not efficient. We are going to need a combination of all of these in combination with conservation, in combination with solar and so on.

Look at hydroelectric. Hydroelectric has operation. It has maintenance, but

there is no fuel expense with hydroelectric generation. Why? As I have said earlier, the fuel for hydroelectric generation is the result of the energy that is created with the drop of the water. That is what this chart shows you. Here is the gas turbine. Look how much energy it takes, how much fuel it takes to turn that gas turbine to create that generation of electricity.

That is why hydropower is important. That is why when you hear comments by people that say take it out, dams are terrible, keep in mind that dams do a number of things. One, they provide recreation. Two, they provide fisheries. Three, they provide flood control. Four, in the West, as you know, in the West it is arid. Out where I live, we get all the water we could possibly use for about 5 weeks. It is called spring runoff from the mountains.

I live at the highest elevation in the country. My district is the Rocky Mountains of Colorado. Now, for 6 weeks we have all the water we can use. Unfortunately, most of the time it comes when we are not using it. So what do we have to do? We have to store it. For 6 weeks we are okay, but we have to get through all of those other weeks in the year. We have to go through 46 or whatever other weeks are left we have to go through those weeks, and we have to have storage. So the dams provide storage. So if you are going to go ahead and provide storage and you are going to provide recreation and you are going to provide flood control and you are going to provide fisheries, why not generate electricity? Why not use hydropower to the extent that we can?

That is not speaking to the elimination of nuclear. In fact, most of France is generated, their electricity is nuclear. It is not to say we should not use natural gas. It is not to say we should not use the coal generated or oil generated, but it is to say that when combined with conservation, when combined with alternative energy, this commonsense approach of putting hydropower is a major factor of generation in this country of electricity in this country, is something we simply cannot ignore and we should not ignore it.

Let common sense dominate every other approach we are using in here.

Time allows me to bring up another chart here. Let us talk about it, the primary purpose or benefit of all U.S. dams. So this chart takes a look at all the dams in the United States and figures out in a pie chart exactly what is that dam utilized for. Remember, I told you that you will often hear the radical side of environmentalism, the radical side, not the commonsense approach, not the approach most of us use, but the radical approach will say no dam is a good dam.

For example, the national Sierra Club, the radical environmentalist leadership of that group that exists are the ones who want to take down Lake



Powell, have never in their organization's history supported a dam storage project. Well, can you find out very many situations where never is always the answer? Never have hydropower? Never have conservation? Of course not.

There is a balance in there. Somewhere there is a balance. Take a look at what the balance does. Irrigation, 11 percent. Do not discount what irrigation means. In the West, as I told you, most of our water comes in a very short period of time. We do not have heavy rainfall. In fact, it was not until I left the mountains and came out here to Washington, my home is in the mountains but this is my work station, I could not believe the rains you guys get back here.

It is incredible, but back there we have to store it. And a lot of what you ate today is a result of somewhere water being stored so the crops can be irrigated.

Recreation 35 percent. Most of my colleagues here, somewhere during their year they will enjoy recreation provided as a result of storage of water, in some sport, whether it is sitting on a houseboat, whether it is fishing, et cetera, et cetera.

Stocked farm ponds, very important, again storage of water. Flood control. Now, in the West that is huge. Anywhere it is huge. Flood control, take a look at what happened, the devastation of floods before we were able to control floods, before we were able to get a hand on water and control it.

Public water supply, 12 percent. Now when you buy on, when somebody comes to your door and they do this all the time, some of the radical environmentalist approach is to come to your door with a petition and they ask for a contribution, by the way. It is usually a money raising racket but they will come to your door and they will say, hey, help us stop the terrible oppression of the environment, because they want to build a hydroelectric. What your response should be is, first of all, I care about the environment. I want that environment protected.

On the other hand, we are enjoying lights and our municipality needs water. When you are at your home, we kind of take for granted, especially when you live in a city, anywhere really but I guess in a city you kind of take for granted you turn on the water in the city you better have the water running.

The city supplies the water. It comes out of city hall. It is clean. It tastes good and it is there whenever we want it. Know what? The way the cities, most cities in this country, are able to provide that is because they have stored it somewhere, because it does not rain equally every day. It does not rain necessarily when you need it. So you have to store it.

So when people ask you to sign a petition and want to lead you down the path of the London Bridge for sale in the U.S. by telling you that there is no

need for dams or hydropower, step back, use common sense and say, in some cases a dam may not be right and in all cases that it is right, the environment must be mitigated or enhanced. It cannot be ignored. In the past, I would be the first to admit that in some cases it was ignored, and we have paid for that and paid for that. We cannot allow it ever to happen again, but somewhere in the middle there is common sense. Somewhere in the middle this energy warning that we are getting in California, it is more of a crisis than it is anywhere else in the country. Let us listen to the message that is being sent to us and that is we, as mature leaders, we have an inherent obligation, it is inherent and it is an obligation, it is a fiduciary responsibility to provide for the future generations and to exercise leadership for today. The way we do that is we take a look at the energy package as a whole. We put everything on the table. We put conservation on the table. We put energy exploration on the table. We put alternative energy on the table. We put the environment on the table. You know what? Common minds with a little sense can put together common sense, and that is how we are going to be able to do this.

As I said, and I want to reiterate a couple of very important points, I have a chart here on conservation, I have a couple of charts on conservation, I said earlier in my comments this evening I complimented the people of California. Now I have been harsh on the people of California, particularly the elected leadership of the State of California, because frankly they are trying to make believe that there is an easy way out of this. Well, it is too good to be true. If it sounds too good to be true, it is. So I have been critical to the leadership. I have been critical of price caps, which are great on a short-term basis. I am sure that the Governor of California will continue to lift his numbers up in the polls because artificially he is telling people no pain in the short run. He will not be there in the long run when the pain begins to develop.

□ 2000

The fact is, and what is important here that I want to compliment, is that the people in California have in the last 30 to 40 days, not as a result of their Governor, not as a result of their elected leadership, but as a result of the market, have begun conservation more seriously than they have in many, many years. And the rest of us, taking a look at California's pain that they have suffered, have decided too maybe we ought to conserve.

Look, I am the first one to tell you, I am the first one to step forward and tell you last year at this time, when natural gas was plentiful, when electricity was plentiful, I ran the air conditioning probably cooler than I needed it. I probably had it running when I ran out to the grocery store. I probably did not check to see what direction my fan

was running to make sure it was cooling the house instead of defeating the purpose.

But you know what? I saw what happened in California. I have an obligation. All of us have an obligation, and we can do it without a lot of pain to help conserve.

But while we conserve, and again I compliment those people of California who have done that, and throughout the rest of the Nation, do not kid yourself. I remember once when I was young, my father told me, my father and mother both sat us all down, they are wonderful people, both are alive and well in Glenwood Springs, they sat us down and said to us, The last person you ever want to fool is yourself. Don't fool yourself. Don't pretend that what is happening is not happening. Figure out what is happening and figure out how you are going to adapt to it.

That is exactly my point here this evening. Let us figure out what is going on. We know we have an energy shortage, but do not buy into the pie in the sky that we can resolve it all through conservation, because we cannot. Do not buy the pie in the sky that we can do it all through alternative energy, at least today. We cannot. Do not buy that all we need to do is build and build and build power plants and put oil wells wherever they want to put them, because that is not common sense.

That does not work, to destroy our environment like that; and I do not know anybody that is seriously proposing anything like that. But what we have to do is meet in the middle. We have to use a combination of conservation. As I said earlier, we have to use a combination of conservation, alternative energy, exploration and transmission. We have got to be able to move the power that we produce from the supply point to the demand point all at the same time.

When we deal with demand, conservation helps lower demand. Alternative energy helps answer demand, like hydropower. That is why I focused this evening on hydropower. There is an energy production facility that does not use fuel. It does not need coal, it does not need natural gas, it does not need oil-generated steam to produce electricity. Hydropower produces it without fuel.

Now, that does not mean every river or every location is good for a dam. Obviously, as I said earlier, and I want to stress it again, because there is misinterpretation that is often taken advantage of when you speak like this, hydropower and the environment can go hand in hand, and there will be times where the protection in the environment overrides the need of hydropower in a particular location. But it is just as crazy to say that the environment will always prevent hydropower as it is to say that the environment should never be a consideration and hydropower should go wherever we want to put hydropower.

Again, coming back to the theme of my remarks this evening, in the middle, as I think our President and Vice President have attempted to say, in the middle we need to have an energy policy; and in the middle of America, meaning the people, not the geographical location, but the middle of common sense, we as a people can figure out how to provide, without a dramatic change in our life styles, because I do not think it is necessary, we can provide the energy needs on one hand for the people, the demands that they have, while at the same time protecting and enhancing our environment, while at the same time reducing our dependence on foreign oil.

That is not a dream, but it can only be accomplished if we have an energy policy; and we have not had one in the last administration, 8 years. We had plenty of gas; we had plenty of oil and plenty of transmission. We did not plan for the future.

We should have been planning then, but we have got to plan today. And despite all the criticism and all the controversy that is being heaped on the President and the Vice President, primarily, by the way, by the Democratic operatives, not by the conservative Democrats on this House floor, but by the Democrat operatives, by the people who are more focused on the election of the next President than they are on the needs of this Nation, those are the people that are really developing the criticism and manipulating it and marketing it in such a way that some people can be convinced we should not have an energy policy that involves any type of electrical generation, any type of exploration. They simply are not aware of what I have tried to emphasize this evening, and that is it will always demand a combination, a combination of protection in the environment, combined with exploration, combined with alternative energy, combined with conservation.

So, in summary, Mr. Speaker, I intend to continue to come to you, to urge that we as a body come up with commonsense solutions. It may sound repetitive, but I have got to drill it in and drill it in. We all need to drill it into each other.

This country demands and deserves that its leaders provide an energy policy. We should follow the direction of the President and the Vice President in trying to put one together. It does not have to be his, but at least we ought to have this debate that we are having tonight.

#### STRONG HMO REFORM NEEDED

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. GREEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. GREEN of Texas. Mr. Speaker, I am glad to follow my colleague from Colorado. I appreciate his statements

on Texas and our power success. Typically, we do have success in power because we build generation plants.

But that is not what I am here tonight to talk about. I am really here to talk about managed care reform and the Patients' Bill of Rights and HMO reform, and give a Texas perspective, because we have had since 1977 a very strong HMO reform bill that is in Texas law. Let me give the reasons why we need a Federal law to that effect.

For one thing, last week the Senate kicked off their debate on legislation that is critical in importance to our Nation's health care system, which is a Patients' Bill of Rights. In the Senate it is the McCain-Kennedy-Edwards bill, and in the House it is the Ganske-Dingell-Norwood Bipartisan Patient Protection Act. They both do the same thing, the Senate and House bills. They ensure patients and their doctors have control over the important medical decisions, and not HMO bureaucrats or someone else who may not know anything about medicine except what they may look at in files.

America's health insurance system has changed dramatically over the last 25 years. When Congress passed the Employee Retirement Income Security Act in 1975, most Americans had some type of traditional insurance indemnity plan, an 80-20 plan like most of us used to have. They went to their doctor, they received the health care they needed, and the doctors were reimbursed by insurance companies.

But all of that has changed with the advent of managed care, which has meant most patients first get preapproval for their health care from their insurance company. If the HMO does not approve the treatment, the patient cannot get it. If that patient is hurt because they are denied appropriate health care, that is just too bad under Federal law.

Even worse, a patient cannot seek redress against that HMO for the damages in State court or even Federal Court, although there have been Federal cases filed recently; and some of them may sound better than others. But, again, typically Federal law does not allow a patient to sue under ERISA. ERISA exempts HMOs from being sued in State court, and requires them to be filed in Federal Court.

Again, the Federal courts have not always been the place where you can get real redress for insurance-type lawsuits. Even if an HMO is found guilty of wrongdoing in Federal court, they are only responsible for the cost of the care they denied. So, in other words, if you are not given appropriate treatment for cancer, and 6 months or a year later that HMO is found to have wrongfully denied treatment, then they go back and give you that cancer treatment. But, again, 6 months or a year later health care delayed is health care denied, and your cancer may grow.

So what does all that mean? Let us say an HMO denies bone marrow trans-

plant to a cancer patient, even though it is medically necessary and the only way the patient will survive. That patient dies as a result of that bone marrow transplant being denied. The family of that cancer patient can now sue in Federal Court and only recover the cost of providing that bone marrow transplant. They cannot recover anything for that lost loved one, whether it be lost wages for that spouse or their children who may still be minors, and they cannot be compensated for their loss of that individual.

Really what that means is that insurance company knows that the only thing they are going to have to do is provide that treatment, so why not deny your initial amount, when they know the only thing they are going to have to pay ultimately is that amount? So, in other words, they earn the interest while they are waiting for you to get to Federal Court, which, in most cases, can take months and years. That is hardly justice for anyone who has lost a loved one.

With more than 160 million Americans receiving their health insurance through some kind of managed care, Congress needs to act. That is exactly what the Ganske-Dingell-Norwood Bipartisan Patients' Bill of Rights does. The legislation would hold insurance companies accountable for their decisions that hurt or kill patients, just like a doctor is held responsible for his or her medical decisions that hurt or kill a patient.

Mr. Speaker, there are two entities in this country currently not held responsible in State courts: HMOs and diplomats from another country. It was never Congress' intent to provide HMOs with the blanket immunity part of the ERISA bill passed in 1975 before we even had managed care and HMOs. It is time we corrected that mistake and close the ERISA loophole and provide for all Americans a meaningful and enforceable Patients' Bill of Rights.

Now, let me get to the point of why it is important to examine the Texas experience, because, again, States can pass laws, and those affect the insurance policies that are licensed and sold and regulated by that.

For example, the State of Texas. That is why insurance policies that are licensed or come under ERISA are not covered by State law. So even though Texas passed a Patients' Bill of Rights in 1997 that is similar to the Ganske-Dingell-Norwood Bipartisan Patient Protection Act, it does not work unless it is under State law.

Sixty percent of the people in my district in Houston, Texas, receive their insurance coverage under Federal law regulation and not State law. The State of Texas passed a Patients' Bill of Rights in 1997. It had a number of good things in it. One was access. Texans had direct access to specialists. Women could directly go to their OB-GYN, and children had direct access to their pediatrician. Communication.

The Texas bill eliminates gag clauses which prohibited doctors from discussing treatment options with their patients, even though those treatment options were not part of or provided for in their plan.

It provided for emergency room care for patients who reasonably believe they are suffering and went to an emergency room, an emergency medical condition.

One of the important parts of Texas law is required for internal and external appeals. That ensures patients have access to independent objective panels to determine if treatments are medically necessary, so it is not just the HMO saying you are not eligible for that treatment. You can appeal to an independent and external panel and that decision is made.

Accountability. That is why it is important that any Patients' Bill of Rights includes accountability, because all the other things I have listed are not important if you do not have accountability, accountability in health insurance plans. Denial of claims results in that injury or death to that patient, so you have to have accountability.

In 1997 in Texas they originally passed, maybe it was 1995, they originally passed a Patients' Bill of Rights that then Governor Bush, now President Bush, vetoed. But in 1997 there were compromises made and the bill passed the legislature overwhelmingly. Governor Bush at that time did not sign the bill, but he let it become law without his signature.

My concern is we are hearing some of the same arguments today that we heard in 1997 about the cost and the increased number of lawsuits against doctors and other health care providers in Texas that they used in 1997. We are hearing that same argument today here 4 years later on the Federal level.

But the exact opposite is true in Texas. Since Texas enacted that law, only 17 cases have been filed. Texas has a strong independent review organization, the external review. Insurance patients must exhaust all appeals processes before they can go to court.

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Also, a patient can only sue their HMO if that HMO disregards that recommendation, that independent review organization. If a plan follows the independent review organization, then they cannot be held liable in State court for that. So we only have had 17 cases in 4 years.

This process ensures that patients get their health care that they need in a timely fashion. They do not have to go to court and wait 2 or 3 years like we do now under ERISA before we get any kind of justice on treatment. Despite cries that this would increase the cost of health care premiums in Texas, premiums have not climbed any faster in Texas than they have in the rest of the Nation, who may not enjoy a State Patients' Bill of Rights. Texas' Pa-

tients' Bill of Rights provided patient protections for many of its residents and many Texans, but many Texans cannot benefit from that Texas law because they receive their health insurance through their employer who is covered under ERISA. That is why we need to close the ERISA loophole and enact the Patients' Bill of Rights on a Federal level.

Mr. Speaker, I see my colleague from San Antonio, Texas, who was in the legislature in 1997 and debated the Patients' Bill of Rights in Texas, so I would be glad to yield to my colleague from San Antonio to talk about a little bit of what went on in the Texas Legislature and what he sees that we need to do here on the Federal level now.

Mr. RODRIGUEZ. Mr. Speaker, first of all, I want to congratulate the gentleman for being here tonight. I know it is kind of late, and it is difficult to be home during the weekend and then coming here and spending some late hours at night talking about an issue that is so important to all Americans, including Texans.

Let me just say that the Patients' Bill of Rights is very straightforward. It allows the opportunity, first of all, to see the doctor of one's choice. It makes all the sense in the world. One of the basic principles is that one wants to be able to see the doctor of one's choice, and that is important.

Secondly, what it also does is it allows an opportunity, especially in those cases, and I had some particular constituents of mine who had some difficulties with lupus and some of the serious illnesses that they needed to see specialists for, so that when one has a very serious problem and requires specialists, one does not have to find that they are not only fighting the disease, but also fighting the HMO because they are not being responsive. So it becomes really important that we allow that opportunity, that a physician should have the right to be able to determine whether one should see a specialist or not. We all recognize that they are the ones that are the most qualified to be able to do that, and that we should not depend on someone who is doing the accounting or some insurance company to make their decision based on economics, but it should be based on what is the best thing for that particular patient in terms of seeing a specialist.

In addition, we also talk about the importance of independent review. The gentleman explained it pretty clearly. A lot of times we have a situation, and now, this is one of the areas that we need to correct back at home, where we have a decision that is made by a company that has their own doctor, and the company decides that they are not going to allow that particular doctor to refer or do certain things, and then it is detrimental to the patient, and then that patient has the right to sue.

The guidelines right now in Texas are that if they choose not to go based on the independent review organization recommendations, and something dras-

tically happens that is wrong and bad, then they should have that right to sue.

But as the gentleman indicated, and I have seen some statistics, I just saw an article that showed only 10 lawsuits. There is one other that showed 17.

Mr. GREEN of Texas. Mr. Speaker, there are 17, from my understanding. Again, in Texas, we do not have any hesitation at all about going to the courthouse when we feel aggrieved, and so after 4 years, only 17 lawsuits. We have not had an overwhelming number of lawsuits filed under that law, but we have had people get the health care that they need.

Mr. RODRIGUEZ. Mr. Speaker, as the gentleman indicated, also one of the things that we still have to do that we did not do in Texas, and that is with the businesses. We have a lot of businesses that have their own insurance where they have their own company doctor, and where they might have some other obligations besides the fact of what they are supposed to be doing in terms of access to health care where we need to make sure we hold them accountable.

So this is a very straightforward piece of legislation that allows one to see the doctor of one's choice; that allows one to see a specialist if it is so determined by the physician, and not by an accountant or for financial reasons, and it allows for an external review group that is independent and makes the decision and decides whether one should have access to specialists or not, or whether one should have additional treatment or not. That is important.

I think that it is funny to see right now the amount of money that is being expended by the insurance companies on ads that say that the cost is going to go up. That has not occurred in Texas. In fact, in California they just passed a similar piece of legislation in January; they have not seen any lawsuits as of yet.

I think that with this piece of legislation, and I am really proud that we were able to pass it in a bipartisan effort in the House last year, and we have been able to do that, but it was killed in conference committee. So we are hoping that we can get that bipartisan effort, both in the Senate and the House, and get it out so that the President will sign it. I know that he did not sign our piece of legislation, although he talked about it very proudly in a debate that he had with Al Gore when he talked about the fact that he had done this in Texas, and so that because of that, I think if it is sent to him, I feel very optimistic that he will do the right thing and sign it and allow it to become law, because it is the right thing to do. It is something that has worked in Texas, and it is something that makes all the sense in the world.

Mr. Speaker, once again I want to thank the gentleman from Texas (Mr. GREEN) for his hard work, not only in this area, but in other areas that help out all Texans and other Americans.

Mr. GREEN of Texas. Mr. Speaker, reclaiming my time, I want to thank the gentleman from San Antonio, Texas (Mr. RODRIGUEZ), my colleague. There are 200 miles, or really 199 miles separates Houston from San Antonio. San Antonio is a great city. The gentleman and I served in the legislature together before we came to Congress, and I enjoy serving with the gentleman, working on national issues, particularly his effort on national defense with veterans' issues and a number of military bases that we have in San Antonio. I tell people the only military base, outside of our Reserves in Houston, is our Coast Guard station, and they cannot take that away, because we have the highest foreign tonnage port in the country, so we have to have a Coast Guard station.

Let me go back and talk a little bit about the employer liability sections, which is a big issue here in Washington, just like it was in Texas. Many opponents of the Patients' Bill of Rights argue that employers will be faced with a barrage of frivolous lawsuits if they pass the Ganske-Dingell-Norwood bill. That claim is untrue. The bill exempts employers from liability so long as they do not directly participate in medical decision-making, and that is why I am following my colleague in saying that that is a divergence in Texas law. This provision encourages employers not to get involved in health care decisions.

Some Members of Congress and Senators believe that all employers should be exempted from liability, even if they are involved in medical decisions. Well, at one time as a business manager, I never wanted to be involved in medical decisions. That is why we contracted that with insurance carriers. But it is bad public policy to create a blanket exemption for employers, even when they actually make medical decisions.

I hope our employers out there are not making those medical decisions. If they buy a policy or they hire someone to administer a plan, that plan needs to be fairly plain, and that employer should not be the one who makes the decision about whether one receives a bone marrow transplant; again, something that is readily accepted all across the country for the treatment of cancer. It is worse policy to create an incentive that gets employers more involved in medicine.

I have said this before, but I think it bears repeating: The Ganske-Dingell-Norwood bill has very strong internal and external review provisions similar to Texas. Any insurer or employer who follows that process will be building a very strong evidentiary record that they had neither acted negligently or maliciously in dealing with a patient, and it would be virtually impossible for an enterprising trial lawyer to build a case for any damages. But one has to have accountability to be able to have a successful internal and external appeals process. Employers who are in-

involved in medical decision-making will be protected from frivolous lawsuits and unlimited liability as long as they play by the rules.

Again, as a former business manager, we have lots of rules we have to play by if one is a businessperson. But if employers are going to play doctor or medical provider, then they should be held accountable, just like doctors and medical providers should be.

Let me talk a little bit about why we need to go to State court, because that is a concern, not only as a former business manager, but as someone who practiced law and enjoyed practicing in State courts instead of Federal courts, because you could get to trial quicker in State courts.

Some proponents of the Patients' Bill of Rights argue that patients do not need access to State courts if they are injured by their plan. They think Federal courts are the appropriate venue to resolve health coverage disputes, but legal experts disagree. The American Bar Association, the National Judicial Conference, the State attorneys general, and numerous Federal judges take the position that medical injury cases belong in State and not Federal court. Even Chief Justice William Rehnquist stated that, "I have criticized Congress and Presidents for their propensity to enact more and more legislation which brings more and more cases to the Federal court system. Matters that can be adequately handled by States should be left to them."

Well, the States clearly can adequately handle these types of cases. State courts have been the traditional forum for medical injury cases for more than 200 years and have vast experience in dealing with these types of matters. Federal courts, on the other hand, are not an appropriate place for all civil cases for several reasons. First, there are significantly fewer Federal courts than there are State courts. In my home State of Texas, there are 372 State courts available to hear these cases, but there are only 39 Federal courts.

Geographical obstacles also prevent patients from accessing the Federal court. Families may have to travel significant distances to have their cases heard, when we think about the State of Texas with our long distances. Again, there are only 39 Federal courts and 372 State courts.

That is why I say State courts are the best venue. One can get justice quicker for both the plaintiff and the defendant in State court. Keep in mind, in many of these cases an individual suffers from an injury or physical condition, forcing them to go to court in the first place, and this should not happen. Even if an individual gets to the Federal court, there may not be anyone to hear their case. There are currently more than 60 vacancies on the Federal bench.

Mr. Speaker, the Speedy Trial Act of 1974 promised Federal courts to give priority to criminal cases. This means

that patients have to wait at the back of the line while the Federal courts deal with all of their criminal cases, including drug cases. And with criminal cases growing into the double digits, this can mean even longer access for individuals with the health care they need.

State courts have always been the appropriate venue for resolving personal injury cases. I know in the State of Texas we have certain criminal courts that handle criminal cases, but we have civil courts that handle our State civil cases. Personal injuries caused by negligent HMOs should not be any different than personal injuries caused by the negligence of a doctor. They should go to the State court.

I hope my colleagues will consider these arguments and recognize that patients need access to the State courts if the Patients' Bill of Rights is to be effective.

Let me talk a little bit about the frivolous lawsuits and independent review organizations. Mr. Speaker, the opponents of the Patients' Bill of Rights often claim that the passage of this legislation would cause a barrage of frivolous lawsuits. Well, my colleagues have heard about the situation in our State of Texas. We have not had that barrage of lawsuits; in fact, there have only been 17 of them since 1997, considering how many thousands have been filed in State court in Texas.

This law provides nearly identical protections in the State of Texas that we would have in the Ganske-Dingell-Norwood legislation that resulted in the only 17 cases in the State of Texas. That is approximately 4 lawsuits per year, hardly the onslaught that we hear from the naysayers that they warn against.

The reason is that in Texas we have a very strong independent review organization, or an IRO. If a health care plan denies treatment to a patient, he or she must appeal that decision to that independent review organization before proceeding to State court. The IRO is made up of experienced physicians who have the capability and authority to resolve the disputes and the cases involving medical judgment. Their decisions are binding on both the plans and the patients. If an IRO determines that a course of treatment is medically necessary, then an HMO must cover it. If a plan complies with the independent review organization decision, they cannot be held liable for punitive damages.

They have worked well. Since 1997, we have had 1,000 patients and physicians who have challenged the decision of their plans. The process is fair. The independent review organizations do not favor patients or health plans. In fact, in only 55 percent of the cases, the independent review organization fully or partially reversed the HMO.

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Although that shows me that the HMO was wrong more than half the

time, but they were corrected without having to go to a courthouse. In fact, the process worked so well that despite the U.S. 5th Court of Appeals' ruling that external appeals are violations of ERISA, Aetna and other HMO agreed to voluntarily submit disputes to the Independent Review Organizations for resolution.

Mr. Speaker, I stated earlier there have been only 17 lawsuits filed in Texas since we passed the Patients' Bill of Rights, and I believe the external appeals process has been instrumental in the success of our plan and is giving the patients what they really want, access to timely, quality medical care while protecting the insurers from the costs of litigation.

I believe that the success of the Ganske-Dingell-Norwood bill provides that same process that we would have. Patients must exhaust all internal and external appeals process before they can proceed to the courts.

They need to be swift appeals, and there is no doubt that any patient who is trying to get health care really does not want to sue their insurance plan. They really want to get their health care.

Let me talk about the costs. We have heard the opponents of the Patients' Bill of Rights argue that it would increase costs so much that an employee would start dropping their coverage. In Texas, however, providing patients with the same kind of protections has not lead to an increase in costs.

Like I said earlier, the costs of insureds, HMOs managed care insurance in Texas has not grown any more than in States that do not have the same protections. Texas premiums are growing at the same rate of insurance rates in other States that do not have a patients' bill of rights.

Even if the costs do go up, as some estimates suggest, it will only rise 4 percent, that equals about \$2 per month per patient. Let us face it, \$2 a month is not a lot of money these days. It barely buys you anything, maybe a cup of coffee, no frills. If you want a cappuccino, you are going to have to pay \$3; six first class stamps; two 20-ounce bottles of Coca Cola or Diet Coke, if you are like I am; for \$2, a 30-minute long distance call; and in some parts of the country, \$2 will not even buy you a gallon of gas.

But, for Mr. Speaker, \$2 a month patients can have access to specialists and emergency room visits and their doctors are working for them and not against them. That is why I do not think it will even be \$2; but even if it is, it is worth that amount of money.

Mr. Speaker, I see my colleague here and there are a lot of issues that I know this House will be talking about that. We passed an HMO reform bill last year, the Ganske-Dingell-Norwood bill, and I would hope this House would again pass a strong HMO reform bill similar to what is passed in some of our States.

Serving 20 years in the legislature, I have always said that States are a lab-

oratory, if States can successfully pass legislation and it works, then we need to look at that on the national basis.

We have had 4 years of experience in Texas, and I think we need to pass a similar law to what Texas has on the national basis, but we also need to make sure that if employers are involved in medical decisions that they are also held liable just like doctors. Again, I do not want our employers involved in medical decisions because they have enough trouble producing their products and in trying to keep this country great.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as a Member of Congress from the great state of Texas and a former nurse. I am particularly concerned about this House's ability to pass a Patients' Bill of Rights. We have all heard the horror stories of patients denied treatment or hospitalization as a result of the assessment of an insurance company or HMO. We have all heard questions from our constituents about federal action on the Patients' Bill of Rights. We all know there is a desire and a need to have a system which allows patients a voice in their health care. Yet because of the fear that the cost of lawyers will drive up the cost of health care, we have failed to act. Mr. Speaker, it is time to replace fear with facts.

In Texas, we passed a Patients' Bill of Rights in 1997. This bill was passed over the veto of then-Governor George Bush. Since that time, the Texas Patients' Bill of Rights has provided patient protection for many of the residents of my state. The bill of rights allows Texans with health insurance to have direct access to specialists. When a patient sees a doctor, the medical professional is allowed to discuss all treatment options, even those not covered by the plan. If there is a disagreement between patient and provider, there is a strong Independent Review Organization that ensures that patients have an appeal process that recommends solutions. All of these protections have been accomplished with only a slight increase in health care premiums. America deserves the kind of patient protections that Texans currently enjoy. Mr. Speaker, I hope that Members of this House can explain to their constituents, why they cannot have the standard of care currently enjoyed in Texas.

#### THE FUTURE OF AGRICULTURE IN AMERICA

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Dakota (Mr. THUNE) is recognized for 60 minutes.

Mr. THUNE. Mr. Speaker, tomorrow we will engage in a debate on this floor which I think will be the first volley of what will be a very long discussion here in the House about the future of agriculture in America.

Tomorrow we will pass legislation here that provides emergency disaster assistance to our producers. Unfortunately, Mr. Speaker, as that bill moves through the Committee on Agriculture, of which I am a Member, it was pared down from what was originally proposed. I believe that it was a mistake,

Mr. Speaker, to do that, because we have a responsibility to the producers of this country.

Frankly, we had set expectations at a certain level about what we were going to do to help address the catastrophic low prices which we have seen now for year after year after year.

Mr. Speaker, the legislation that will move through the House tomorrow, is in my judgment inadequate and insufficient to get the job done for American agriculture in this year. What that debate will do, Mr. Speaker, is begin to lay the groundwork for the ensuing debate and that is the debate over foreign policy in this country.

We are long overdue of making some changes in agricultural policy for America. The farm bill debate is under way in the House of Representatives. It has been for some time. We have been listening intently across this country to producers about what they want to see in the next farm bill and we have listened from coast to coast in different regions. And we have had hearings after hearings after hearings here in Washington from different commodity groups and grower groups.

Mr. Speaker, it is clear in my mind that producers across the country want a bill, a farm bill that is written specifically for producers, not one that is written with some ulterior policy objective in mind or some other agenda, but a farm bill that is specifically written by producers for producers and hopefully will lay the framework that will help govern our foreign policy as we head into the years ahead.

Mr. Speaker, this is a very, very desperate time for American agriculture. We are seeing people leave the farm. We are seeing outmigration from rural areas. We are seeing the family farm structure which, in my mind, is the backbone of America, start to disintegrate partly because farmers and ranchers cannot make a living on their farms and ranches, as a consequence, we have seen prices fall; we have seen costs go up; we have seen the bottom line get squeezed to where producers are either forced to sell out, go out of business.

They are, unfortunately, in a position where the future of agriculture is very much in question in America, and I think it is high time that this Congress take necessary steps to correct that.

Granted, foreign policy is not going to solve this. We are going to write a farm bill. That is not going to be the only solution. There are a lot of issues that impact agriculture today. We lost some foreign markets. We need to recapture those markets.

We need strong trade policies that recognize that we have to have a level playing field around the world in order for our producers to compete and compete fairly, but when we write this foreign policy, we need to bear in mind, I believe, Mr. Speaker, that there are some very necessary component parts that need to be in it. Of course, the

most immediate is what do we do when prices are where they are today.

We need to have a countercyclical repayment program that provides assistance to our producers when prices fall; and as they begin to improve that, that government assistance begins to phase out, but we need a program that recognizes those types of rises and falls in the market and allows our producers to continue to farm.

I believe that we need a heavier emphasis on conservation. We need a farm bill that encourages our producers, provides incentives so that they will implement conservation practices, enhance our soil and our water, add the wildlife production across this country.

It is going to be very important, I believe, Mr. Speaker, in this next bill that we have a strong conservation component and make the necessary investment to not only support our producers, but also to improve the land and the water, to help address the questions of marginal lands and erodible lands that oftentimes have led to problems in our streams and our rivers.

Mr. Speaker, I would also add that as we look at this farm bill, I think it is important that we also look at the entire context of rural economy. Yes, we talk about commodity programs and all of these other issues, but we are losing jobs on our Main Streets.

We are expressing an economic downturn that has gone on now for several years, and we need to do something to reverse that.

I think it is critical that this farm bill also highlight and recognize the importance of value-added agriculture, of allowing our producers and providing incentives and encouraging them to take what we grow, what we do well, which is production agriculture. We do it very efficiently in this country, and to reach up the ag marketing chain and capture more of the value of our agricultural products by processing, whether it is ethanol, which is something that has been a huge success story in my part of the country, soybean processing, flour milling, seed crushing, value-added meats, finding those markets, Mr. Speaker, that will enable our producers not only to compete by putting more money into their pocket, but by adding economic activity and jobs on Main Streets around this country.

Mr. Speaker, as we debate this bill tomorrow, it is the first step in what I hope will be a very spirited and vigorous debate about the future not only of agricultural policy, but about the future of rural America and what we are going to do to save and preserve our rural way of life.

It is not just an economic issue. It relates to health care and education, to telecommunications, all of those things that people in rural areas expect and need to survive and to prosper and to continue to add to the overall well-being and the overall Gross Domestic Product of this great economy, because, I believe, that as our rural econ-

omy goes, eventually so will our national economy go.

Food security is very closely tied, Mr. Speaker, to national security.

I would like to touch on another subject, which I think ties into that whole issue here in a moment, and that is the question of energy policy and where we need to be going, because not only have we seen prices fall in agriculture, but we have also seen costs go up.

Agriculture is a very energy intensive industry and we need to address what I believe has become a crisis not only in agriculture but a crisis in America, and that is our lack of affordable energy for farmers, for ranchers, for working families, for our small businesses to keep this economy expanding and adding to the quality of life here in America.

Mr. Speaker, this evening I am joined here on the floor by the gentleman from the third district of Nebraska (Mr. OSBORNE). He is a new Member of Congress. He has been a leader on the Committee on Agriculture. He cares deeply about the future of agriculture in his district which borders mine.

I think we share a lot of similar concerns, a lot of similar anxiety as we view down the horizon and look at the future of agriculture and the future of our rural economy.

Mr. Speaker, the gentleman from Nebraska has had a very distinguished career prior to coming to this body, but I know that he cares as deeply as I do and as passionately as I do about the future of our rural economy and wants to be engaged in the debates that are going to ensue here in the next few weeks and months about how we shape and build a better quality of life for people who live in rural areas of America.

Mr. Speaker, I yield to the gentleman from Nebraska (Mr. OSBORNE) and welcome him to this discussion and let him know that I am anxious to work with him as we begin the debate over foreign policy in this country.

Mr. OSBORNE. Mr. Speaker, I would like to thank the gentleman from South Dakota (Mr. THUNE) for yielding to me. The gentleman is very correct in the fact that we do share a great deal of interest in agriculture.

We come from similar geographical regions; a lot of problems that are very common in South Dakota are very common in Nebraska.

The gentleman really set a very fine backdrop as to some of the difficulties in agriculture, and so often as I travel around people will say, why do we need to help agriculture? Nobody helps the grocer and nobody helps the implement dealer. In coaching, if you do not win enough games, they fire you, so why should you get any help from agriculture?

Mr. Speaker, I guess I would like to expand on some of the things that the gentleman said earlier that seemed to make some sense to me. First of all, in our country we spend only 9 percent of our discretionary income for agri-

culture; and in most nations around the world, we are probably spending anywhere from 30 percent to maybe 60 percent.

Food is very cheap, relatively speaking, in the United States. Many people go to the supermarket and think it is very high, but compared to the rest of the world, it is very cheap.

The farmer only gets a fraction of that 9 percent, probably 1 percent, 1½ percent at most of that 9 percent. So farm income is very marginal.

The other thing I would like to point out is that food is critical. Everybody is very aware of the great agony and the anguish that we are currently experiencing in regard to energy. Certainly if OPEC decides to tighten the screws or double or triple our petroleum costs, this country could very well grind to a halt within 2 months to 3 months, but that crisis is nothing compared to what we would have if we had a food crisis.

So one of the interesting things that I have noticed is that in Europe agriculture is subsidized to the tune of anywhere from \$300, \$400, \$500 an acre, and some people say, why would they subsidize food to that degree or agriculture to that degree, because in the United States, the subsidy is roughly \$60 to \$70 per acre.

□ 2045

I think the reason is that those folks have run out of food. They know what it was like in World War I, World War II, and they have experienced it. They realize that a good, safer food supply is critical to their survival. So there is no question that what our farmers and ranchers are doing is very, very important.

The other thing I would like to point out is that, compared to most industry, agriculture is different. Let me flesh that out a little bit.

First of all, if General Motors overproduces and they have got too many automobiles, they shut down a plant or an assembly line, and they bring their inventory into line with the demand. But in agriculture, you cannot do that. Farmers sitting out there cannot align his crop to world conditions. So one really cannot control the supply side like one does in most industry.

The second thing is that agriculture is almost entirely dependent upon the weather. Most industry, of course, is somewhat independent of the weather. Usually, most of it is conducted indoors. So one can do everything right, and one can have everything going just perfectly, and a 20 minute hail storm finishes the whole year's work. Of course, the drought is the same way. So it is very dependent upon the weather.

Then lastly, as compared to most industry, in agriculture the farmer does not set the price. So if one is manufacturing a product, or if one is selling in a grocery store, one sets the price. If people do not buy it, one lowers it. But the farmer essentially takes what he can get. He does not set the price.



So there is some significant differences, and I think that is one reason why people have to understand that there needs to be a farm program. It is not something we can simply throw open on the world market and hope that we will survive.

Lastly, just let me mention this. If we do try to go to the low-cost producer, we did that in energy. Back in the 1970s OPEC would sell us oil for \$3, \$4, \$5 a barrel. So we said, okay, that is great. We cannot produce it, we cannot pump it for that amount. So we are going to cap our wells and quit exploring, and we are going to farm our energy, our petroleum supply out to OPEC. We did that, and they took it gratefully.

Of course, now that price has gone up as high as \$35 a barrel, and they are in control, and we have got 60 percent of our dependence on petroleum going to OPEC.

We can do the same thing in agriculture very quickly. We can say, okay, in Brazil one can have two growing seasons. Land is 2- or \$300 an acre. One has no environmental regulations. Labor is cheap. So we are not going to help our farmers, and we are going to let the low-cost producer win. Then in that case, we will be dependent on overseas sources for our food supply. I do not think we can allow that to happen in terms of national security.

So, basically, those are some of my thoughts as to why we need a farm program. I know that the gentleman from South Dakota (Mr. THUNE) is interested in many different aspects of this issue.

Mr. THUNE. Mr. Speaker, I appreciate the gentleman's observations and comments, and I would echo much of what he just said in terms of the need to have a level playing field. The United States has not had the experience that many of the countries around the world have had, knowing what it is like to go without. A lot of the countries that we have to compete with subsidize their agricultural sectors on a level that we do not in this country. Yet we arguably are trying to compete with them, and the international marketplace has become very competitive.

So it is important, Mr. Speaker, that we look at what we can do to drop those trade barriers internationally so that America can compete, and compete on a level playing field with our foreign competitors, because I believe our producers are the most efficient producers in the world, but they have to have that opportunity, and they have to have the same set of rules to adhere to and abide by and play by as the other countries around the world.

As the gentleman from Nebraska (Mr. OSBORNE) noted, one of the things I think is going to be very important in the future, too, is that we have renewable resources. We have corn. We have products that can be used and converted into other products, that can help address and diversify our energy supply in this country, our production,

and make us less dependent upon foreign countries for our energy supply.

One of the people who has become a new leader on that subject is the gentleman from Minnesota (Mr. KENNEDY), whose district also shares the border with mine, someone who has been a very strong advocate for ethanol, for other value-added industries, who understands clearly how important it is that we take what we do well, that we take production agriculture, figure out a way to harness that, to add value to our commodities, our raw commodities, and then be able to put more dollars in the pockets of our producers, and also to add economic activity in our rural economies and our rural main streets.

So I am happy to yield to the gentleman from Minnesota (Mr. KENNEDY) for his thoughts on that subject as well as his thoughts on where we go in terms of farm policy as we get into this debate in the weeks and months ahead here in the Congress.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from South Dakota for all his good efforts and for yielding to me. We look forward to working together to improve the farm bill for our farmers in southwest Minnesota.

I also thank the references to growing demand by tapping the energy market. I often tease groups of farmers that I am with that we all seem to be well enough fed in southern Minnesota, at least in most parts of our State, and we have room to go in terms of feeding the world and feeding our country. But we have our best opportunity for growing demand in our energy markets.

I am just still very pleased with the President's decision to deny California to waiver from their Clean Air Act and know in my recent conversations over the weekend with farmers across our district and with people that work with ethanol plants, that is going to result in a great boon to our farmers throughout the country.

This is something, in the case of ethanol, that is a win-win-win situation. It is win in that it helps us create a renewable and domestic source of energy, something that we are in great need of today. It helps us with the environment by helping gas burn cleaner. It helps us provide jobs to many of our local communities. I have six ethanol plants throughout our district. It helps as well very much with the growing demand for our products. There is that. There is biodiesel we will be working on and certainly opening up markets, as the gentleman from South Dakota referred to.

These are all not necessarily parts of our farm bill, but something that we in the Committee on Agriculture are fighting hard to make sure we advance. In the end, they result in more flexibility to do things with the farm bill because they naturally increase the price of products.

But our farm bill needs to be focused on making sure that we have counter-

cyclical payments to help our farmers in times of need as we clearly have today, and coming up with a program that gives them better support than they currently have; also, making sure that we have a strong insurance program and expanding our conservation efforts to make sure that we are nurturing the environment at the same time that we are growing the food to feed the world.

Finally, in rural development, and I was pleased to be able to award two rural development grants in our district to help increase value-added farmer-owned production.

So those are the things we will be focusing on. But I, too, was disappointed in the House Committee on Agriculture's recent votes to reduce supplemental aid to farmers in the new farm package to \$5.5 billion. I opposed the amendment offered by the gentleman from Texas (Mr. STENHOLM) to reduce that supplemental aid and supported the proposal of the gentleman from Texas (Mr. COMBEST), our committee Chair, to provide \$6.5 billion of funding.

Our farmers are struggling, and we need to provide them with the aid they need. I voted for the final passage because we need to give them support. I hear that over and over as I am out in the district.

But we are at a time when our prices remain low. We have had very poor planting conditions in our part of the country, and it is likely to reduce our yields. Our production costs are higher than they have been with the increased cost of energy. So this is really not the time to reduce the funding that the farmers have historically received during these times of need.

I hope this is a first step in progress that we can make to continue to assist our farmers. We do need to move forward on a fast timetable on passing the farm, a new farm bill this year. I am very pleased that the House is moving forward on that.

I am working together with the gentleman from Arkansas (Mr. BERRY), and I received over 90 signatures from my fellow colleagues here in the House to encourage that both bodies move forward on a pace to get the farm bill done this year. Our farmers have waited long enough. We have ideas for needed relief. We need to move forward on them.

We have the budget flexibility. It is time to write the farm bill this year. Besides, I think we would all prefer, our farmers would prefer and deserve that we focus on policy this year rather than politics next year.

With that, I look forward to working with the gentleman from South Dakota.

Mr. THUNE. Mr. Speaker, I simply note as well that it is important in my mind that we do this farm bill this year, that we set the policy parameters so that our producers know with certainty going into the next planting season.

Now, there is a tendency among some in this body and some here in the Congress to say, well, let us wait and do this next year. After all, then it will be a political year. But, frankly, I think heads think a lot more clearly and judgment is a lot more focused in the absence of the political climate that we will be encountering next year. I think this is the time that we need to do this.

So as the House prepares to write their farm policy, I would hope that we will be joined, as the gentleman from Minnesota (Mr. KENNEDY) noted, by our colleagues in the Senate, because it is important that we get it put in place this year.

Mr. Speaker, one of the issues that I think ties into this whole debate is the cost of doing business in agriculture. We have all talked about prices. Farmers cannot control prices. They have to take what they get at the elevator, what they get from the packer. They do not have a whole lot of control of what they receive. But of late, it has also become true they do not have a whole lot of control of what it costs them to do business.

Look at the input and cost of energy in this country and what has happened as we have seen prices go up and up and up in natural gas, so fertilizer is up 90 percent, the price for diesel fuel. Farming is a very energy-intensive business.

In States like my State of South Dakota, the second, probably one of the next major economic benefits in my statement is tourism, the travel industry. As gas prices go up and up and up, one sees people look into their pocketbooks and saying, I have less and less to spend, to travel.

The farmer cannot control the rising costs of what the expense is for him to stay in business and to continue to plant the crop every year and harvest it.

Mr. Speaker, that is something that this Congress needs to zero in on. We have a responsibility because we have for, I should not say we, but for the last, essentially last administration, last 8 years, not had an energy policy. We sit and we point fingers, and we will blame the Clinton administration, and they will now blame the Bush administration, and the Republicans blame the Democrats, and the Democrats blame the Republicans, and it goes on and on and on.

The American people are sitting out there and saying, wait a minute. What about us? What about what it costs us to drive to work in the morning? What about the cost of transporting our kids to and from school, the cost of the family vacation, the cost of the home heating bill in the winter months?

These are issues that impact directly and profoundly people across this country. It is important that we focus on this, that we develop an energy policy, forget the fact about who is responsible and the reason that we did not have an energy policy for the last 8 years, and we all have our opinions about that. I

do not think that the last administration paid much attention to this.

But the reality is we have a problem that is not a Republican problem or Democrat problem, it is an American problem. It is something that directly impacts working families across this country.

Now, this President, President Bush, has put forward a proposal. And not everybody may like it, but he has provided leadership. He has put together an energy policy for this country. This manual is 170 pages long. It has 105 specific recommendations. It is comprehensive. It is detailed.

It has been roundly criticized because people say, well, it does not put enough emphasis here or here or here. The fact is this is a balanced approach. Now, there are parts of it I may not like. There are parts of it that the individual Members of Congress may not like. But the reality is the President of the United States has given us a framework to work with. He has given us an energy policy that is specific and comprehensive and detailed, that includes recommendations for executive action, that includes directives to agencies, the changes they can make, and which includes specific recommendations for the Congress to act on through legislation. Some of them deal with energy supply. Some of them deal with renewable energies and alternative sources of energies, something that I care deeply about. Some of them deal with conservation. In fact, half of the recommendations in here deal with conservation or renewable sources of energy, alternatives.

But the fact of the matter is, Mr. Speaker, that we need to be looking at this in the context of what can we do to, one, increase supply of energy in this country, or, two, reduce demand. The rest is conversation.

We can have this discussion, but the fact is how do we get more supply of energy, because the demand is growing for energy, and the supply is staying flat or even dropping off. So the gap between what we use, what we consume, and what we produce is growing every day to the point that Saddam Hussein is going to be writing the energy policy for this country if we fail to do it.

□ 2100

So I hope we can have an honest debate. Let us talk about finding sources of oil. Let us talk about domestic sources of petroleum, and, if we can, get at that in an environmentally sound way; and I happen to believe there are places in this country where that can be done. But let us have an honest debate, not one that is based on emotion, not one that is based upon some preconceived notion about how things ought to be, but one based on science and fact and truth, Mr. Speaker. Let us get after this problem for the American people.

I am also joined this evening on the floor by the gentleman from the first district of Kansas, what they call The

Big First. My State of South Dakota, the district I represent, is 77,000 square miles, just slightly larger than the gentleman from the first district, which I think is about 66,000 square miles. But the gentleman from Kansas is someone who has been a strong advocate, a strong leader on agricultural issues in this country, someone who cares deeply about the plight of rural areas of America, about the quality of life of our citizens who live there.

So I am happy to be joined on the floor this evening by the gentleman from Kansas (Mr. MORAN); and, Mr. Speaker, I yield to him.

Mr. MORAN of Kansas. I thank the gentleman from South Dakota for yielding to me, and I am pleased to participate with my colleagues from Nebraska and South Dakota and Minnesota. And I know there are many other Members of Congress who care deeply about the issues we are attempting to address and to bring to our colleagues and the country's attention this evening.

I came to Congress with a goal in mind, and that goal was to do what I could do as one Member of Congress, as one individual, to have a little prosperity in rural America, to have an opportunity for my children to raise their families in rural communities in our State or across the country. So much of what goes on in this body, in this House of Representatives, and goes on here in our Nation's capital, affects whether or not there is prosperity in Kansas and whether or not there is prosperity across the country. It also affects the likelihood that the next generation can enjoy the quality of life that we have enjoyed in my State of Kansas and across the country in rural States around our Nation.

So we have our challenges and our tasks before us. It is difficult to meet those challenges. Rural America is suffering. We have heard a lot during my early days in Congress about the booming national economy, and it became clear to me that the folks of my State in agriculture and in the oil and gas industry were financing this booming national economy and that we were left behind. Seems to me that those of us who care about rural America, the tasks before us are related to agriculture and whether or not farmers can break even and can earn a little money and whether or not the next generation of our young people in the farming communities have the opportunity to return to their communities and return to their family farms.

It is about small business and whether or not businesses are going to remain on Main Street America across our country. It is about the rules and regulations and taxes and all the requirements and paperwork and bureaucracy that we put in front of businessmen and women and tell them to compete and to survive. And yet in many of the communities I represent, whether or not a grocery store is on Main Street is the main talk of economic development in the community.

It is not about whether or not there is a new factory arriving in town but whether or not there is a hardware store and a pharmacy.

So much of what we do here increases the cost of being in business, and yet we do not have growing populations such that we can spread those increased costs to meet those rules and regulations and taxes and workers compensation premiums and health care costs among more customers. So it is agriculture, it is small business, it is transportation. How do we make certain we can get from one community to another, that we can get our agricultural products to market?

Not too many months ago we received complaints from our constituents about soybeans being imported into the United States from Brazil, from South America. And my constituents, my farmers who grow soybeans, could not understand how can they bring soybeans and soy meal from South America to the United States and sell it in North Carolina cheaper than we can get it there from the middle of the country. The answer was our transportation costs. It was cheaper to put it on a boat from South America and ship it to the United States than it was to put it on a train and move it just halfway across our country.

Transportation costs matter to us; and whether or not we have roads and bridges and highways and railroads, and even airports and aviation will affect whether or not rural America remains alive and well.

It is about education and technology. I know the gentleman from Nebraska has championed issues related to whether or not we are going to have access to technology in our communities.

And awfully important to us is whether or not we have access to health care. Our ability to keep hospital doors open, to keep physicians and nurses and home health care agencies in our communities has a great effect upon whether or not those communities survive. So many of our people living in rural communities are seniors, and they will not be able to take the risk to live in a community where the hospital is not there anymore. Young kids who are just starting their families do not want to raise their children where there are no doctors.

So those of us who care about rural America need to make certain that we protect the delivery of health care in rural America. And this issue called Medicare and that we deal with in this Congress and in this Nation's capital affects us greatly.

So we have our challenges. Tonight we wanted to talk a bit about agriculture. It is clear to me that without prosperity on the farm, there is no prosperity in the communities of Kansas. And that is true whether you live in Topeka, Wichita, or Overland Park, the larger cities of our State, or whether you live in Goodland, Smith Center, or Protection. Agriculture matters, and the future of our economy and our

State is determined whether or not our farmers and ranchers are surviving, whether or not they are making ends meet, and whether they have anything left over at the end of the year.

I was taken to task by one of my constituents for the amount of time that I spend dealing with agricultural issues, and the thought was the farmers are doing just fine and that I do not need to worry so much or work so hard. The reality is that we have almost no sons, no daughters either staying in our communities or returning to the family farm after going to college. And if there was any prosperity or any money to be made in agriculture, those young men and women would be back on the farm. It is not happening.

This is certainly an agricultural week in Congress. The plight of our farmers and our ranchers is not forgotten here. We have, as has been mentioned earlier tonight, addressed an issue of lost payments for market, the low price, what I call disaster assistance. The Committee on Agriculture will have a bill on the House floor tomorrow dealing with this assistance to try to tide the farmers over for a while longer until we can do some other things to keep them in business.

Farmers do not want payments from the government; they want to earn their living from the markets. But unfortunately, government puts many stumbling blocks in their way. And as the gentleman from Nebraska said, our competitors, those particularly in the European communities, they are subsidized eight times what we are in the United States. My hands are going up because there is a bar graph in the office which reflects the Europeans subsidize agriculture eight times what we do in the United States. Yet we tell our farmers to farm the markets, to compete in the world. It is not a level playing field at all.

A pie chart in my office reflects that 82.5 percent of all subsidies to help export agriculture commodities around the world is provided by the European Community. Our slice of that pie is 2.5 percent. Yet we tell our farmers to compete in the world. Go out and grow the crops, sell them. Yet we have such an unlevel playing field.

We have trade embargoes and sanctions against other countries. The farmer did not ask for those; yet because of foreign policy, we conclude we cannot sell wheat or grain or meat products to some country around the world because we do not like their behavior. The reality is we do not change their behavior; we just cause our farmers, our ranchers to lose one more market.

It seems to me those of us who care about agriculture have to care about a farm bill and farm policy. That farm bill is going to be discussed, debated and written. This is my first time in Congress in which we have tried to draft a farm bill, and I am looking forward to being fully engaged in that debate. That will take place in the House

Committee on Agriculture during the month of July, and we will be back on this House floor with an agricultural bill that will be important to farmers.

But we have had low prices in many farm bills, so that is not the total answer. We have issues related to trade and sanctions and exports. These farm commodities must be assumed. We have great concerns about lack of competition in agriculture. Everybody that the farmer buys from and sells to is getting larger and larger, and the farmer feels the squeeze. We need to make sure our antitrust laws are effective and are enforced. So the challenges are there; and yet the reality is that without prosperity in agriculture, there is no prosperity in rural America.

We are in the middle of a wheat harvest in Kansas, and it is working its way from south to north. It has been to Texas and Oklahoma, it is now in Kansas working its way into Nebraska and South Dakota. We have lived in Kansas for the last several years with these terribly low commodity prices because we have had good yields. Last year the drought hit Kansas and decimated the soybean crop.

This year, in wheat harvests, the number of acres that will be harvested in Kansas is expected to be the lowest number of acres since 1957. So now this year not only will we have terribly low commodity prices but we have no crop to harvest, or a smaller crop to harvest; 56 million bushels less wheat to be harvested in Kansas it is estimated. And although the early harvest reports have been good, we have concerns about kernel bunt and rust. And, unfortunately, as has been mentioned by my colleagues, the increased cost of inputs, particularly fuel and fertilizer, estimated by our Kansas farm management database, is an increase of 33 percent in costs for fuel.

So our work is cut out for us. I look forward to working with my colleagues across the country to see that we have disaster assistance, the market loss assistance program tomorrow on the House floor, that it is passed and sent to the Senate and that it is addressed quickly, and that we have an agricultural policy, a farm bill through the Committee on Agriculture later this year. And I agree with the gentleman from Minnesota, it is critical that the Senate join us in addressing this issue. Our farmers and their bankers need to know what farm policy is going to be in this country.

This issue is important to me. It is not just whether farmers make a living. This is about a way of life, and it is a way of life that is evaporating in this country. It is about a way of life in which sons and daughters work side by side with moms and dads and grandparents, and where character and values and integrity is passed from one generation to the next. So although tomorrow we will be talking about dollars, what we are really talking about is a way of life, and a way of life that was the history of our Nation.

I look forward to joining my colleagues tonight and my colleagues throughout the year and my colleagues across the country to make sure that rural America is not forgotten in the United States House of Representatives. I yield back to the gentleman.

Mr. THUNE. I thank the gentleman from Kansas for yielding, and I would simply again say that we are joined geographically by the gentleman from Nebraska, but strong similarities in the concerns, the people that we represent, the topography of the land, the things that we raise, and absolutely the issues that we are concerned about with respect to the quality of life in rural areas of America.

As the gentleman from Kansas noted, so much of it is about agriculture because there is no prosperity in rural America unless agriculture is prospering. When we see these succeeding years of low prices, and in agriculture the last few years it seems like the prevailing economic theory has been that we lose a little bit on each sale, but we make up for it in volume. We have tried to make up for what we have lost in price in the numbers of bushels we produce; yet this year, as the gentleman from Kansas noted, we are seeing, because of weather and other related issues, all sorts of problems in getting the kinds of harvest and the kinds of yields necessary in order to make our farmers pencil out and break even.

I am anxious, along with my colleagues, to engage in this debate. I do believe that there is no question that when we deal with this whole issue of farm prosperity that it is about prices; it is also about the cost of production, the cost of energy, and that it is an issue which we are going to have to address.

I understand the gentleman from Texas (Mr. RODRIGUEZ), over here on my left, would like a minute; and I would be happy to yield to him for a moment.

Mr. RODRIGUEZ. Mr. Speaker, let me thank the gentleman first of all for bringing this up tonight. I think it is so important. I think we forget that we are all involved in agriculture when it comes to the issue of eating.

I represent a district that runs from San Antonio north to south, all the way to the Mexican border, and I take pride that I am the seventh producer of peanuts in the Nation. But I also do not take pride in the fact that we are having a rough time, as the gentleman has indicated. Nature determines a lot of times what happens to our farmers. It is something where they basically put all their money into that crop. I had one year, in 1998, where I had a major flood that destroyed a lot of the crops that we had. Previously, we had about 5 years straight where droughts hit and devastated a lot of our farmers. Those kind of things we forget.

One of the things that I think the gentleman mentioned, and that I think is important, is that we continue to

mention the importance of our national security when it comes to agriculture and food. We cannot depend on foreign food when it comes to our national security. We have got to make sure that we continue to grow that food in this country. Because I think that is also important, as mentioned earlier in the discussions, the fact that a lot of our farmers now are senior citizens. The young are choosing not to go into it because it is very difficult, and a lot of times there are not the profits, and the risks are just tremendous.

So we as a Congress and as a people need to make sure that we protect our farmers, and we need to do everything we can to make that happen. We talk about the minimum wage and the prevailing wage, but we very seldom talk about a prevailing price for that product that those farmers have. I think it is important that we do that. There is no doubt there is no way we can compete with Europe when they get subsidized. There is no way we can compete with Latin America, when they almost do not get paid for anything.

The bottom line is, for our national security, we have to make sure we have our farmers. And I want to thank the gentleman for being out here tonight talking about the ag bill and what we need to do. We need to make sure that that food continues to be on the tables.

Mr. THUNE. I thank the gentleman from Texas (Mr. RODRIGUEZ) for his comments. Again, agriculture is not a Republican or a Democrat issue. It is something that is important to the future of America and to our national security, and it is something that we need to be working as a body and focusing on in a cooperative way, in a bipartisan way, to try to solve some of these problems and see that our producers have a living wage, because they do not. All they ask for is a fair price for their products.

Unfortunately, as the gentleman from Nebraska pointed out earlier, because of the way that we have to compete with countries that subsidize their farm economies at much higher levels, it does put our producers at a competitive disadvantage. And that is something that we have to try and correct through our trade policies. But we have a responsibility as a Congress to right now focus like a laser beam on the farm bill, on writing a new farm policy, on the energy policy in this country to help increase the prices that farmers receive and to lower the prices they have to pay for their inputs so that that bottom line will begin to show up in the black again instead of in the red. This will help us, hopefully, keep our young people in this country on those family farms that form and shape the bedrock values of America.

□ 2115

I believe we are much better served as a culture if we have family farmers farming the land and producing the products and the commodities that we consume in this country and we export around the world.

The gentleman from Nebraska (Mr. OSBORNE) has been a leader on a number of issues, one of which is technology, and so many other issues which are important to rural America. I yield to him at this time for his thoughts on that matter.

Mr. OSBORNE. Mr. Speaker, I appreciate the preceding comments from the gentleman from Minnesota and the gentleman from Kansas.

Mr. Speaker, we talk about the new farm bill, and many times people hold out great promise on the farm bill, and it is not the whole answer. It will hopefully provide a safety net which will allow people to continue in farming. We have been losing 10 percent of our farmers every year. Sometimes people say you are keeping the inefficient people in business, but all the inefficient people are long since gone. All of the people left have skill and ability.

As I talk to the farmers in the Third District of Nebraska, so often I hear the statement, we do not want a subsidy, we want profitability. We want to make our living in the marketplace. I think other than a safety net, there are some things that we need to focus on.

Of course, Freedom to Farm had some good ideas behind it. One is basically the philosophy of Freedom to Farm was that the farmer would produce all that he could. The farmers produced fence row to fence row, and the government's part of the bargain were that they were going to provide the markets, make sure that we had free trade, fair trade. And I am sad to say that part of the bargain was not kept. We did not fully fund market access programs, foreign market development, and we continued to have foreign trade sanctions, trade embargoes.

We have great hope for the WTO and NAFTA. We would like to see tariffs on our goods at 40 to 60 percent come down to 10 percent, which is basically what we are charging goods coming into our country. In theory, these two organizations, NAFTA and World Trade Organization sound good, but most of the farmers I talk to are not happy about implementation. They do not feel that we have a level playing field and that we have been aggressive enough in our trade practices. We need to open up markets and fully fund the programs that we have in place to help our marketing procedures.

The President needs fast track authority, the ability to negotiate quickly trade negotiations. In the last few years, we have had over 200 international trade agreements drawn up, and the United States has participated in 2, 2 out of 200. So the President needs to be given this authority. This is something that will be coming down the road fairly quickly.

We have touched on value-added agriculture. That is a big part of profitability. We have talked about ethanol, which will add 15 to 20 cents per bushel of corn; and ethanol could triple with MTBE going by the wayside.

We currently have 62 ethanol plants in the United States, and that should

double or triple in the United States. We have 200,000 people employed in the ethanol industry, and \$4.5 billion a year being brought in by ethanol. And again, those numbers could double or triple very quickly, which would be a huge shot in the arm for agriculture.

Co-ops need to spring up. Some are occurring right now, where the farmer participates in all levels of the process, and, of course, makes more profit in the process. We think that value added is going to be very important.

Let me just touch on one other thing, and that is the research issue. So far the advantage that we have had in the United States has been technology in agriculture and infrastructure, the ability to move our products. As the gentleman from Kansas mentioned earlier, the infrastructure advantage is quickly disappearing. Other countries are beginning to move their products equally as well.

So the thing that leaves us with that is an edge in technology. So often groups that come before the Committee on Agriculture and present their ideas, research is sometimes left out. It is left out of the equation. For instance, in ethanol alone right now we can get a better conversion rate. It takes so much energy to produce a gallon of ethanol. The ethanol that is produced produces more energy than what it takes to produce the ethanol; but that could be double or even triple. We could use switchgrass and all kinds of products. We could plant switchgrass on CRP acres, which would make CRP more profitable. We need to keep working on BSE. Foot and mouth disease. Karnal bunt was mentioned earlier in regard to the wheat industry. This is a great concern. So I am a great advocate of making sure that we can ensure and maintain our edge in technology.

Of course, one last comment would be simply the fact that we are losing young people and losing population in rural areas. The reason we are losing them is that they are going places where they can get more money. And the reason that they can make more money is there is more technology and more telecommunications. So the digital divide has hit rural America very hard.

People will tell you that roughly 90 percent of new industry is not willing to go into an area unless there is broadband service and high-speed Internet access. We have to do everything that we can to make sure that the rural America has the ability to provide those kinds of services which will allow us to keep more of our young people at home.

Mr. Speaker, I want to thank the gentleman from South Dakota for allowing me to participate in this dialogue.

Mr. THUNE. Mr. Speaker, I would reinforce what the gentleman from Nebraska just said about technology. We do have a digital divide in this country. One of the things that separates us from more populated areas of the coun-

try is that having access to broadband services, high-speed Internet services, all of those things that improve the quality of life, allow for greater speed and efficiency in conducting business, and connecting rural areas with the rest of the world in a very timely and convenient way.

So as we talk about the issues that impact rural areas, obviously agricultural policy is at the heart of that, energy policy is at the heart of that. Also appropriate investment in our education for our young people, rural health care, quality of life, as the gentleman from Nebraska mentioned. We have aging population areas of this country which present some unique challenges and unique needs.

One of the things that we want to see is the young people have the opportunity, if they choose to, to grow up and raise their families in rural areas of this country, in our small towns and farms and ranches. We have seen a continual decrease in the number of farms across the country. In my State of South Dakota, we have about 32,000-plus farms and ranches. The average size of those operations is about 350 acres. So it is the small, it is the family farms that constitute the real backbone of the economy in rural areas. So many of these issues tie into that.

Again, as we talk about what we can do to improve the quality of life and provide incentives for investment there for the need for technology, I am co-sponsoring legislation that provides a tax credit for those companies that would go out and offer broadband services in rural areas. I believe we need tax incentives in place for value-added agriculture, small-producer ethanol tax credit legislation which I am sponsoring. Another piece of legislation that will help lower the capital barrier to investment in agriculture, value-added-type industries; tax credit for producers that will encourage farmer-owned cooperatives so farmers can take more control of their own destinies and begin to create opportunities and increase in the overall prices that they receive for their products. These are all issues that impact the future of rural America.

Mr. Speaker, as I would simply say in closing again, I think if we look at the things that the Congress has to deal with, they are many. We have all of the appropriations bills, the Patient Bill of Rights, campaign finance reform, and they are all important. But when you come down to it, there is nothing more important to the future of this country than putting in place a solid farm policy and an energy policy for America's future that will lessen our dependence on foreign sources of energy by utilizing the great renewable sources we have in America and finding those sources additional sources of energy.

Mr. Speaker, I am pleased to have an opportunity to discuss these issues and look forward to engaging in colloquies with my colleagues on these important issues for all Americans, including

those of us who choose to live in rural areas.

#### WOMEN AND CHILDREN IN AMERICA DENIED VITAL MEDICAL AND FOOD BENEFITS BECAUSE OF IMMIGRATION STATUS

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, this special order tonight is to highlight some injustices, an injustice that is not only unfair, but unwise. Tens of thousands of women and children in this country are denied vital medical and food benefits because of their immigration status. What does this policy say about our country, the richest in the world, especially now in these times of surplus? What kind of country are we building for our children when we say some are eligible and some are not, even though they have played by the rules?

These are people that are legal immigrants that have played by the rules. Today hundreds of thousands of women and children are left outside without assistance in times of need. These are people who are here legally. They have followed the guidelines. They have paid taxes. They work. They are individuals that are out there baby-sitting our children, that pick up our trash. These people have been working hard, and they are strong Americans.

But in 1996, Congress decided that it was not the American benefit to provide safety net services to the communities that contribute so much. Last week we observed the first International French Citizen Day. It is only fitting that we recognize the contributions of this community and restore their access to the food and medical assistance that they need. I strongly believe that we need to look at this as a national public health issue.

When children go sick because their families cannot afford care, it is a public health issue. When pregnant women cannot get prenatal care, it is a public health issue. When pregnant women and young children do not have essential nutrition that they need, it is a public health issue. Ultimately it impacts on more than just our health, it hurts our educational system and economic possibilities.

□ 2130

Children who go to school hungry will not perform to the best of their abilities. Nor will they achieve the full potential that they have. We all lose when we do not provide them access to good quality care and good nutrition.

As I need to remind my colleagues, this is a Nation of immigrants, a Nation whose strength has come from hard work, of those who have fled persecution, from those who have left

other countries to find better futures in our country, and who have left with their families and have come here. None of us would be here if it were not for immigration. Our country would have not had the academic, scientific, nor the industrial strength it does today without the contribution of our immigrants.

So why do we choose to raise obstacles in the way that we have? It is wrong. We should change our misguided policy as soon as possible. Numerous bills are pending in the House under the banner of health solutions for hardworking American families that offer solutions for correcting this problem. The Legal Immigrant Children's Health Improvement Act, H.R. 1143, introduced by the gentleman from Florida (Mr. DIAZ-BALART) and the gentleman from California (Mr. WAXMAN), the Nutrition Assistance for Working Families and Seniors Act, which is H.R. 2142, introduced by the gentleman from New York (Mr. WALSH), and the Women Immigrants Safe Harbor Act, H.R. 2258, introduced by the gentleman from Michigan (Mr. LEVIN), the gentleman from California (Ms. PELOSI), the gentleman from Maryland (Mrs. MORELLA) and others. These three bills help to basically address one of the problems that we have encountered.

Should we deny health care and nutrition to this baby? The answer should be no. This baby should have access to good nutrition. We need to understand that these people are here legally and they have gone through the process. But because of our laws that we passed in 1996, we excluded them from participating in access to Medicare and the CHIP program that helps youngsters to be able to have access to insurance coverage; and in addition, we have excluded them from food stamps that are very critical, and in some cases we will find different families that have one that was born here, one that has come abroad, some that qualify, some that do not. So we have in our laws things that need to be corrected. Hopefully, we will have an opportunity to do this in this session.

In addition, the Women Immigrants Safe Harbor Act, which is the third piece of legislation that is important, we have a lot of women that are abused. They do not have the opportunity to be able to get the services that they need. It is important. The third piece of legislation that we are going to be talking about tonight is the Women Immigrants Safe Harbor Act. I want to take this opportunity to also thank my fellow colleague who is here from Texas, Congressman GENE GREEN from Houston, who has been in the forefront on a variety of issues. He just spent some time talking about the Patients' Bill of Rights. I know he is up here tonight to talk about these issues. I thank him for being here with us.

Mr. GREEN of Texas. I thank my colleague for yielding, Mr. Speaker, and also for his taking this hour, 9:30 Wash-

ington time, 8:30 Houston and San Antonio time. We have thousands of immigrants who come to this country with the hope that they will be able to fulfill their own American dream. They want to work, pay their taxes, and contribute to their and our society. They want to raise their children in a democracy where all people are created equal.

Unfortunately, our current laws do not treat all people equally, especially legal immigrants. Most Americans who pay their taxes can count on food stamps, Medicaid or other safety net programs if they fall on hard times. But as my colleague, the gentleman from Texas (Mr. RODRIGUEZ), mentioned, the 1996 welfare reform act denies this kind of assistance to many lawfully present immigrants, including children up to 5 years. As a result, immigrants and their children who played by the rules and are here legally face the impending threat of hunger and sickness in a way that no other taxpayer in our country could fathom. Additionally, because of the 5-year ban, U.S.-citizen children in immigrant families are less likely to be enrolled in Medicaid or CHIP programs even though they are still eligible for these programs.

Mr. Speaker, each year immigrants pay approximately \$1,800 more in taxes than they use in services; but in their time of need we slam the door in their face and say, Come back when you've been here 5 years. This law is arbitrary, unfair and I think we should overturn it. That is why I am proud to speak in support as my colleague is of H.R. 1143, the Legal Immigrant Children's Health Improvement Act of 2001. I was a cosponsor of this in the last Congress and a cosponsor in this Congress. This legislation gives the States the option of allowing low-income legal immigrant children and pregnant women access to Medicaid and the State Children's Health Improvement Program, the CHIP program. If States opt to cover pregnant immigrant women and their children, then Federal matching funds would be available, because again if you are here legally and you are pregnant, we want that mother to have a healthy child. And if we provide those women with prenatal services, we will make sure that child is healthier; and in the long run it is to the benefit of all of us because we want healthy children.

I also support H.R. 2142, the Nutrition Assistance for Working Families and Seniors Act. This important legislation restores food stamp program eligibility for low-income legal immigrants and makes other modest improvements in programs for working families and our elderly. I represent a very urban district. We have Hispanic elderly who literally have been here almost their whole life, although in the last few years they have been becoming citizens at a record pace; but there still are individuals who have built this country and need this assistance.

I am also a strong supporter of the Women Immigrants Safe Harbor, or the WISH Act, which would provide vital support service to immigrant women who must endure the tragic and difficult situation of domestic violence. Immigrant victims of domestic violence are especially dependent on their abusers because of the restrictions passed in the 1996 welfare reform act. This law inhibits battered immigrant women from accessing the resources they need to leave their abuser. The WISH bill would allow legal immigrants who are victims of domestic violence to apply for critical safety net services such as medical and food assistance if they are victims of battery or extreme cruelty by a family member; and, two, demonstrate that receiving benefits would significantly lessen the risk of that battery.

Mr. Speaker, eligibility for vital support services should be based on need and not just your immigrant status. Many tax-paying legal immigrants work in low-wage jobs and their families could use these vital support services to continue to succeed in our country.

I want to thank my colleague for asking for this Special Order tonight to highlight the need for our immigrants because he is right, we are an immigrant Nation. Some of us just got here sooner than others. We need to be able to have them conform and succeed in our country because we all came from somewhere. That is why I am proud to be not only an American but also allow for legal immigrants to come and build this country, to continue to build this country like our forefathers did whether you be in San Antonio, Houston, or anywhere in our country.

I thank the gentleman for taking this time tonight.

Mr. RODRIGUEZ. I want to thank the gentleman from Texas (Mr. GREEN) as he so eloquently indicated was the fact that we are talking about legal immigrants. We are not talking about individuals that are here illegally. These are people that went by the rules and played by the rules and abide by all the laws that we have. They have not become citizens as of yet and find themselves in this situation. At this time to make the system fair for everyone, I urge my colleagues to cosponsor these important pieces of legislation that I have mentioned.

Once again, it is the Legal Immigrant Children's Health Improvement Act, H.R. 1143 and S. 582; number two is the Nutrition Assistance for Working Families and Seniors Act, which is H.R. 2142; and the third is the Women Immigrants Safe Harbor Act. These are three important pieces of legislation that I feel will correct some of the injustices that exist out there and try to correct the situation where these individuals will be able to apply.

As the Congressman has also indicated, when we look at those two pieces of legislation, first the Legal Immigrant Children's Health Improvement Act, it is one about making sure



that people get included into Medicaid. The legislation does not require any State to cover these immigrant children and pregnant women. It merely allows the State to draw down Federal moneys to be able to provide the care. And so if States choose to do that, they can; but it is not mandatory. Secondly, the Nutrition Assistance for Working Families, once again it allows the State the option of creating a fixed 6-month transitional food stamp benefit for those moving from welfare to work in addition to providing them access to those food stamps that are critical.

I want to take this opportunity to look at the specific problem that we have encountered with the existing piece of legislation. Current law bars legal immigrants, including pregnant women and children who arrive after August 22, 1996, for 5 years from receiving health benefits under Medicaid or under the CHIP program. Remember the CHIP program is that program of those youngsters, those families that are working hard and making money but yet do not have access to any kind of coverage. They are not poor enough to qualify for Medicaid, but they are finding themselves that they could qualify for CHIP; but because of the fact that they are in this status that they arrived here after August 22, 1996, they have to wait 5 years. Children and pregnant women who are denied coverage through the CHIP and Medicaid 5-year ban usually can get other vital health care coverages.

We all know and recognize that preventive care minimizes emergency room visits, a costly and inefficient way of providing health care. More alarming is a recent Kaiser study that was done which reports that even though noncitizens are more likely to be without usual sources of care, they are less likely to go to emergency rooms than citizens. This particular study finds that if you are a noncitizen but here legally, you are less likely to have access to health care. This means that noncitizens are less likely to be able to have those opportunities, to be able to have preventive care, to be able to get to the emergency care when it is needed.

The second piece of legislation, the Legal Immigrant Children's Health Improvement Act, gives States the option to allow low-income legal immigrants, children and pregnant women to have access not only to Medicaid and CHIP, but it also looks in terms of access to additional services. When we look at the health of children in immigrant families, it is important that now the States are having a crisis in this particular situation. Certain States are burdened, in addition, more than others. Some have more noncitizens than others. So we see the disparity that exists.

According to a recent Urban Institute study, children of immigrants are three times as likely as children of natives to lack the usual sources of health care and more than twice as

likely to be as fair or poor in health. For pregnant women and their children, regular prenatal care and early intervention saves lives and dollars as we all know. Children who have routine office visits and immunizations grow to be healthier adults with less medical complications. Children monitored by pediatricians are less likely to be victimized by chronic and communicable diseases. The 5-year ban on providing Medicaid and CHIP coverage has been the greatest barrier to health care for legal immigrants. As a matter of decency and as a matter of economics and as a matter of public health, legal immigrant children and pregnant women deserve the same access to essential health care coverage offered to citizens.

We are talking about people who also pay their taxes, and we are talking about individuals that are here legally. This group has been singled out, and they are forbidden from accessing the very programs their tax dollars support. Studies show that each year, immigrants pay approximately \$1,800 more in taxes than they use in services. This is according to the National Academy of Science.

I would like to point out that the vast majority of immigrant families are mixed-status families that include at least one U.S. citizen and typically a child. The mixed status makes it impossible to have continued good continuity of services for the family. For instance, one foreign-born child may rely on emergency room care while a U.S.-born sibling might qualify for Medicaid.

And so you find those situations in particular households where you have the parents that are here legally, then have children and now find themselves that the children might qualify, but they do not or the other children do not. The same complications are true for accessing other services such as food stamps. The Second Harvest National Food Bank Network study that was recently done found nearly 38 percent of emergency food assistance for clients that were children. That is, 38 percent of emergency food assistance clients were children. So we find a situation where children are lacking good nutrition.

□ 2145

The food stamp program has played a vital role in helping low income working families, the elderly and the disabled make ends meet. It is a crucial support for hard-working families trying to make ends meet. For families who are in mixed immigrant status and that is where they have some kids that are citizens and some that are in the process of becoming citizens, it is the child that is hurt the most. Children who are U.S. citizens may not receive food stamps because their parents have immigrant status. Participation in the food stamp program among citizen children with legal permanent resident status declined 70 percent from 1994 to

1998. So we have actually had a decline in the participation from 1.35 million to 350,000. Twice the overall rate of participation declined in the food stamp program.

I think that a lot of this is attributed to the piece of legislation that we have now and we will hopefully be able to correct that. I find this appalling, especially when you consider the reports that document hunger among children in America. This year the Urban Institute reported that nationwide 37 percent of all children immigrants lived in families worried about encountering difficulties with purchasing food. Should we deny food and nutrition services to children that are babies and would you deny this particular baby the right to have access to good quality nutrition and to good care?

I think it is important for us that we be responsive and treat everyone in an equitable manner. So you have thousands of children throughout this country that find themselves in this particular loophole that I feel that needs to be corrected and these three pieces of legislation helped do that.

So as we move forward, I urge my colleagues to cosponsor the Nutrition Assistance for Working Families and Seniors Act, which would restore food stamp benefits to qualified immigrants and primarily affecting families with children.

I also want to say a few words about a bill recently introduced by the gentleman from Michigan (Mr. LEVIN) on Women Immigrants Safe Harbor Act, which is H.R. 2258. This particular legislation allows legal immigrants, who are victims of domestic violence, to be eligible for public benefits such as food stamps and Medicare and SSI for the period of time long enough to allow them to escape from their abusers. I will say that time and time again we need to care for the most vulnerable in our communities. Individuals fleeing domestic violence certainly need our help. It is time to talk about compassion, about fairness, about keeping our community healthy. Now is the time to give legal immigrants a chance to escape their abusive relationships. Under the present situation, they cannot. Now is the time to restore both the Medicaid and the CHIPS benefits to lawfully presenting in any event women and children. Now is the time also to restore the food stamp benefits to working families and children and the seniors who rely on the assistance in time of need.

I urge my colleagues to support the healthy solutions of American hard working families. This is the right thing to do for the immigrants, for the children and for all Americans.

I want to take this final opportunity, Mr. Speaker, to just indicate that it is three pieces of legislation that will help correct the problems that we see now. Once again, it is the Legal Immigrant Children's Health Improvement Act that talks about only people that are legally in this country. I am not

talking about illegal. These are people once again that went by the rules, played by the rules and now they find themselves in that 5-year gap. I ask for assistance and for people to sign up.

Secondly, when it comes to nutrition and food stamps, we want to make sure that the Nutrition Assistance for Working Families and Seniors Act also is passed so they will have access to food stamps if they are in need.

Finally, the Women Immigrants Safe Harbor Act allows women that are being abused the opportunity to qualify for these programs as they flee from those situations that are not healthy.

#### GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Is there objection to the request of the gentleman from Texas?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. POMEROY (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BURTON of Indiana (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

Mr. PAUL (at the request of Mr. ARMEY) for today on account of family illness.

Mr. PLATTS (at the request of Mr. ARMEY) for today and the balance of the week on account of his father's illness.

Mr. SHADEGG (at the request of Mr. ARMEY) for today on account of undergoing a medical procedure.

Mr. TOOMEY (at the request of Mr. ARMEY) for today on account of personal business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his re-

marks and include extraneous material:)

Mr. MORAN of Virginia, for 5 minutes, today.

#### SENATE BILL REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. CON. RES. 54. Concurrent resolution authorizing the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers; to the Committee on House Administration.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1029. An act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

#### ADJOURNMENT

Mr. RODRIGUEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 26, 2001, at 9 a.m., for morning hour debates.

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third and fourth quarters of 2000 and the first quarter of 2001, by Committees of the U.S. House of Representatives, pursuant to Public Law 95-384, and for a miscellaneous group in connection with official foreign travel during the first quarter of 2001 are as follows:

##### AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Visit to Scotland, Germany, Italy, Qatar, Jordan and England, August 7-19, 2000:											
Delegation expenses .....	8/12	8/14	Italy .....				3,774.38		13,356.14		17,100.52
	8/16	8/18	Jordan .....				666.43		3,253.31		3,919.75
Total .....									16,609.45		21,020.26

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Apr. 30, 2001.

##### AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Visit to Korea, Thailand, Singapore and Taiwan, November 30-December 2, 2000:											
Delegation expenses .....	11/24	11/28	Thailand .....						4,402.00		4,402.00
Total .....									4,402.00		4,402.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Apr. 30, 2001.

June 25, 2001

## CONGRESSIONAL RECORD—HOUSE

H3515

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Travel to Chile; January 12–18, 2001:											
Hon. Martin H. Meehan .....	1/12	1/18	Chile .....		1,776.00						1,776.00
Commercial airfare .....							5,112.60				5,112.60
Travel to Guatemala, Ecuador and El Salvador, January 21–25, 2001:											
Hon. Robin Hayes .....	1/21	1/22	Guatemala .....		190.00						190.00
	1/22	1/24	Ecuador .....		422.00						422.00
	1/24	1/25	El Salvador .....		222.00						222.00
Travel to Ecuador and Colombia, January 23–26, 2001:											
Hon. Curt Weldon .....	1/23	1/25	Ecuador .....		420.00						420.00
	1/25	1/26	Colombia .....		208.00						208.00
Commercial airfare .....							1,816.00				1,816.60
Travel to Italy, Germany, France and the United Kingdom, February 16–25, 2001:											
Hon. Ike Skelton .....	2/16	2/19	Italy .....		966.00						966.00
	2/19	2/22	Germany .....		319.00						319.00
	2/22	2/23	France .....		263.00						263.00
	2/23	2/25	United Kingdom .....		702.00						702.00
Hon. Jim Turner .....	2/16	2/19	Italy .....		966.00						966.00
	2/19	2/22	Germany .....		319.00						319.00
	2/22	2/23	France .....		263.00						263.00
	2/23	2/25	United Kingdom .....		702.00						702.00
Hon. Baron Hill .....	2/16	2/19	Italy .....		966.00						966.00
	2/19	2/22	Germany .....		319.00						319.00
	2/22	2/23	France .....		263.00						263.00
	2/23	2/25	United Kingdom .....		702.00						702.00
Mr. J.J. Gertler .....	2/16	2/19	Italy .....		966.00						966.00
	2/19	2/22	Germany .....		319.00						319.00
	2/22	2/23	France .....		263.00						263.00
	2/23	2/25	United Kingdom .....		702.00						702.00
Travel to Russia, Moldova, Ukraine and Russia, February 18–24, 2001:											
Hon. Curt Weldon .....	2/18	2/21	Russia .....		979.50						979.50
	2/21	2/22	Moldova .....		225.00						225.00
	2/22	2/23	Ukraine .....		269.00						269.00
	2/23	2/24	Russia .....		326.50						326.50
Commercial airfare .....							801.38				801.38
Hon. Ander Crenshaw .....	2/18	2/21	Russia .....		979.50						979.50
	2/21	2/22	Moldova .....		225.00						225.00
	2/22	2/23	Ukraine .....		269.00						269.00
	2/23	2/24	Russia .....		326.50						326.50
Commercial airfare .....							801.38				801.38
Mr. Peter M. Steffes .....	2/18	2/21	Russia .....		979.50						979.50
	2/21	2/22	Moldova .....		225.00						225.00
	2/22	2/23	Ukraine .....		269.00						269.00
	2/23	2/24	Russia .....		326.50						326.50
Commercial airfare .....							801.38				801.38
Delegation charter aircraft .....							33,620.00				33,620.00
Travel to Ecuador, Peru and Colombia, February 19–24, 2001:											
Hon. Gene Taylor .....	2/18	2/21	Ecuador .....		318.00						318.00
	2/21	2/22	Peru .....		153.00						153.00
	2/22	2/23	Colombia .....		542.00						542.00
Mr. George O. Withers .....	2/18	2/21	Ecuador .....		318.00						318.00
	2/21	2/22	Peru .....		153.00						153.00
	2/22	2/23	Colombia .....		542.00						542.00
Commercial airfare .....							321.00				321.00
Total .....					19,664.00		43,274.34				62,938.34

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Apr. 30, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Nathan Deal .....	2/16	2/17	Netherland Antilles .....		307.00						307.00
	2/17	2/19	Colombia .....		271.00		2,398.50		1,014.20		3,683.70
	2/19	2/20	Honduras .....		96.00						96.00
	2/20	2/23	Bolivia .....		511.50		3,794.00		1,347.00		5,652.50
James Greenwood .....	2/04	2/08	Kenya .....		1,010.00						1,010.00
Total .....					2,195.50		6,192.50		2,361.20		10,749.20

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILLY TAUZIN, Chairman, May 16, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. F. James Sensenbrenner, Jr .....	2/17	2/19	Thailand .....		846.00		5,249.22				6,095.22
	2/20	2/21	Hanoi .....		252.00						252.00
	2/22	2/23	HoChiMinh City .....		249.00						249.00
	2/24	2/27	Singapore .....		1,484.19						1,484.19
Todd Schultz .....	2/17	2/19	Thailand .....		846.00		5,249.22				6,095.22
	2/20	2/21	Hanoi .....		252.00						252.00
	2/22	2/23	HoChiMinh City .....		249.00						249.00
	2/24	2/27	Singapore .....		1,484.19						1,484.19

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001—  
Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Total .....					5,662.38		10,498.44				16,160.82

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Jr., Chairman, May 3, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND APR. 23, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Phil English (Int'l Rel.) .....	1/13	1/19	Chile .....		888.00		5,056.60				5,944.60
Hon. M. McNulty (Gilman Codel) .....	1/22	1/25	Italy .....		966.00		(3)				966.00
	1/25	1/27	Greece .....		376.00		(3)				376.00
	1/27	1/28	Israel .....		523.00		(3)				523.00
	1/28	1/30	Ireland .....		472.00		(3)				472.00
Hon. W. Watkins (Gilman Codel) .....	1/22	1/25	Italy .....		966.00		(3)				966.00
	1/25	1/27	Greece .....		376.00		(3)				376.00
	1/27	1/28	Israel .....		523.00		(3)				523.00
	1/28	1/28	Ireland .....		472.00		(3)				472.00
Hon. M. McNulty (Watts Codel) .....	4/5	4/11	Senegal .....		n/a		(3)				n/a
	4/5	4/11	Nigeria .....		n/a		(3)				n/a
	4/5	4/11	Ghana .....		n/a		(3)				n/a
	4/5	4/11	Morocco .....		n/a		(3)				n/a
Hon. C. Shaw (Rogers Codel) .....	4/5	4/16	France .....		n/a		(3)				n/a
	4/5	4/16	Turkey .....		n/a		(3)				n/a
	4/5	4/16	Italy .....		n/a		(3)				n/a
Hon. R. Lewis (Rogers Codel) .....	4/5	4/16	Turkey .....		n/a		(3)			n/a	
	4/5	4/16	Italy .....		n/a		(3)			n/a	
Hon. B. Cardin (Kolbe Codel) .....	4/18	4/20	Israel .....		380.00		(3)				380.00
	4/20	4/22	Jordan .....		228.00		(3)				228.00
	4/22	4/23	Egypt .....	223.00			(3)			223.00	
	4/18	4/18	Italy .....		346.00		(3)				346.00
	4/23	4/23	Ireland .....		124.50		(3)				124.50
Hon. Phil English (Combust Codel) .....	4/20	4/22	Canada .....		n/a		(3)				n/a
Hon. S. Levin (Combust Codel) .....	4/20	4/22	Canada .....		n/a		(3)				n/a
Hon. J.D. Hayworth (Rogers Codel) .....	4/5	4/16	France .....		n/a		(3)				n/a
	4/5	4/16	Turkey .....		n/a		(3)				n/a
	4/5	4/16	Italy .....		n/a		(3)				n/a
Hon. R. Lewis (Rogers Codel) .....	4/5	4/16	France .....		n/a		(3)				n/a
Total .....											

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

BILL THOMAS, Chairman, June 5, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
FOR HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. <input type="checkbox"/>											

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, May 11, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Nancy Pelosi .....	1/10	1/16	Europe .....		1,604.00						1,604.00
Commercial airfare .....							5,829.00				5,829.00
Michael Sheehy, Staff .....	1/10	1/16	Europe .....		1,604.00						1,604.00
Commercial airfare .....							5,829.00				5,829.00
Jay Jakub, Staff .....	1/22	1/27	Europe .....		1,450.00						1,450.00
Commercial airfare .....							6,615.81				6,615.81
Robert Emmett, Staff .....	1/23	2/3	Europe .....		3,015.00						3,015.00
Commercial airfare .....							6,251.13				6,251.13
Patrick Murray, Staff .....	2/7	2/10	Europe .....		459.00						459.00
Commercial airfare .....							4,742.85				4,742.85
Jay Jakub, Staff .....	2/7	2/10	Europe .....		459.00						459.00
Commercial airfare .....							4,742.85				4,742.85
Merrell Moorhead, Staff .....	2/7	2/10	Europe .....		459.00						459.00
Commercial airfare .....							4,742.85				4,742.85
Merrell Moorhead, Staff .....	2/16	2/26	Europe .....		1,432.00						1,432.00
Commercial airfare .....							5,168.43				5,168.43
Michele Land, Staff .....	2/19	2/23	Europe .....		773.00						773.00
Commercial airfare .....							4,663.90				4,663.90
Patrick Murray, Staff .....	2/19	2/25	Europe .....		525.00						525.00
Commercial airfare .....							4,328.22				4,328.22
Timothy Sample, Staff .....	2/19	2/26	Europe .....		876.00						876.00
Commercial airfare .....							5,454.79				5,454.79
Christopher Barton, Staff .....	2/20	2/24	South America .....		934.00						934.00
Commercial airfare .....							2,001.60				2,001.60

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Brant Bassett, Staff	2/20	2/24	South America		934.00						934.00
Commercial airfare							2,001.60				2,001.60
Christopher Barton, Staff	3/8	3/12	South America		791.00						791.00
Military aircraft											
Timothy Sample, Staff	3/9	3/12	South America		652.00						652.00
Commercial airfare							995.80				995.80
Timothy Sample, Staff	3/14	3/20	Europe		1,992.00						1,992.00
Commercial airfare							5,721.66				5,721.66
Delores Jackson, Staff	3/14	3/20	Europe		1,992.00						1,992.00
Commercial airfare							5,721.66				5,721.66
Patrick Murray, Staff	3/22	3/30	Europe		2,338.00						2,338.00
Commercial airfare							6,030.08				6,030.08
Jay Jakub, Staff	3/22	3/30	Europe		2,338.00						2,338.00
Commercial airfare							5,865.64				5,865.64
Total					13,590.00		58,368.83				71,958.83

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, May 17, 2001.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2632. A letter from the Secretary, Department of Agriculture, transmitting a report entitled, "Assessment of the Cattle and Hog Industries, Calendar Year 2000"; to the Committee on Agriculture.

2633. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Water and Waste Disposal Programs Guaranteed Loans (RIN: 0572-AB57) received June 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2634. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cyprodinil; Time-Limited Pesticide Tolerance [OPP-301120; FRL-6778-7] (RIN: 2070-AB78) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2635. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Re-establish Tolerances for Emergency Exemptions [OPP-301141; FRL-6788-4] (RIN: 2070-AB78) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2636. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final—Pyridaben; Pesticide Tolerance Technical Correction [OPP-301013A; FRL-6786-5] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2637. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Isoxadifen-ethyl; Time-Limited Pesticide Tolerance [OPP-301135; FRL-6786-1] (RIN: 2070-AB78) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2638. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—L-Glutamic Acid and Gamma Aminobutyric Acid; Exemptions from the Requirement of a Tolerance [OPP-301136; FRL-6785-6] (RIN: 2070-AB78) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2639. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Mesotrione; Pesticide Tolerance [OPP-301138; FRL-6787-7] (RIN: 2070-AB78) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2640. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Protections for Children in Research"; to the Committee on Energy and Commerce.

2641. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the California State Implementation Plan, Antelope Valley Air Pollution Control District [CA 226-0271; FRL-6998-3] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2642. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to Miscellaneous Volatile Organic Compounds Regulations Within the North Carolina State Implementation Plan [NC 95-200034a; FRL-6993-9] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2643. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of Volatile Organic Compounds (VOCs) for Aerospace Operations and Miscellaneous VOC Revisions [PA155-4114a; FRL-6998-6] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2644. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan Revisions; Ohio [OH148-1a; FRL-7001-6] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2645. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for Metropolitan Denver; State of Colorado [CO-001-0063a; FRL-7000-7] received June 20, 2001, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2646. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; States of Illinois and Missouri; 1-Hour Ozone Attainment Demonstrations, Motor Vehicle Emissions Budgets, Reasonably Available Control Measures, Contingency Measures, Attainment Date Extension, and Withdrawal of Nonattainment Determination and Reclassification [Tracking No. MO-0132-1132, IL 196-3; FRL-7001-7] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2647. A communication from the President of the United States, transmitting the President's bimonthly report on progress toward a negotiated settlement of the Cyprus question, covering the period April 1 to May 31, 2001, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

2648. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting a report on the Imposition of Foreign Policy Export Controls On Certain Fertilizers To Terrorist Supporting Countries; to the Committee on International Relations.

2649. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Policy Terminating the Arab League Boycott of Israel and Expanding the Process of Normalization Between the Arab League Countries and Israel; to the Committee on International Relations.

2650. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulation: Sweden—received June 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2651. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2652. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2653. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report

pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2654. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2655. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2656. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2657. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2658. A letter from the Acting General Counsel and Designated Reporting Official, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2659. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Establishment of a Non-essential Experimental Population of Whooping Cranes in the Eastern United States (RIN: 1018-AH46) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2660. A letter from the Staff Attorney, Department of Transportation, transmitting the Department's final rule—Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions [Docket No. RSPA-2000-7702 (HM-215D)] (RIN: 2137-AD41) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2661. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Captain of the Port Detroit Zone [CGD09-01-048] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2662. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International (CFMI) CFM56-2, -2B, -3, -5B, -5C and -7B Series Turbofan Engines [Docket No. 2001-NE-18-AD; Amendment 39-12246; AD 2001-11-05] (RIN: 2120-AA64) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2663. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Veterans Education: Increased Allowances for the Educational Assistance Test Program (RIN: 2900-AK41) received June 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2664. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Increase in Rates Payable Under the Montgomery GI Bill—Active Duty and Survivors' and Dependents' Educational

Assistance (RIN: 2900-AK44) received June 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2665. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2001-34] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2666. A letter from the Chief, Regulations Office, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Rev. Proc. 2001-39] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2667. A letter from the Chair, U.S. International Trade Commission, transmitting a report entitled, "The Year in Trade 2000: Operation of the Trade Agreements Program"; to the Committee on Ways and Means.

2668. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Progress made toward opening the United States Embassy in Jerusalem and notification of Suspension of Limitations Under the Jerusalem Embassy Act (Presidential Determination No. 2001-19), pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Pursuant to the order of the House on June 21, 2001 the following report was filed on June 22, 2001]*

Mr. ROGERS of Kentucky: Committee on Appropriations. H.R. 2299. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-108). Referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

*[Submitted June 22, 2001]*

Mr. HYDE: Committee on International Relations. H.R. 1954. A bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006; with an amendment (Rept. 107-107 Pt. 1). Ordered to be printed.

*[Submitted June 25, 2001]*

Mr. HANSEN: Committee on Resources. H.R. 645. A bill to reauthorize the Rhinoceros and Tiger Conservation Act of 1994; with an amendment (Rept. 107-109). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 178. Resolution providing for consideration of the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending 2002, and for other purposes (Rept. 107-110). Referred to the House Calendar.

#### TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE X

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

*[The following action occurred on June 22, 2001]*

H.R. 1954. Referral to the Committees on Financial Services, Ways and Means, and

Government Reform for a period ending not later than July 13, 2001.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DELAY (for himself, Mr. HALL of Ohio, Mr. LEWIS of Georgia, Mr. WOLF, Mr. BLUNT, Mr. BISHOP, Mr. SOUDER, Mr. TURNER, Mr. SHOWS, Mr. PITTS, Mr. PETERSON of Minnesota, Mr. HOSTETTLER, Mr. TANCREDI, Mr. MCINTYRE, and Mr. PICKERING):

H.R. 2300. A bill providing for a National Day of Reconciliation; to the Committee on House Administration.

By Mr. DOOLITTLE:

H.R. 2301. A bill to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, and for other purposes; to the Committee on Resources.

By Mr. LANTOS (for himself, Ms. ESHOO, and Mr. MANZULLO):

H.R. 2302. A bill to amend title 10, United States Code, to provide that certain individuals who would be eligible for military retired pay for nonregular service but for the fact that they did not serve on active duty during a period of conflict may nevertheless be paid such retired pay if they served in the United States merchant marine during or immediately after World War II or the Korean Conflict; to the Committee on Armed Services.

By Mr. LEWIS of Kentucky:

H.R. 2303. A bill to amend the Internal Revenue Code of 1986 to provide incentives to increase the sale and use of certain ethanol and biodiesel fuels; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 2304. A bill to provide that Federal reserve banks and the Board of Governors of the Federal Reserve System be covered under chapter 71 of title 5, United States Code, relating to labor-management relations; to the Committee on Government Reform.

By Mrs. MORELLA (for herself and Ms. NORTON):

H.R. 2305. A bill to require certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council, and for other purposes; to the Committee on Government Reform.

By Ms. NORTON (for herself, Mr. TOM DAVIS of Virginia, Mr. GILCHREST, Mr. HOYER, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. WOLF, and Mr. WYNN):

H.R. 2306. A bill to amend the Federal Water Pollution Control Act to increase the Federal share of the cost of constructing treatment works in the District of Columbia; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH:

H.R. 2307. A bill to establish the National Commission on Budget Concepts; to the Committee on the Budget.

By Mr. WATKINS (for himself and Mrs. THURMAN):

H.R. 2308. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to allow investments by certain retirement plans in principal residences of children and grandchildren of participants who are first-time homebuyers; to the Committee on Ways and Means.



By Mrs. MORELLA (for herself and Mr. PAYNE):

H. Con. Res. 172. Concurrent resolution recognizing and honoring the Young Men's Christian Association on the occasion of its 150th anniversary in the United States; to the Committee on Education and the Workforce.

By Mr. REYNOLDS:

H. Res. 178. A resolution providing for consideration of the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending 2002, and for other purposes.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

115. The SPEAKER presented a memorial of the General Assembly of the State of Vermont, relative to Joint House Resolution No. 130 memorializing the United States Congress to closely examine the impact of the gasoline price increases, and initiate actions that will mitigate the impact of the gasoline price rise both on a short and long-term basis; to the Committee on Energy and Commerce.

116. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 88 memorializing the United States Congress to recognize the campaign called the "National Domestic Violence Health Care Standards Campaign Kick-Off Day in Pennsylvania" and to promote nationwide screening for domestic violence; to the Committee on Energy and Commerce.

117. Also, a memorial of the General Assembly of the State of Vermont, relative to Joint House Resolution No. 128 memorializing the United States Congress and the National Capital Planning Commission to proceed expeditiously in completing the review process of the proposed World War II Memorial; to the Committee on Resources.

118. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 76 memorializing the United States Congress to make the \$1.5 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe abandoned mine lands; to the Committee on Resources.

119. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 106 memorializing the United States Congress to allow states to privatize safety rest areas located on the rights of way of the Interstate highway system; to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 64: Mr. SWEENEY, Ms. LOFGREN, Mr. MATHESON, and Ms. MCKINNEY.

H.R. 168: Mr. LUCAS of Kentucky.

H.R. 189: Mr. HAYWORTH.

H.R. 190: Mr. HALL of Texas.

H.R. 239: Mr. MANZULLO, Mr. DAVIS of Illinois, Mrs. JOHNSON of Connecticut, Mr. GUTIERREZ, Mr. BLUMENAUER, and Mr. WYNN.

H.R. 287: Mr. COYNE, Mr. KILDEE, Ms. SLAUGHTER, Mrs. TAUSCHER, Mr. RANGEL, Mr. ACKERMAN, Mr. KENNEDY of Rhode Island, Mr. DELAHUNT, Mr. MEEKS of New York, Mr. HILLIARD, and Mr. HYDE.

H.R. 303: Mr. ENGEL.

H.R. 311: Mr. CHABOT.

H.R. 356: Mr. SAXTON and Mr. PETERSON of Minnesota.

H.R. 389: Mr. OWENS, Mr. NADLER, and Mrs. MALONEY of New York.

H.R. 479: Mr. HILLIARD and Mr. BISHOP.

H.R. 480: Mr. HILLIARD and Mr. BISHOP.

H.R. 510: Mr. DRIER, Mr. CRANE, Mr. DINGELL, and Mr. RODRIGUEZ.

H.R. 526: Mr. WU, Mr. RODRIGUEZ, Mr. SCOTT, Mr. UNDERWOOD, Mr. HASTINGS of Florida, Mr. ACEVEDO-VILA, Ms. CARSON of Indiana, Mr. CLYBURN, Mrs. CLAYTON, Mr. HINOJOSA, Mr. HOLDEN, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. KUCINICH, Mr. LAMPSON, Ms. LOFGREN, Mr. SERRANO, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. REYES, Mr. ROTHMAN, Mr. SANDERS, Ms. WATSON, Mrs. MEEK of Florida, Mrs. LOWEY, Mr. VISCLOSKEY, and Mr. FATTAH.

H.R. 555: Ms. ROYBAL-ALLARD.

H.R. 572: Mr. BISHOP.

H.R. 608: Mr. DAVIS of Illinois.

H.R. 612: Mr. ISSA, Mr. JEFFERSON, Mr. UNDERWOOD, and Mr. PUTNAM.

H.R. 699: Mr. WELDON of Florida, Mr. BROWN of South Carolina, and Mr. VITTER.

H.R. 704: Ms. HARMAN.

H.R. 721: Mr. CROWLEY, Mr. POMEROY, Mr. KIND, Mr. MOLLOHAN, Mrs. CLAYTON, Ms. DEGETTE, Ms. WATERS, Mr. THOMPSON of California, Mr. ACKERMAN, Mr. LARSON of Connecticut, Mr. HASTINGS of Florida, and Mr. KENNEDY of Rhode Island.

H.R. 746: Ms. SANCHEZ.

H.R. 751: Mr. TOWNS and Mr. WALSH.

H.R. 756: Mr. CLEMENT.

H.R. 778: Mr. FOLEY and Mr. BAIRD.

H.R. 832: Mr. SESSIONS.

H.R. 902: Mr. MALONEY of Connecticut.

H.R. 959: Mr. PAUL.

H.R. 967: Mr. CAPUANO, Mr. RUSH, Mr. NEAL of Massachusetts, and Mr. GILMAN.

H.R. 969: Mr. HAYWORTH.

H.R. 981: Mr. BLUNT, Mrs. BONO, Mr. CRANE, Mrs. CUBIN, Mr. DUNCAN, Mr. SHAW, and Mr. KING.

H.R. 984: Mr. EHRLICH.

H.R. 1038: Mr. FILNER.

H.R. 1073: Mr. CLYBURN, Mr. KLECZKA, Mr. MCINTYRE, and Mr. HOBSON.

H.R. 1076: Mr. HINOJOSA, Mr. HILL, Mr. CONDIT, Mr. LUCAS of Kentucky, and Mr. DELAHUNT.

H.R. 1077: Mrs. JO ANN DAVIS of Virginia.

H.R. 1090: Mr. CAMP, Mr. BOUCHER, Mr. GILMAN, Mr. BERMAN, and Mr. JEFFERSON.

H.R. 1097: Mr. HOLDEN and Ms. NORTON.

H.R. 1121: Mr. BONIOR.

H.R. 1266: Mr. BOUCHER, Mr. CAMP, Mr. DELAHUNT, Mr. WU, Mr. DAVIS of Illinois, and Mr. SCARBOROUGH.

H.R. 1293: Mr. UDALL of New Mexico.

H.R. 1340: Mrs. JONES of Ohio.

H.R. 1348: Mr. SNYDER.

H.R. 1354: Ms. DEGETTE and Mr. WOLF.

H.R. 1363: Mr. HOYER.

H.R. 1388: Mr. TURNER, Mrs. JONES of Ohio, Mr. PETERSON of Pennsylvania, Mr. PRICE of North Carolina, Mr. OSBORNE, and Mr. ETHERIDGE.

H.R. 1405: Mr. WU.

H.R. 1434: Mr. WYNN, Mrs. THURMAN, Mr. PALLONE, and Mr. COYNE.

H.R. 1438: Mr. LATHAM, Mr. DIAZ-BALART, Mr. LEWIS of Kentucky, and Mr. BLUNT.

H.R. 1487: Mr. FROST, Mr. CANNON, and Mr. TOWNS.

H.R. 1494: Ms. LOFGREN and Mr. JACKSON of Illinois.

H.R. 1556: Ms. ESHOO, Mr. DELAHUNT, Mr. HOLDEN, and Mr. WELLER.

H.R. 1585: Ms. MILLENDER-MCDONALD.

H.R. 1592: Mr. CALVERT.

H.R. 1624: Mrs. KELLY, Mr. ABERCROMBIE, Mrs. MCCARTHY of New York, Mr. RUSH, Ms. CARSON of Indiana, Mr. DAVIS of Illinois,

Mrs. LOWEY, Mr. HEFLEY, Mr. DEMINT, Mr. RYAN of Wisconsin, Mr. SUNUNU, Mrs. JONES of Ohio, Mr. GUTIERREZ, Mr. SAWYER, Mr. GREENWOOD, Mr. TIAHRT, Mr. NEAL of Massachusetts, Mr. GILMAN, Mr. MOORE, and Mr. WELLER.

H.R. 1644: Mr. GALLEGLY and Mr. EVERETT.

H.R. 1645: Mr. RAHALL and Mr. PRICE of North Carolina.

H.R. 1657: Mr. INSLEE and Mr. PRICE of North Carolina.

H.R. 1660: Mr. CLEMENT.

H.R. 1668: Mr. SPRATT.

H.R. 1672: Mr. CLEMENT, Mr. BLAGOJEVICH, Ms. DEGETTE, and Mr. LANTOS.

H.R. 1673: Mr. MCGOVERN.

H.R. 1675: Mr. GOODLATTE, Mr. TOM DAVIS of Virginia, and Mr. CHABOT.

H.R. 1694: Mr. ROHRBACHER.

H.R. 1707: Mr. ISSA.

H.R. 1716: Mr. BLUMENAUER and Mrs. CLAYTON.

H.R. 1770: Mr. PLATTS.

H.R. 1781: Mr. SCHIFF.

H.R. 1784: Ms. RIVERS, Mr. JEFFERSON, Mr. MCGOVERN, Mr. NADLER, and Mrs. DAVIS of California.

H.R. 1839: Ms. DEGETTE and Mr. BOUCHER.

H.R. 1891: Mr. JONES of North Carolina, Mrs. CAPITO, Mr. BEREUTER, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mrs. EMERSON, and Mr. COLLINS.

H.R. 1896: Mr. GEORGE MILLER of California, Mr. BAIRD, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mrs. EMERSON, Mr. CARSON of Oklahoma, Mr. FROST, Ms. NORTON, and Mr. MCHUGH.

H.R. 1911: Mr. FROST, Mr. JONES of North Carolina, and Mr. ROGERS of Michigan.

H.R. 1931: Mr. PUTNAM.

H.R. 1941: Mr. CUNNINGHAM and Mrs. BONO.

H.R. 1979: Ms. HOOLEY of Oregon, and Mr. GIBBONS.

H.R. 2002: Mr. PUTNAM.

H.R. 2020: Mr. SCHROCK.

H.R. 2030: Mr. CROWLEY, Ms. MCKINNEY, Mr. TANCREDO, and Mr. WOLF.

H.R. 2074: Mr. ANDREWS, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, and Mr. JACKSON of Illinois.

H.R. 2104: Ms. MCKINNEY.

H.R. 2125: Mr. PAYNE, Mr. FRANK, Mr. HILLIARD, Mr. HOLDEN, Mr. FROST, Mr. GILMAN, Mr. HALL of Ohio, Mr. TANCREDO, Mr. PAUL, Mr. KUCINICH, Mr. MOORE, Mr. KING, Mr. DICKS, Mr. WOLF, Mrs. MORELLA, Mr. WYNN, Mr. PETRI, Mr. HOLT, Mr. GOODE, Mr. SAXTON, and Mr. BLUNT.

H.R. 2143: Mr. COOKSEY and Mr. SESSIONS.

H.R. 2145: Mr. MCGOVERN, Mr. KILDEE, Ms. LOFGREN, and Mr. PRICE of North Carolina.

H.R. 2148: Mr. PAYNE and Mr. DOYLE.

H.R. 2149: Mr. COOKSEY, Mr. BONILLA, Mr. TANCREDO, Mr. GRAVES, and Mr. GANSKE.

H.R. 2160: Mr. BARCIA.

H.R. 2180: Mr. CLAY.

H.R. 2206: Ms. JACKSON-LEE of Texas and Mr. MCGOVERN.

H.R. 2272: Mr. MCGOVERN, Mr. CROWLEY, and Mr. ACEVEDO-VILA.

H.R. 2278: Mr. ESHOO.

H.R. 2280: Mr. LEWIS of Georgia.

H.J. Res. 38: Mr. EVERETT.

H.J. Res. 42: Ms. HART, Mr. CROWLEY, Mr. WALDEN of Oregon, Mr. OSBORNE, Mr. SKELTON, Mr. GEKAS, Mr. HAYWORTH, and Ms. GRANGER.

H. Con. Res. 102: Mr. BENTSEN, Mr. STUPAK, Mr. RANGEL, Mr. DEFAZIO, Mr. CROWLEY, Mr. RYAN of Wisconsin, Mr. UDALL of Colorado, Mr. TIERNEY, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 161: Mr. BILIRAKIS, Mr. WELDON of Florida, Mr. SHERMAN, Mr. KLECZKA, Mr. THOMPSON of California, and Mr. RADANOVICH.

H. Con. Res. 168: Mr. HILLIARD, Mr. TANCREDO, Mr. DAVIS of Florida, Mr. SHERMAN, Mr. FALOMAVAEGA, Mr. WEXLER, and Mr. HOFFEL.

H. Res. 121: Mr. KUCINICH, Mr. DEFazio, Ms. BALDWIN, Mr. ALLEN, Mr. RANGEL, Mr. McGOVERN, Ms. CARSON of Indiana, Ms. JACKSON-LEE of Texas, Ms. SLAUGHTER, Ms. MILLENDER-MCDONALD, Mr. SANDERS, Mr. GUTIERREZ, Ms. LEE, Mr. BROWN of Ohio, Mr. HILLIARD, Mr. BERMAN, Mr. ROHRABACHER, and Ms. ROS-LEHTINEN.

H. Res. 152: Mr. WOLF and Ms. JACKSON-LEE of Texas.

H. Res. 160: Mr. FERGUSON, Mr. PASCRELL, Mrs. ROUKEMA, Mr. HILLIARD, Mr. HONDA, Mr. PAYNE, Mr. SHERMAN, and Ms. PELOSI.

H. Res. 172: Mr. WELDON of Pennsylvania.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Mr. MOORE.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2299

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: In section 326 (relating to Amtrak Reform Council), after the dollar amount, insert the following: “(reduced by \$335,000)”.

H.R. 2299

OFFERED BY: MR. DEFazio

AMENDMENT NO. 2: Page 2, line 8, after “\$67,726,000” insert “(increased by \$720,000)”.

Page 9, line 14, after “\$6,870,000,000” insert “(reduced by \$720,000)”.

H.R. 2299

OFFERED BY: MS. JACKSON-LEE OF TEXAS

Amendment No. 3: Page 53, lines 15 through 17, strike section 329.

H.R. 2299

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 4: Page 15, line 24, before the period insert the following: “: *Provided further*, That the Secretary shall make available \$5,000,000 of the amount made available in this paragraph for the operation of the control center that monitors traffic in Houston, Texas, known as ‘Houston TransStar’”.

H.R. 2299

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

Agriculture FY 2002 Appropriations

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1:

SEC. \_\_\_\_\_. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy American Act”).

Energy and Water FY 2002 Appropriations

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated or otherwise made available in this act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).



United States  
of America

# Congressional Record

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

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No. 89

## Senate

The Senate met at 2 p.m. and was called to order by the Honorable JOHN W. WARNER, a Senator from the State of Virginia.

### PRAYER

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

Gracious God, without whom we can do nothing of lasting value, but with whom there is no limit to what we can accomplish, we ask You to infuse us with fresh strength and determination as we press forward to the goal of finishing the work which needs to be done before the upcoming recess. Help the Senators to do all they can, in every way they can, and as best they can to finish well. Inspire us to follow the cadence of Your drumbeat.

Strengthen the Senators in the week ahead. Replace any weariness with the second wind of Your Spirit. Rejuvenate those whose vision is blurred by stress, and deliver those who may be discouraged. In the quiet of this moment, we return to You, recommit our lives to You, and receive Your revitalizing energy.

Dear Father, we thank You for the life of Oliver Powers of the Recording Studio. We pray for his family as they and we grieve his physical death. We accept the psalmist's reorienting admonition, "Wait on the Lord; be of good courage, and He shall strengthen your heart; wait, I say, on the Lord!"—Psalm 27:14. In the name of our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHN W. WARNER led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 25, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN W. WARNER, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished assistant majority leader.

### SCHEDULE

Mr. REID. On behalf of Senator DASCHLE, I announce to the Senate that we are going to resume consideration of the Patients' Bill of Rights. We were on it all last week. There will be no rollcall votes today. We have rollcall votes scheduled tomorrow at 11:30 a.m. in relation to the Grassley motion to commit and the Gramm amendment regarding employers. We are still scheduled to finish this bill by the end of this week.

Senator DASCHLE has also indicated he wants to give every consideration to the supplemental appropriations bill. The way Senator STEVENS and Senator BYRD have been working, it should not take too long to do that. We have pending the organizational resolution.

The main item we wish to complete this week, however, is the legislative

matter we are now considering, the Patients' Bill of Rights. The prayer given by our fine Chaplain indicated we should all join together and complete the work that is at hand. The work at hand is the Patients' Bill of Rights.

### RESERVATION OF LEADER TIME

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

### BIPARTISAN PATIENT PROTECTION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1052, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans, and other health coverage.

Pending:

Frist (for Grassley) motion to commit to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions with instructions to report back not later than that date that is 14 days after the date on which this motion is adopted.

Gramm amendment No. 810, to exempt employers from certain causes of action.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, we come back today to resume debate on a very important bill to the people of this country, the Bipartisan Patient Protection Act, which we spent the better part of last week debating. It is an issue about which we have talked a great deal over the course of the last few years in the Senate. Let me discuss what the McCain-Edwards-Kennedy bill does and the reason it is important.

Fundamentally, the reason we need this bill is that the law needs to be taken from being on the side of the

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



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HMOs and put on the side of patients and doctors so health care decisions in this country are, in fact, being made by people who are trained and have the experience to make them, those being the doctors, the health care providers, for the families who are so dramatically affected by those decisions.

The purpose of this legislation is to provide certain substantive and enforceable rights to families and to children who need quality health care. For example, we provide specifically that if a member of a family or child needs to see a specialist, particularly outside the HMO plan, they can have access to that specialist.

Second, we ensure that patients who need access to clinical trials will have access to those clinical trials. Clinical trials are often the places of last resort, places where the cutting edge of medicine is being researched, and we want to be sure patients who have exhausted alternatives and need access to clinical trials—all federally approved clinical trials, including FDA clinical trials—will have access. We specifically provide that benefit in this bill.

Third, women should have access to an OB/GYN as their primary care provider. Many women rely on OB/GYNs as their primary care providers. We provide that right in our legislation.

Fourth, we want to make sure patients have access to emergency room care. If a family suffers an emergency crisis and needs to go directly to the hospital, the nearest hospital, we don't want people to first have to call the HMO, call the 1-800 number and get permission to go to the nearest emergency room. There have been many horror stories of families that could not go to the nearest emergency room because they couldn't afford it and the HMO would not pay for it. We want to be sure families have that right.

With this group of rights we wish to provide for patients and families across the country, we want to make sure every individual and family who is covered by health insurance, covered by HMO coverage, is in fact covered by this legislation. Our bill does that.

These rights do not mean anything unless they are enforceable, unless they have the force of law behind them. Without the force of law behind them, they are not a Patients' Bill of Rights; they are a patients' bill of suggestions. We want to provide a meaningful way for patients to receive the rights we are giving.

We provide several stages. If the HMO overrules the doctor and says, whatever your doctor says, I don't believe that treatment, that care, is needed, the first step is that the patient can then go through an internal review within the HMO to try to get that decision reversed, hopefully finding a group of people within the HMO who are willing to be more objective and support the decision the doctor has provided. If that is unsuccessful, the second stage is an independent review process, a panel of physicians with ex-

pertise who can look at the medical situation and decide whether or not that care should have been provided in the first instance. Last, if the patient has been injured and if these other areas have been tried, including the appeals process, the patient can take the HMO to court.

There are several stages: First, the HMO hopefully will make the right decision, in which case none of this will be necessary; second, if they don't, an internal review within the HMO to reverse the decision that has already been made; third, if that is unsuccessful, to go to an independent group of doctors who can reverse the decision of the HMO. That is independent, meaning not connected to the patient, not connected to the treating doctor, not connected to the HMO. So you have an impartial group that can reverse the decision. All of that occurs before a case goes to court.

If in fact it becomes necessary for the case to go to court, we simply want the HMOs—that for many years now have been privileged citizens that, like diplomats, get a kind of immunity in this country—we want the HMOs treated just as everybody else.

If they are going to reverse or overrule decisions that are being made by doctors, we want them to be treated exactly the way the doctors are treated; that is, if they make a medical judgment, reverse the decision of a doctor, their case will go to the same court as the doctor's case. Their case would be subject to the same State court limitations on recoveries as is the doctor's. So we leave that issue to State law.

But the bottom line principle is, No. 1, HMOs should not continue to be privileged citizens. They ought to be treated as all the rest of us. There is no reason in the world that they are entitled to be treated better than everybody else.

No. 2, if they are going to be in the business of reversing doctors, overruling doctors, making health care decisions, then they ought to be treated exactly the same way the doctors are treated.

Our legislation providing real and meaningful rights, providing a way to enforce those rights, and as a matter of last resort providing for patients to go to court if in fact they have been hurt and they have no other choice, is supported, we believe, by a majority of this body, we believe a majority of the House of Representatives, and importantly, by the American Medical Association, and virtually every health care group in America.

There is a reason for that. It is because the people who have been fighting for patient protection, the people who have been fighting for HMO reform to change this system we have in this country and to give patients more power to put the law on their side, are supporting our bill because we have real rights that are enforceable. It is a bill where the patient, along with the

patient's doctor, gets to make most health care decisions. They have more control over their health care decisions. If the HMO does not do the right thing in the beginning, they have a way to do something about it to get those decisions overruled or changed.

There has been some discussion over the course of the last 2 days on the pending amendment, the issue of employer liability. We start, I think, in principle, in agreement with the President of the United States. The President said in his written principles that he did not want employers to be held responsible in litigation—I am paraphrasing now—unless they actually made individual health care decisions. That is what our bill does.

The reason for that is very simple. No. 1, we want to protect employers. In principle, we agree about that. No. 2, if an employer, in fact, overrules an HMO and stands in its shoes, or overrules a doctor, then and only then under our bill can they be held responsible, or if they overrule the HMO with respect to how the plan applies. Basically, what we have done is we have put a wall around employers unless they step into the shoes of HMOs and start making health care decisions.

Issues have been raised. They have been raised in this debate by Senator GRAMM with his amendment. Issues have been raised by employers around the country with whom we have been talking and with whom we will continue to talk. As a result of those discussions, consistent with the principle that both the President of the United States and we have established, we have worked and we have had meetings, I will tell my colleagues, over the last few days. On Friday, for example, I met with a number of Senators from both sides of the aisle, Democrat and Republican, to try to address the language, to try to craft language that will deal with concerns that people have about this issue—a bipartisan compromise on this issue. We are continuing to work on that compromise. There are a number of Senators involved. We will continue to work on it.

But the amendment that is pending is at the extreme. It is inconsistent with the principles established by the President of the United States; it is inconsistent with our legislation, which is supported by virtually every health care group and consumer group in America. It is more extreme than the Norwood-Dingell bill that passed the House of Representatives last year. It is out there at an extreme.

We believe there is a better, more reasonable middle-of-the-road approach that will provide maximum protection to employers and at the same time not completely eliminate patients' rights. That is what we are working on. We are working on crafting language.

This is one of the issues on which we agree in principle with the President; that is, we start with the idea we would like to see employers protected unless they are overruling doctors and making individual health care decisions. Of

course, the vast majority of employers in this country never do that. They turn over the handling of the day-to-day operation of their health care plan to the people they are paying and leave it in their hands. When they do that, they will not be exposed to responsibility.

The bottom line is, what we have done in our legislation is consistent with what the President's principle provides. Even with that, since additional concerns have been raised about employers, since it is an issue about which we agree as a matter of principle, we are continuing to work with both Republican and Democratic Senators to craft a compromise which we hope a vast majority of the Members of this Senate will be able to support when we propose it.

That issue, the issue of employer liability, as I indicated, is an issue on which I think we have substantial agreement. It is an issue I think we can resolve to the satisfaction of a majority of the Senate. We believe our bill as presently constructed does that. But in the spirit of trying to have strong bipartisan support for this bill, we have continued to work on it, and we will continue to do so.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from North Carolina has outlined and characterized the situation. I would like to speak to some of the points he made and then specifically speak to a variety of issues.

To begin with, much of what the Senator said we agree with, I agree with, and I think everybody agrees. There is no issue over access to emergency rooms. There is no issue over access to OB/GYNs. All those issues have been agreed to. They were agreed to last year. They were agreed to this year.

There is no issue about the need to make sure that when someone is injured by their HMO or their provider or their insurer, they have recourse. There is no issue about that. Everybody is in agreement.

The issues come down in the classic way, in the classic line, to "The devil is in the details." The bill as brought forth by Senator MCCAIN, Senator EDWARDS, and Senator KENNEDY is essentially a "let's go to court" bill. It is not a Patients' Bill of Rights bill. I have referred to it as a "lawyers who want to be millionaires bill," and I have referred to it in other terms, but essentially it is a lawyers' rights bill. It creates an incredible number of new opportunities to bring lawsuits.

We just happened to go through and outline some of these and this chart shows them. First, you can sue your employer. Under this proposal as it is structured. That should not be our goal. Our goal should not be to create lawsuits against the employers in the country. I noticed my colleague always used the term "health maintenance"

organization, HMO. It is a pejorative—or it has become pejorative. I never heard him use the word "employer." Yet for the 56 million people who are covered by self-insured plans—plans where the employer is the one who gets sued—the fact is, you can sue the employer. What is the practical effect of that? We know the practical effect is a lot of employers are going to drop their insurance so the people who have insurance today will not have it tomorrow if this bill is passed because the employers are going to say: Hey, I am not in the business of being sued for health care problems. If a doctor makes a mistake, I don't want to be sued. If I make a product and make a mistake, I understand I will be sued, but I don't want to be sued if a doctor or nurse or pharmacist or hospital makes a mistake. I don't want to be put out of business for that.

We are talking about mom-and-pop employers. We are talking about employers who have 10, 15, 20 employees.

The average cost of a malpractice suit is \$77,000. So you have a situation where their whole profit for the year may be wiped out. Maybe you are running a small grocery store or a restaurant or a gas station. You will be wiped out because you will have to defend the suit even though you had nothing to do with it as an employer.

This bill as structured has massive liability for employers. They can be sued in the Federal court or in the State court, which is really ironic.

Brand new causes of action: There are almost 200 new causes of action under this bill for ministerial activities under which an employer may make a mistake. The damages are unlimited under those causes of action. It is not \$100 or \$200. It is not a fine from the Labor Department as it is under present law or a fine from HHS as is under present law. There is a new private cause of action that accrues against the employer for not sending the proper forms or for not informing you or for not sending you the right magazine. For anything that is under HIPAA or anything under COBRA or anything that is under ERISA, they are suddenly liable as the employer under this bill. They are brought in under this bill, and they are liable. There are 200 new causes of action.

The damages under this bill are unbelievable. Obviously, it is a bill written by the trial lawyers because there are no limitations on economic, noneconomic, or punitive damages. By putting on a new title, they are trying to go around with this classy, misty, "special assessment" In Federal court, there is a limit of \$100 million in punitive damages. Of course, they do not tell you that you can go to State courts, and in most States there is no limit on damages. This new "special assessment" is just window dressing.

Punitive damages are uncapped, economic damages are uncapped, and noneconomic damages are uncapped.

This is a lawyer's fantasy world. It is similar to a lawyer walking into Dis-

ney World to pick their forum, their most interesting forum, State or Federal. They can pick hundreds of suits. They can pick unlimited damages—economic, noneconomic.

You are going to see employers dropping their health insurance like hotcakes as a result of this; you can go straight to court.

I heard the Senator from North Carolina say: Internal appeal process, you have an external appeal process. Then, under very similar certain circumstances you can go to court. Hey, with this bill you can go straight to court.

There isn't a good lawyer in this country who would not skip the external appeals process the way this bill is structured. This is probably the single biggest problem this bill has because it is the external appeals that will settle most of the differences a patient has with their employer—whether it is an employer or an HMO—because, if you have a good external appeals process with medical expertise and independent resources, and if you require the two parties to pursue that external appeal, then at the end of the external appeal the odds are very good that the resolution is going to be fair, the parties are going to accept it, and you won't have a court action. I suspect court actions would be rare with a good external appeals process.

A good external appeals process is one such as in the Nickles bill last year or such as is in the Frist-Jeffords bipartisan bill. It is a tripartisan bill. It is tripartisan because there is an independent, a Republican, and a Democrat on the Frist-Breaux-Jeffords bill, which essentially says you can skip the external appeals and go to court. But all you get when you do that is an opportunity to get your problem taken care of. You don't get awards. You don't get awards for going to court. You essentially get taken care of, which is appropriate if you have a situation where the injury is immediate and the harm is continuing. You should be able to go to court during the external appeals process and get that taken care of, if it is necessary. That is the way the Frist-Breaux bill is written.

The way their bill is structured, you go to court, period. You don't even bother with external appeals. You allege your harm. They claim it is not alleged anymore. But, essentially, it is alleged, and you are in court. You get your damage claim going; you start suing like crazy. You pick the forum that is best, the jury that is the best, the courts that are best, and the best States, and you are off and running in the court system.

That is the way this bill is intentionally structured. It is not an unintentional event. This bill is intentionally structured in order to get more lawsuits, and in order to get more opportunities to create lawsuits. It couldn't be done for any other reason.

When you look at this list, "statute of limitation"—what statute of limitation? For all intents and purposes, they

have no statute of limitation under this bill because you can essentially bring a cause of action after 180 days. The external appeals process is eliminated. All you have to do is claim that you have just found the injury and you are off and running again. Ten years after the event, the statute of limitation is almost irrelevant under this bill.

As I mentioned, forum shopping, picking your forum, is a classic love-fest for plaintiff's lawyers.

The first thing you are taught in the trial practice courses when you go to law school is forum shopping. That is black letter education in law school. I was there. I know. I even passed that course. I think I put down "forum shopping" on every answer.

This bill puts it right at the top of the list, as you might expect. Two bites at the apple: You can sue in both courts. They are not happy enough with forum shopping.

The avarice of the trial bar in designing this bill is almost humorous it is so aggressive. They weren't happy to just put in forum shopping, which doesn't exist today. They had to go with simultaneous forums. You can bring the lawsuit in both courts. You can go to State and Federal at the same time. It is lawsuit Disney World.

Of course, you can bring multiple lawsuits. I sue, you sue, and everybody sues under this bill.

You can have class action suits, which is something you can't have under present law. There is a very good reason for that under federal law.

What is the practical effect? This is the bottom line. With all of these lawsuits, you end up with a bill that, if it were to pass, according to OMB's estimates, would cause 4 million to 5 million people to become uninsured. According to the CBO estimate, it is 1.3 million. Either way, it is a huge number of people.

They don't get patients' rights under this bill. They get no insurance under this bill because their employers are not going to be able to afford or justify giving that benefit in exchange for all the lawsuits to which they would be subjected.

What is going to happen in the real world? The bigger employers will say: All right, I know you need health insurance, but we can't manage it anymore because we just can't take the adverse risk of all of these lawsuits. So we are going to give you some money as one of your compensation functions, and you can take that money and go into the market and buy your insurance.

The only problem is that the employer's insurance plan is inevitably going to have been much better—much better for the employees than what they can go out and buy with the dollars or the voucher they are given by the employer because the employees will be out there with one voucher trying to buy their insurance in an open market, and they won't have a whole lot of

market force behind them. But an employer that maybe employs 50, 100, or even 15,000, 20,000, or maybe even 50,000 people, has huge market clout. They can get better rates, and therefore they can get better options. They can maybe get eyeglass options or drug options or a variety of other options that the employees can't get with the voucher they are going to be given by large employers.

A lot of people may not lose their insurance altogether, but the quality of their insurance under this bill is going to drop radically.

Then there are the other people who do not use employers. They are self-insurers who do not have a lot of employees. There are 100, 50, 35, or 20 people. These employers are going to say to their employees: We are sorry; we can't afford it at all. We can't afford it at all.

You are going to have a lot of people without any insurance, period.

That is the practical effect of this. There are negotiations going on. There are ways to fix this. They are not radical. They are not reactionary. They are reasonable. In fact, they are so reasonable that they have been put forward by Senators FRIST, BREAU, and JEFFORDS. As I said, it is a tripartisan bill. They have a liability section which makes sense. It is not just limited to designated decisionmakers. It is a much broader term than that. It goes to this whole issue of external appeal. It goes to the issue of punitive damages and to the issue of forum shopping. It goes to the issue of bringing in all these causative causes of actions under COBRA, ERISA, and HIPAA which are not appropriate in this bill.

So if you want to fix this bill—I hear the other side saying that on occasion; I am not sure if they really mean it. But if they want to really fix the bill, just take the Frist-Breaux-Jeffords language en bloc in the area of liability and put it in the bill. The bill would be fixed in the area of liability and external appeals. Do we see them doing that? No.

There was some discussion in this Chamber earlier about this pending amendment by the Senator from Texas, who I see is in the Chamber. The discussion from the other side essentially was: OK, you say you don't want employers to be liable. Texas law does not allow employers to be liable, so let's adopt the Texas law.

Why was that amendment offered? Because the other side of the aisle specifically said they wanted to have a bill that was almost identical to Texas law. In fact, the Senator from North Carolina used those terms. He said: This bill, as structured, is almost identical to the Texas law. So the Senator from Texas said: If it is almost identical to Texas law, let's just put the Texas law language in, which is what his amendment does; it puts the Texas law language in. And it is pretty reasonable. It is the Texas language. So now the bill would not be almost identical; it would be identical.

Since a number of the Members on the other side of the aisle said: We want the Texas law, we want what President Bush had in Texas, the Texas law is acceptable and what President Bush had in Texas, the Senator from Texas said: OK, we will put the Texas law in as an amendment. If the two are the same—and the two are the same—everybody will vote for this. We will not have to have a rollcall vote on it; we can have a voice vote.

I think you will find it is opposed by Senators on the other side of the aisle. The simple fact is, their law does not exempt employers, as does the Texas law. Their law does not exempt the lawyers. Theirs makes the employers, carte blanche, liable and opens up all kinds of opportunities to sue them, without caps, with punitive damages, and in whatever form they want to choose. The Texas law does not allow that to happen. The Texas law does protect the employer and does limit damages.

So I look forward to the vote on this amendment. I think it will test whether or not the statements coming from the other side of the aisle—that they want the Texas law—are backed up by a vote.

Mr. President, I yield the floor.  
The PRESIDING OFFICER (Mr. THOMAS). The distinguished Senator from North Carolina.

Mr. EDWARDS. Let me respond briefly to some of the comments made by my colleague from New Hampshire.

This is the same tired old rhetoric the HMOs have been trotting out for years now to keep any kind of reform from occurring. They are now, by the way, spending many millions of dollars on lobbyists and public relations campaigns, and on television, to try to defeat any kind of reform.

These are the same arguments we have heard before. We need to get past that. We need to get to talking about providing real protections and real rights for patients. That is what Senator MCCAIN and I did. We worked for many months on this legislation to address many of the issues about which my colleague has just talked but nothing ever changes. No matter what we bring to this Chamber by way of patient protection, we hear these same arguments made. Let me speak to just a couple of those arguments briefly.

First, on the issue of forum shopping, cases going to State court, I say to my colleague from New Hampshire, he should see what the Chief Justice of the U.S. Supreme Court, by way of the Judicial Conference of the United States, which the Chief Justice heads, said about this issue. He specifically said in a written letter dated March 3, 2000:

The Judicial Conference urges Congress to provide that, in any managed care legislation agreed upon, the state courts be the primary forum for the resolution of personal injury claims arising from the denial of health care benefits. . . .

What we have done in our bill is exactly what the Judicial Conference of



the United States has said should be done. We have done what the American Bar Association says should be done; we have done what the Attorneys General of the United States say should be done; and we have done what the U.S. Supreme Court said, in the Pegram decision, should be done.

I know it is a wild idea that Senator MCCAIN and I have decided to adopt the consensus of every objective group in America on this subject, including the U.S. Supreme Court. I am telling you, they would complain no matter what we did, because this is the rhetoric of antireform. That is what this argument is about.

Ultimately, this debate evolves into a very simple question: Are we going to do something about this problem or are we going to continue to kill reform legislation? We have to make a decision about whether we are going to make progress or whether we are going to obstruct progress.

Another issue my colleague raises is the issue of caps and whether there are limitations on recovery. He had his chart, which is not here anymore, that had lots of information about unlimited lawsuits and that there were to limitations. I say to my colleague, what we have done, that he does not like, is we have treated HMOs exactly the same way as every doctor, every hospital, and everybody else in America is treated.

All of the rest of us, everyone listening to this debate, whether on television or in person, is treated exactly the way we treat HMOs in this bill. They do not like that. HMOs, I am sure, would like to maintain their privileged status. That is why they are spending millions of dollars to try to defeat our legislation with respect to the specific issue of employers.

I say to my colleague, the President of the United States—the Republican President of the United States—and I am reading from his written principle—says:

Only employers who retain responsibility for and make final medical decisions should be subject to suit.

Mr. WARNER. Mr. President, will the Senator entertain a question on that point?

Mr. EDWARDS. I will, yes.

Mr. WARNER. Having had some modest comparison to my distinguished colleague in the trial courtroom, I know that is a key phrase. I am not sure just how it is going to end up, or not end up, in the legislation, depending on the amendments, but I think it would be helpful to have some legislative history on what the meaning is of an employer participating in the medical decisions of an employee.

Let's take the example of a small employer. Most often, that employer has a great deal of personal contact with his employees, has a great deal of empathy for the employee or his family stricken with some type of problem.

Suppose I were an employer, and my longtime secretary appears to be ill,

and I say: I think we had better go to the hospital. So I drive her to the hospital. Maybe some other employee in the firm drives her. Then, while in the hospital, I went to call on her, and somehow I am involved in the discussion as to whether or not an operation should be performed.

What are the circumstances by which the employer could be drawn into this type of litigation? Depending on how the bill is finally written and the law is enacted, it could well be that an employer henceforth just almost has to sever all personal relationships with employees for fear of getting drawn into a legal case.

I say to the Senator, it would be helpful, based on his experience, if he would elaborate on that issue and, indeed, point to other references in the debate or elsewhere so that we might have a legislative history to guide those who are going to follow this law in the future.

Mr. EDWARDS. I thank the Senator for his question. I think the Senator is concerned about some of the same issues others have raised and on which we have been working. I think it is a legitimate question.

I say to the Senator, what we did in our bill is have language that was intended to protect employers unless they stepped into the shoes of the HMO and actually made a medical decision essentially overruling the HMO. That was conceptually what we did in our bill, and that is conceptually what the President says in his principle.

But the practical question which the Senator asked is a legitimate question. That is the reason, I say to the Senator, we are working with our colleagues across the aisle—Republicans and Democrats—to try to craft appropriate language, because we do not want to create a disincentive. We want to protect employers, particularly the small business employers about which the Senator is talking. But I say to the Senator, it is not just the small employers.

Although they are a very small part of the population of employers in this country, we also have self-insured, self-administered plans where basically the employer is the only entity managing the health care of its employees.

What we want to do is try to find a way to provide some protection also for those employers. Those are the kinds of issues—the question the Senator asked, which is a very fair question, and the issue I just raised of the self-employed, self-administered plan—those are the kinds of issues we are trying to address without leaving the patient or the employee completely out in the cold.

I do believe there is a way to do that. It requires some work and creativity, but it can be done. Our goal in this process is the same. We want employers to be protected; we want to provide maximum protection actually for the employers without completely leaving the employee out, for example.

The problem with completely carving out the employer, as this amendment does, is that in some cases you may have an employer, a large employer, where they are a self-insured and a self-administered plan. Let's say a bookkeeper says, we are not paying for the test for the child of an employee; that child suffers some serious consequence from that. Under this carve-out, there is nowhere that child could go because there is no HMO. It is a self-insured, self-administered plan. Under the President's language, which says "only employers who retain responsibility for and make final medical decisions should be subject to suit," there would be somewhere for that child of that employee to go.

What we are trying to do—and I think it can be done—is to fashion language that provides maximum protection for the employer but at the same time doesn't leave that small group of employees that would be impacted by it completely out in the cold.

Mr. WARNER. Mr. President, I thank my colleague.

Let's talk about a large employer. I am simply the manager of a section with maybe seven or eight employees, but they are good friends. They have worked with me for a very long time. One suddenly becomes ill. Were I to drive that person to the hospital and in any other way participate in trying to alleviate the pain and suffering of the moment, would that then subject my overall firm to liability by virtue of my actions, say, as a good Samaritan?

Mr. EDWARDS. That kind of unintended consequence is exactly what we want to avoid. The issues the Senator from Virginia is discussing in this colloquy are the same kinds of issues that have been addressed by employers to us and my colleagues who are working to try to fashion language to solve the problem the Senator raises and the problem raised in the earlier example and to make sure, for an employer that has improperly been brought into a case—if they have been brought into a case and they don't belong in the case, we provide a mechanism, a procedural mechanism that they can get out of the case so they don't get dragged through a court proceeding when they don't belong there.

Those are the kinds of issues that need to be addressed, that we are attempting to address, and I believe we will find a solution to, consistent with the principle the President has laid out and the principle in which we believe.

Mr. WARNER. I thank my colleague.

Mr. EDWARDS. Mr. President, what we have done in the McCain-Edwards-Kennedy bill is structured a system that, unlike my colleague describes, is actually intended to avoid cases going to court. If we didn't want to avoid cases going to court, we would not first have an internal appeal and then have an independent external appeal. What we have learned from experience is the majority of cases get resolved. In Texas, California, and in Georgia, for

the three examples, when that system is in place, most cases get decided by that system. I think in Georgia and California there actually hasn't been a single lawsuit filed. That is good because the purpose is to get treatment to patients.

But there will be rare cases where the HMO does something inappropriate, wrongful, and, as a result, somebody gets hurt. It is not right, under our system of justice, for a family to be responsible for the rest of their lives to pay for that. If the HMO is responsible, they should be held accountable, just as all the rest of us. That is the reason we have set up this system the way it is.

What we have ultimately is real rights that are enforceable through an internal review, then an external review, and then, if necessary, if someone gets hurt, the case can go to court. And the cases that go to State court, where the HMO is treated just as everybody else, are subject to whatever State laws and caps apply to those kinds of cases. So there are, in fact, limitations. The rhetoric that there are no limitations is, in fact, not true.

The majority of States in this country have limitations on recoveries. And as the judicial conference suggested, as the American Bar Association suggested, as the State attorneys general suggested, we have sent those cases to State court, to a place where there are limitations on recovery but where we treat the HMOs not as privileged citizens anymore but just as all the rest of us. To Senator MCCAIN and me, as we worked on this, it seemed the fair, right, and just thing to do—that HMOs get treated the same as everybody else. If they are going to make medical decisions, they ought to be treated as the doctors whom they are overruling. That is exactly what the structure of this bill is.

My colleague said something that was incorrect a few minutes ago. He said that all you had to do to avoid the appeals process and go straight to court was to allege that you had irreparable harm. That is not the case. That word does not appear in our legislation. But if, in fact, someone has died as a result of what an HMO has done to them, we thought it was a little unreasonable to make the family of someone who has already died go through an appeal before they could go to court. There is not much reason for them to be exhausting administrative remedies. We think we have a commonsense approach, one that works.

The model of California, Georgia, and Texas, and other States shows that these laws work. They give patients rights. They don't result in a lot of litigation. In fact, in those three States, in spite of the rhetorical arguments being made that people will lose their health insurance, in those three States, while those laws have been in place with real patient protection, the number of uninsured has gone down, not up. So at least the evidence, according to

the three models we have used, is that people think this system works. Lawsuits are not created by it. In fact, they are avoided.

Third, the number of uninsured, at least in those three jurisdictions, has not gone up. In fact, it has gone down. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I have to say that when I listen to the Senator from North Carolina, I almost always agree with what he says, but when I read his bill, A, I never find it does what he says, and, B, I never agree with it.

First of all, when the Senator chastised some for saying his bill simply required that there be an allegation in order to escape the external review process, that was not a figment of the imagination of critics or paid lobbyists or special interest groups, as if special interest groups and the trial lawyers don't also support the Senator's bill, as if only special interests oppose it, and none supports it. But no one made that up. That is a word on page 149 of the previous version of their bill.

In fact, I raised this very issue over and over again, and the Senator and his cosponsors changed their bill to drop the word. This was not a word made up by anybody. This was a word that appeared in the original bill.

Now as for treating HMOs like everybody else, I find it a strange assertion that they are treated like doctors and hospitals. Let me explain why. First of all, I refer to the bill that is before us, the McCain-Edwards-Kennedy bill, and specifically to the section related to suing employers: "Cause of action against employers."

I begin with the assertion that this bill treats doctors and hospitals exactly the way it does HMOs.

In fact, the Senator says, by putting these cases back in State court, they are treated the same. Surely, the Senator must be aware that under State law, for example, in Texas and in California there are limits on liability for doctors and for hospitals, but there are no limited liabilities for health plans or employers under State law either in Texas or in California.

So to assert that by putting these cases that arise under Federal law—ERISA is a Federal law—by putting them back into the States they are being treated exactly the same as doctors and hospitals is factually inaccurate, because State laws often do impose liability limits on doctors and hospitals, but almost never do they impose liability limits on employers, or insurance companies, or HMOs.

Finally, so I can get on to my point, let me say that when the Senator says his bill treats doctors and hospitals exactly the same as it treats HMOs, I find that an interesting assertion. I turn to page 148 of his bill and I see an exclusion. In fact, on line 12, 148, it says: "Exclusion of Physicians and Other Health Care Professionals." This is in

the section on liability for employers. It will go into that in some detail.

I want to make this point. At the end of this section on liability for employers, it has two specific carve-outs where entities are treated very differently from employers. The first entity on line 12 is physicians: "No treating physician or other treating health care professional of the participant or beneficiary, and no person acting under the direction of such a physician or health care professional, shall be liable under paragraph (1)," which is the paragraph related to employer liability.

And then on page 149, there is an exclusion for hospitals. It says: "No treating hospital of the participant or beneficiary shall be liable under paragraph (1)."

So on page 148 it exempts the treating physician. On page 149, it exempts the hospital from the same liability section for the employer. But then, to just be absolutely certain that no one is confused, let's come down to the bottom of page 149 and see if employers are treated the same and HMOs are treated the same as doctors and hospitals. It says: "Nothing in paragraph (6)," which is the exclusion for physicians, "or (7)," which is the exclusion for hospitals, "shall be construed to limit the liability . . . of the plan, the plan sponsor, or any health insurance issuer," and the plan sponsor, of course, is the employer.

So to say that this bill treats doctors and hospitals the same way it does insurance companies, HMOs, and employers, sounds very good and reassuring. The problem is that it is not true.

Now let me begin and make the point I want to make. First of all, I send three letters to the desk and ask they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION  
OF INDEPENDENT BUSINESS,  
Washington, DC, June 22, 2001.

Hon. PHIL GRAMM,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR GRAMM: On behalf of the 600,000 small-business owners who are members of the National Federation of Independent Business (NFIB), I am writing to express our strong support for your amendment to provide an employer liability exemption modeled after the Texas managed care legislation. As you are well aware, groups on both sides of the issue agree that under Texas law, employers are explicitly exempt from liability. We will work diligently to ensure that members on both sides of the aisle support your amendment—especially those who specifically stated that they do not want employers to be held liable for voluntarily offering health care to their employees.

Small-business owners are already being forced to drop health-care as a result of the high cost of premiums; of the 43 million uninsured Americans, 26 million (61%) are small business owners and their employees. The most recent Kennedy/McCain/Edwards proposal actually increases the likelihood that more small employers and their families will join the ranks of the uninsured. For

the first time, it would authorize several new bases for lawsuits that could be initiated under federal law for unlimited damages. Employers could be sued in both state and federal courts. Their proposal does not preclude any employer from being named as a defendant in the growing number of cases that are now being filed as class action lawsuits.

If Congress enacts any legislation that exposes employers to unfair lawsuits, many small-business owners would stop offering health insurance altogether for fear that one lawsuit could wipe out their business. Even if employers are shielded from lawsuits, imposing liability on health plans would lead to higher premiums, which would then be passed on to employers and their families. Small-business owners and their employees simply cannot afford to supplement the income of wealthy trial attorneys. Fifty-seven percent of small businesses said in a recent poll that they would drop coverage rather than risk a suit that will undoubtedly threaten the livelihood of their business. It's easy to see why, given the fact that the average cost for a business to defend itself from a lawsuit is \$100,000.

Again, I commend you for your continued support on behalf of small-business owners and their employees. We look forward to working with you to ensure that employers are not penalized for voluntarily offering health-care benefits to their employees.

Sincerely,

DAN DANNER,  
Senior Vice President.

U.S. CHAMBER OF COMMERCE,  
CONGRESSIONAL & PUBLIC AFFAIRS,  
Washington, DC, June 22, 2001.

To the Members of the U.S. Senate:

As the world's largest business federation representing more than three million employers and organizations of every size, sector and region, the U.S. Chamber of Commerce is greatly concerned about the liability provisions of S. 1052, the Kennedy-McCain "Patient Protection Act of 2001", that expose employers to lawsuits and unlimited damage awards.

The U.S. Chamber of Commerce strongly supports the amendment offered by Senators Phil Gramm and Kay Bailey Hutchison to S. 1052 that would exclude employers from lawsuits for the actions of the health plans they sponsor. It should be noted, however, that this amendment, on its own, does not address other fundamental flaws in the underlying legislation, nor will it protect employers from the huge liability costs imposed on health plans by this proposal.

Employers voluntarily provide health coverage to 172 million Americans, at an average cost of \$6,351 per working family. While this amendment exempts employers from being party to a lawsuit, the cost of open-ended liability on health plans will ultimately be borne by businesses and working families. Furthermore, self-insured health plans directly pay the cost of damages and litigation out of their bottom line, even if they use a third-party administrator to make claims decisions.

Given our sluggish economy, employers will not be able to bear the passed-on costs of litigation and unlimited damage awards. Much of those costs will also be borne by employees, who, studies show, are increasingly turning down their employers' offer of coverage because they cannot afford the higher monthly premiums and out-of-pocket deductibles, coinsurance and copayments. Our health care system does not need any more litigation. In addition to supporting the Gramm-Hutchison amendment, we urge you to remedy the onerous liability provisions of S. 1052 so that employers can fully

benefit from the protection offered them by the Gramm-Hutchison amendment.

Because of the importance of this issue to working families, the small business community and the American economy, we urge you to support the Gramm-Hutchison amendment to S. 1052. The Chamber will consider using votes on or in relation to Gramm-Hutchison for inclusion in our annual "How They Voted" ratings.

Sincerely,

R. BRUCE JOSTEN.

AMERICAN BENEFITS COUNCIL,  
Washington, DC, June 22, 2001.

Hon. PHIL GRAMM,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR GRAMM: The Senate will soon vote on your amendment to limit the liability of employers under the Kennedy-McCain version of the Patients' Bill of Rights.

We strongly share your view that the Kennedy-McCain bill is fundamentally flawed and should not be enacted. It is certain to drive up health costs well beyond the double-digit increases that employers are already facing, increase the numbers of uninsured Americans and place all employer-sponsored group health plans under the constant threat of unlimited liability and inconsistent decisions made by separate state courts.

The Gramm amendment responds directly to one of the primary concerns raised by both large and small employers throughout the long debate over this legislation. There can be no doubt that many employers who voluntarily offer this highly valuable benefits to employees will be unwilling or unable to do so in the future if the Kennedy-McCain bill is enacted. There is no subtle way to express how profound and destructive the threat of constant litigation and unlimited damages would be to our nation's employer-sponsored health benefits systems.

Support for the Gramm amendment would be a vote in favor of preserving health benefits sponsored today by employers and a vote in favor of the millions of Americans who rely on health benefits through their employer today. However, it should also be clear that even if an amendment is approved to shield employers from direct liability, our position on the bill itself remains firm and unchanged. The Kennedy-McCain bill is an extreme measure that should not be enacted and the bill would still impose unacceptably high burdens on the health plans and others involved in administering employer-sponsored health benefits for which employers themselves would ultimately shoulder the higher costs.

We commend you and your supporters for offering this amendment to protect employers from the excessive liability that would result from the Kennedy-McCain bill. We urge the Senate to move next to comprehensively cure the problem that this bill poses by rejecting the Kennedy-McCain proposal and enacting a sound Patients' Bill of Rights that meets the President's principles and can be signed into law.

Sincerely,

JAMES A. KLEIN,  
President.

Mr. GRAMM. The first letter is from the National Federation of Independent Business on behalf of 600,000 small businessowners in America. They have endorsed the amendment I have offered that will be voted on tomorrow, which exempts employers from being sued under this bill.

The second letter is from the Chamber of Commerce of the United States,

the world's largest business federation, representing over 3 million employers, making this vote a key vote for the Chamber of Commerce.

Finally, the third letter is from the American Benefits Council, which is in support of this amendment.

Let me try to explain briefly what this is all about. These are complicated issues and they are very easy issues to get confused. Let me start with the Federal bill, since there has been so much talk about it. Let me be sure that everybody knows exactly what we are talking about. This is S. 1052, which is the pending bill that was originally authored by Senator MCCAIN, for himself, Senator EDWARDS, Senator KENNEDY, and others.

I will start on page 144 of the bill. A lot has been said about suing employers. Almost everything that has been said has been that you can't sue employers. I want to just go through the bill very briefly, lest there be any doubt about the fact of whether or not you can sue employers, and try to explain the concern that I have that the National Federation of Independent Business has, and that the U.S. Chamber of Commerce has about this bill, and the fact that it would expose employers to liability.

Let me remind my colleagues that employers are not required by law to provide health insurance to their employees. There is no Federal or State statute anywhere that requires that employer benefits be provided. Employers provide benefits because they choose to, because they care about their employees, or if they believe that in order to be competitive in getting good employees and holding them they have to provide benefits, they decide to do it on a voluntary basis. So the cause of not just concern, but alarm, in the business community is that under this bill it will be possible to sue not the insurance company, not the HMO, not the people who are practicing, such as doctors and hospitals, but you will be able to sue the employers.

Let me start with the language of the bill. This bill has in this section, as it does in many other sections, language that is very confusing and misleading. I want to give a simple example. Look on page 144, on line 5, it says: "Exclusion of Employers and Other Plan Sponsors," which implies that they are excluded, that you can't sue employers. And then in section (A), line 7, it says: "Causes of Action Against Employers and Plan Sponsors Precluded." Read that sentence. You say you can't have a cause of action against employers and plan sponsors; they are specifically precluded. That is exactly what the headline says.

And then it says: "Subject to subparagraph (B)," and that is where you become concerned because up here it says you can't sue them. The next line is "Subject to subparagraph (B)"—I will come back to that—"paragraph (1)(A) does not authorize a cause of action against an employer"—just as

clear as the rising Sun. You can't sue employers. But when you get down to subparagraph (B), it says: "Certain Causes of Action Permitted," and then it says: "Notwithstanding subparagraph (A)," which is what I just read, "a cause of action may arise against an employer or other plan sponsor."

In other words, paragraph (A) says you can't sue them and paragraph (B) says you can sue them. And then you have seven pages of ifs, ands, and buts about whether you can or cannot sue employers, and under what circumstances you can sue them.

And then, obviously, it gets pretty complicated. The question comes down to, what would a judge say? What would a jury say? What would some very smart plaintiff's attorney be able to do with this language?

Then the problem gets even greater because you get down to the use of terms that don't jump out at you as triggering other things. But when you understand how they fit into Federal law, they say you can sue employers. I will give you an example. On line 18 of page 145, it says you can't sue the employer except when the employer directly participates—and let me read the whole paragraph:

Direct Participation in Decisions.—For purposes of subparagraph (B), the term "direct participation" means, in connection with a decision described in clause (i) of paragraph (1)(A) or a failure described in clause (ii) of such paragraph. The actual making of such decision or the actual exercise of control . . .

It does not jump out at you that "exercise of control" means anything. It does not unless you know that under ERISA, which governs all employer benefits under Federal law, the employer is always deemed to exercise control over employee benefits.

There are 7½ pages of ifs, ands, and buts, but there is a lot of language that when it is brought into the context of existing Federal law it creates the strong potential that employers could be sued and could be sued for nothing other than simply having tried to join with their employees in buying health insurance and conducting activity that had to do with operating their business, appointing employees to interface with their health plan, their insurance company, their HMO.

Then, as if anybody would doubt the intention of this bill, it has this extraordinary section on page 148 and 149, having created this liability for employers, and then in 7½ pages talking about when you can sue them and when you cannot sue them, it then comes down and excludes physicians, excludes hospitals, and then it says:

But nothing in excluding physicians or excluding hospitals can be construed as excluding employers.

If our colleagues on the other side of the aisle wonder why it is that employers are alarmed, all they have to do is to look at the language of their bill in the context of ERISA to understand that we have a very real potential for employers to be sued.

The Texas Legislature, which has been held out to be a standard for patients' rights—in fact, if I am not wrong, Senator EDWARDS said on ABC "This Week":

The President, during his campaign, looked the American people in the eye in the third debate and said: "I will fight for Patients' Bill of Rights," referencing the Texas law. Our bill is almost identical.

Identical to what? The Texas law. Let me make it clear it is not identical. Under the bill before us, it clearly says employers can be sued. It has 7½ pages of circumstances under which they can be sued. It uses language that ties in to ERISA that suggests they might be sued, and then it excludes doctors and hospitals but specifically does not exclude employers from being sued.

That is what the bill before us does. What does the Texas law do? The Texas Legislature, when it debated and passed the Patients' Bill of Rights, did not believe that all employers were good people. It did not believe there would never be an incident where employers would do the wrong thing. It did not believe that. They debated this extensively, but they did believe they had put together a system of checks and balances.

In fact, this bill, the Republican alternative, the Breaux-Frist bill, every HMO bill, every Patients' Bill of Rights bill that has been introduced, is really modeled after State plans. One of the most prominent of those plans is the Texas plan.

In Texas they concluded there was no way they could write it that would not guarantee that employers would not be subject to being sued other than to simply exempt employers from being sued.

What they said was, in very simple terms:

This chapter—

Which relates to liability in their bill—does not create any liability on the part of an employer.

There are no 7½ pages of ifs, ands, or buts after this clause. There is no paragraph below it that says notwithstanding this provision they can be sued. This is the language of the Texas law. It does not create any liability on the part of an employer.

Let me review some of the points that have been made where people say you need to be able to sue the employer. Let me remind my colleagues that the Texas Legislature did not believe that for a minute that there would not be some employers who would be bad actors, but they concluded that the benefits of letting people sue the employer were much smaller than the potential cost because of the fear that employers might drop health insurance. In fact, I think the success of the Texas law bears out their belief that, under the Texas law, they would be better off not to allow the suits to be filed against the employer.

Some people have said: What if somebody showed up at the emergency room and the employer called up and said don't let them in? Under the bill before us and every bill that has been introduced, we have a prudent layperson standard. The emergency room is going to get paid if the person, as a prudent layperson, believes they were in danger of being harmed or dying.

What would the attending physician in an emergency room in Omaha, NE, do if some employer called up and said, my employee, Joe Brown, is coming in there, he thinks he is sick, I don't want him treated? The physician would say: Thank you, and hang up because he has no control over who is admitted to the emergency room and the HMO is required to pay.

What about the case where the employer actually tries to intervene in the decision being made by the HMO? It has been suggested that perhaps you could have it so the employer is not the final decisionmaker and would be exempt. I remind my colleagues, who is the final decisionmaker under S. 1052? Who is the final decisionmaker under Breaux-Frist? Who is the final decisionmaker under the Nickles bill? Who is the final decisionmaker under the original Kennedy bill? The final decisionmaker is an independent review panel made up of health care professionals who are independent of the health plan. How is the employer supposed to affect them? The employer can have no effect over them. By definition, under every one of these bills, the employer is not, cannot be the final decisionmaker.

I am not saying, and the Texas Legislature did not say, there were no bad employers, but what they said is what little benefit you might get by discouraging an employer from trying to interfere in a health care plan for which they are at least partially paying; whatever benefits you might get from that, you already have protections with internal and external review, but the cost of making the employer liable is so high that it is not worth it.

Let me conclude because I see my dear colleague from West Virginia is here. I know a lot of other people want to speak. I want to make this point. It is not hard for me to envision—I hope it is not hard for my colleagues to envision—that there are a lot of little businesses all over America that scrimp and sacrifice to cover their employees with health insurance.

I often talk about a printer from Mexia, Dicky Flatt, a friend of mine, an old supporter of mine from a little town in Mexia, TX. He is an old-fashioned printer. He never quite gets that blue ink off the end of his fingers.

He has about 10 employees, including his wife, including his baby son, and he probably has 8 or so other employees at any one time.

They work hard to try to provide health insurance. But there is no way, shape, form, or fashion, Dicky Flatt is

going to hire a lawyer to go through this bill. Once he hears from NFIB that he might be sued, he is going to be forced to call his 10 employees together and say: Look, I love you guys. You helped me build this business. But my father and my mother worked a lifetime to build this business. I have worked in it. My wife has worked in it. My brother worked in it. His brother's wife worked in it. My son works in it. And I am not going to put it all at risk in some courtroom because I might be sued because I helped you buy health insurance.

Our colleagues assure us, we are not after Dicky Flatt. But the problem is, they have 7½ pages of language under which Dicky Flatt could be sued. A lot of this language is pretty confusing. I am not a plaintiff's attorney, but it is pretty confusing to me and I have to figure it is very confusing to Dicky Flatt, a printer in Mexia.

Everybody talks about how good the Texas law is and how similar this bill is. I thought with all of the imperfections, I would offer an amendment that does exactly what the Texas law did. One of our colleagues pointed out that under Texas law health insurance coverage has gone up, not down. In Texas they did not believe that all 1 million employers were good, well intending people. They decided, whatever you get by allowing a person to try to sue the few who are bad, when people already have checks and balances against bad employers with internal and external review—an external review where the employer could have no impact, that whatever the benefits are of suing the employer, the cost in terms of inducing good employers to drop health coverage was more.

I am sure everybody understands unintended consequences. I don't believe for a minute the authors of this bill are trying to sue Dicky Flatt. I don't believe it. I don't believe they have evil intent. I have never thought that, never said it, and I don't believe it.

The point is, could the law produce the unintended consequence? It is complicated enough, it is contradictory enough, that I believe it might force good people such as Dicky Flatt, who might call the emergency room if one of his employees were taken to the emergency room, but it would be to say: He is coming; do everything you can to help him. Would that be intervening? If he called up and said: "I want to tell you that Sarah Brown got her finger caught in this machine and it pulled her hand in, and, my God, she is on the way there and she is bleeding something awful. Get ready. And I want you to do everything you can. Don't worry about cost, I will do whatever I can to help," is that intervening? I don't know. And he won't know. Therefore, he might cancel his health insurance.

I believe this is the safe way to do it. I am not saying I will not look at alternatives or we might not be able to work something out, but I am asking

my colleagues, don't believe that perfection has been achieved, that there is no way the current bill can be improved. If we could change 5 or 6 things in this bill, we would get 80 Members, maybe 90 Members to vote for it. This is something that needs to be changed. This is something that needs to be fixed.

I know there are a lot of clever people who think we can still do it and still sue and protect Dicky Flatt. I am not sure. All I know is the Texas Legislature, after debating this, decided they were not sure and the safest thing to do was to not allow him to be sued.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from West Virginia.

Mr. BYRD. Mr. President, has the Pastore rule run its course for the day?

The PRESIDING OFFICER. No, it has not. It will expire at 5:04.

Mr. BYRD. I ask unanimous consent to speak out of order, notwithstanding the Pastore rule.

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

Mr. BYRD. Mr. President, I understand the Senator from Michigan wishes to speak. If I may be recognized, I would like to speak for not to exceed 20 minutes, but I yield to the Senator from Michigan for not to exceed 5 minutes, and not have that 5 minutes charged against my time.

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

Ms. STABENOW. Mr. President, I thank my friend and colleague for yielding to me for a moment to bring this discussion back to what this is really all about.

First, I say to my friend from Texas, I am happy to share with his constituent of whom he spoke, on page 146 of the legislation, specifically what is meant by employers being exempted from lawsuit. It is very specific. I think we could satisfy his concerns if he were to read the bill and have an opportunity to discuss it with us. I welcome an opportunity to do that.

I will take a moment and share what happened in Michigan a few hours ago. I went back to the great State of Michigan to be with a large number of constituents who were very concerned about this legislation, people who have been involved in the health care system, doctors and nurses, and family members who have had situations occur in their own family with themselves or their children or their parents that have caused them to support this legislation, the underlying bill that is before the Senate. They believe this is critically needed because of the need to guarantee the health insurance is paying for results in health care for their families.

I will comment as I did on Friday about a situation about which my colleagues on the other side of the aisle talked, small business owners. There is a small business owner with whom I have worked very closely, a man

named Sam Yamin, who, in fact, had a situation where he had to go to an emergency room himself.

He owned a tree trimming business and had a severe accident with a chain saw and was rushed to an emergency room. The physicians were ready to operate, to save his leg, to save the nerves in his leg. They called the HMO and the HMO said, we are sorry; you are at the wrong emergency room. They packed him up, him and his wife, and moved him across town. He spent 9 hours on a gurney in the other emergency room and did not receive treatment until he literally pulled a telephone out of the wall because he was in such great pain. He ended up getting the most limited treatment. They simply sewed up his leg.

Why do I mention that? I mention that because Sam Yamin lost his business. He is a business owner who lost his business. He is a business owner who is now not only permanently disabled but, I found out today, is terminally ill. Sam Yamin did not deserve that. He paid for insurance. He was a business owner who had insurance and assumed in an emergency he could go to the nearest emergency room.

Now what happens? He and his wife Susan are flooded with bills. Does he have any recourse to go back to the HMO to hold them accountable for what happened for him and his family? No, he does not.

That is not right. That is what this bill is about. We want better medical decisions. Sam Yamin does not want the right to sue just to sue. He wanted emergency health care. He wanted an operation on his leg. He wanted to be able to go back to work in his business. That is what he wanted. I truly believe that unless we hold HMOs and insurance companies accountable for the decisions they are making, we will not get that kind of guarantee of health care. We want better medical decisions. That is what we want. We know the States that have enacted these kinds of protections don't have the lawsuits being talked about. They have better medical decisions. That is what we are looking for. We want to make sure decisionmakers know they better pay attention; they better get it right; they better give people the health care they are paying for; otherwise, they will be held accountable.

That is what this is about. That is why it is so important and that is why I am going to come to the floor every day and speak on behalf of Susan and Sam Yamin and all the other families in Michigan who are counting on us to get this right.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Presiding Officer. I also thank the majority whip for his courtesy.

Mr. President, I am speaking on a subject that is not germane to the debate this afternoon.

The PRESIDING OFFICER. The Senator from West Virginia.

#### NATIONAL MISSILE DEFENSE

Mr. BYRD. Mr. President, the President has recently concluded his trip to Europe, where he attempted to convince European leaders of the need for the United States to deploy a national missile defense system. It seems that our friends in Europe still have the same reservations about this apparent rush to a missile shield, and I can understand why. While I support the deployment of an effective missile defense system, there are a number of reasons why I believe it is not as easy to build such a system as it is to declare the intent to build it.

One cannot underestimate the scientific challenge of deploying an effective national missile defense system. The last two anti-missile tests, performed in January and July of 2000, were failures. In response to these failures, the Department of Defense did the right thing. The Department of Defense took a time-out to assess what went wrong, and to explore how it can be fixed. The next test, scheduled for July of this year of our Lord 2001, will be a crucial milestone for the national missile defense program. All eyes will be watching to see if the technological and engineering problems can be addressed, or if we have to go back to the drawing board once more.

It must also be recognized that no matter how robust missile defense technology might become, it will always—now and forever—be of limited use. I fear that in the minds of some, a national missile defense system is the sine qua non of a safe and secure United States. But the most sophisticated radars or space-based sensors will never be able to detect the sabotage of our drinking water supplies by the use of a few vials—just a few vials—of a biological weapon, and no amount of anti-missile missiles will prevent the use of a nuclear bomb neatly packaged in a suitcase and carried to one of our major cities. We should not let the flashy idea of missile defense distract us from other, and perhaps more serious, threats to our national security.

If deployment of a missile defense system were to be expedited, there is the question of how effective it could possibly be. Military officers involved in the project have called a 2004 deployment date “high risk.” That means that if we were to station a handful of interceptors in Alaska in 2004, there is no guarantee—none, no guarantee that they would provide any useful defense at all. Secretary of Defense Donald Rumsfeld has downplayed this problem, saying that an early system does not have to be 100 percent effective. I believe that if we are going to pursue a robust missile shield, that is what we should pursue. I do not support the deployment of a multi-billion dollar scarecrow that will not be an effective defense if a missile is actually launched at the United States.

The New York Times has printed an article that drives this point home. The newspaper reports on a study by the Pentagon's Office of Operational Test and Evaluation that details some of the problems that a National Missile Defense system must overcome before it can be considered effective. According to the New York Times, the authors of this internal Department of Defense report believe that the missile defense program has “suffered too many failures to justify deploying the system in 2005, a year after the Bush administration is considering deploying one.”

The article goes on to state that system now being tested has benefitted from unrealistic tests, and that the computer system could attempt to shoot down inbound missiles that don't even exist. If the Department of Defense's own scientists and engineers don't trust the system that could be deployed in the next few years, this system might not even be a very good scarecrow. Let the scientists and engineers find the most effective system possible, and then go forward with its deployment.

Let us also consider our international obligations under the Anti-Ballistic Missile (ABM) Treaty of 1972. The President has begun discussions with Russia, China, our European allies, and others on revising the ABM Treaty, but so far the responses have been mixed. I suggest that it is because our message is mixed. On one hand, there is the stated intent to consult with our allies before doing away with the ABM Treaty. On the other, the Administration has made clear its position that a missile defense system will be deployed as soon as possible.

It is no wonder that Russia and our European allies are confused as to whether we are consulting with them on the future of the ABM Treaty, or we are simply informing them as to what the future of the ABM Treaty will be. We must listen to our allies, and take their comments seriously. The end result of the discussions with Russia, China, and our European allies should be an understanding of how to preserve our national security, not a scheme to gain acceptance from those countries of our plan to rush forward with the deployment of an anti-missile system at the earliest possible date.

What's more, Secretary of State Colin Powell said this past weekend that the President may unilaterally abandon the ABM Treaty as soon as it conflicts with our testing activities. According to the recently released Pentagon report on missile defense, however, the currently scheduled tests on anti-missile systems will not conflict with the ABM Treaty in 2002, and there is no conflict anticipated in 2003. Why, therefore, is there a rush to amend or do away with the ABM Treaty? Who is to say that there will not be additional test failures in the next two and a half years that will further push back the test schedule, as well as potential conflicts with the ABM Treaty?

There is also the issue of the high cost of building a national missile defense system. This year, the United States will spend \$4.3 billion on all the various programs related to missile defense. From 1962 to today, the Brookings Institution estimated that we have spent \$99 billion, and I do not believe that for all that money, our national security has been increased one bit.

The Congressional Budget Office in an April 2000 report concluded that the most limited national missile defense system would cost \$30 billion. This system could only hope to defend against a small number of unsophisticated missiles, such as a single missile launched from a rogue nation. If we hope to defend against the accidental launch of numerous, highly sophisticated missiles of the type that are now in Russia's arsenal, the Congressional Budget Office estimated that the cost will almost double, to \$60 billion.

We have seen how these estimates work. They have only one way to go. That is always up.

However, that number may even be too low. This is what the Congressional Budget Office had to say in March 2001: “Those estimates from April 2000 may now be too low, however. A combination of delays in testing and efforts by the Clinton administration to reduce the program's technical risk (including a more challenging testing program) may have increased the funding requirements well beyond the levels included in this option [for national missile defense systems].” Is it any wonder that some critics believe that a workable national missile defense system will cost more than \$120 billion?

Tell me. How does the Administration expect to finance this missile defense system? The \$1.35 trillion tax cut that the President signed into law last month is projected to consume 72 percent of the non-Social Security, non-Medicare surpluses over the next five years. In fact, under the budget resolution that was passed earlier this year, the Senate Budget Committee shows that the Federal Government is already projected to dip into the Medicare trust fund in fiscal years 2003 and 2004. The missile defense system envisioned by the Administration would likely have us dipping into the Social Security trust funds as well—further jeopardizing the long-term solvency of both Federal retirement programs. This is no way to provide for our nation's defense.

I must admit that I am also leery about committing additional vast sums to the Pentagon. I was the last man out of Vietnam—the last one. I mean to tell you, I supported President Johnson. I supported President Nixon to the hilt.

I have spoken before about the serious management problems in the Department of Defense. I am a strong supporter of the Department of Defense. When it came to Vietnam, I was a hawk—not just a Byrd but a hawk. I



am not a Johnny-come-lately when it comes to our national defense.

As Chairman of the Appropriations Committee, I find it profoundly disturbing that the Department of Defense cannot account for the money that it spends, and does not know with any certainty what is in its inventory. These problems have been exposed in detail by the Department's own Inspector General, as well as the General Accounting Office. Ten years after Congress passed the Chief Financial Officers Act of 1990, the Department of Defense has still not been able to pass an audit of its books. The Pentagon's books are in such disarray that outside experts cannot even begin an audit, much less reach a conclusion on one!

Although it does not directly relate to this issue of national missile defense, I was shocked by a report issued by the General Accounting Office last week on the Department of Defense's use of emergency funds intended to buy spare parts in 1999. Out of \$1.1 billion appropriated in the Emergency Supplemental Appropriations Act for Fiscal Year 1999 to buy urgently needed spare parts, the GAO reported that the Pentagon could not provide the financial information to show that 92 percent of those funds were used as intended. This is incredible. This Senate passed that legislation to provide that money for spare parts. That is what they said they needed it for. That is what we appropriated it for. Congress gave the Department of Defense over a billion dollars to buy spare parts, which we were told were urgently needed, and we cannot even see the receipt!

If the Department of Defense cannot track \$1 billion that it spent on an urgent need, I don't know how it could spend tens of billions of dollars on a missile defense system with any confidence that it is being spent wisely.

As a member of the Armed Services Committee and the Administrative Co-Chairman of the National Security Working Group, along with my colleague, Senator COCHRAN, who was the author of the National Missile Defense Act of 1999, I understand that ballistic missiles are a threat to the United States. I voted for the National Missile Defense Act of 1999, which stated that it is the policy of the United States to deploy a national missile defense system as soon as it is technologically possible. Now, I still support that act. But I also understand that an effective national missile defense system cannot be established through intent alone. Someone has said that the road to Sheol is paved with good intentions. Good intentions are not enough. I think there might be a way toward an effective missile defense system, and it is based on common sense. Engage our friends, and listen to our critics. Learn from the past, and invest wisely. Test carefully, and assess constantly. But most of all, avoid haste. We cannot afford to embark on a folly that could, if improperly managed, damage our national security, while costing billions of dollars.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator from West Virginia withhold his request for a quorum?

Mr. BYRD. I withhold my suggestion.

#### BIPARTISAN PATIENT PROTECTION ACT—Continued

AMENDMENT NO. 810

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank my good friend and colleague from West Virginia and thank the Chair. I also thank my good friend from Iowa who has agreed to let me speak for a few minutes and who is also helping with the easel. He is what you would call a full service Finance Committee ranking member.

I am here today to talk about the Gramm amendment to the McCain-Kennedy patient protection bill. I have been in this Chamber before to talk about this issue as it affects small businesses.

In my role as ranking member, and formerly as chairman, of the Small Business Committee, I have had the opportunity to hear from lots of small businesspeople, men and women from around the country. There are an awful lot of them from Missouri who have called me to express their concerns. Let me tell you they have some very real concerns about this McCain-Kennedy bill.

The particular issue before us today deals with whether or not employers should be able to be sued through new lawsuits permitted by the McCain-Kennedy patient protection bill which is supposed to be targeted against HMOs.

We keep hearing how they want to sue the HMOs. Our colleagues on the other side of the aisle seem to be of two minds on this issue. Some adamantly refuse to admit that their bill actually permits litigation against employers at all. They claim that only HMOs can be targeted. That is simply flat wrong. This has been pointed out numerous times in this Chamber by me and by my colleagues who have actually read the language from the McCain-Kennedy bill, which I have before me.

I encourage any American who has been confused by the claims and counterclaims on whether the McCain-Kennedy bill allows any suits against employers to get a copy of the legislation. Go to the bottom half of page 144 and read the truth for yourself. Page 144 has the good news that:

Subject to subparagraph (B), paragraph (1)(A) does not authorize a cause of action against an employer or other plan sponsor maintaining the plan. . . .

That is the good news.

The bad news is that part (B) says: "Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor" under certain clauses and pages and exceptions; and it goes from the bottom of page 144 to pages 145, 146, 147, and 148. That is how you can be sued if you are an employer.

There are some on the other side of the aisle who admit their legislation allows trial attorneys to go after employers but claim these lawsuits are only permitted in narrow circumstances. I give those colleagues and friends credit for greater honesty, but I fault them, nevertheless, for bad analysis because the fact is, the so-called employer exemption from lawsuits in the McCain-Kennedy bill is an extremely complicated and confusing piece of legislative language that will inevitably subject large and small employers to lawsuits and the high cost of defending them.

Before I came to this body, I practiced law. I know what a gold mine of opportunity rests in this language. Oh, boy, if I were on the outside and this were the law, and I wanted to sue an employer, this would be an interesting but not difficult challenge.

We all know you really cannot protect anyone 100 percent from being sued. For better or for worse, any American, with just a little help from a clever attorney, or just an average attorney, can file a lawsuit against any person or any business. The case may be dismissed almost immediately, but they can still file it.

What this means is, if we want to protect employers from frivolous litigation—and this is what everybody says they want to do—we need to give employers protection that will help them get the frivolous lawsuits dismissed immediately, before the lawyers' fees really start to build up. To get these immediate dismissals, you really need clear, distinctive language that makes 100 percent clear what types of lawsuits are and are not allowed.

How does the Gramm amendment make that clear distinction? By saying that you cannot sue your employer, period.

How does the McCain-Kennedy bill try to make a clear distinction on which they say employers can rely? They have a basic guideline that says employers can't be sued, but then they have four entire pages of exceptions, definitions, and clarifications that substantially weaken and confuse that protection. In those four pages there are enough ambiguous words, phrases, and concepts to keep trial attorneys in business for years.

If a plaintiff's lawyer is clever enough—and whatever else I think about them, I know my friends in the trial bar are clever—they are going to find ways to bring lawsuits against employers. In their zeal to get at deep-pocket employers, trial lawyers are going to poke and prod at every word of these four pages looking for weaknesses. Many, or most, will be able to find something to convince a judge not to dismiss a case. The result: A raft of new lawsuits against employers, added expenses, and an enhanced fear of being sued.

That scares the devil out of employers all across the country, as it should,

because if there is one thing our legal system has shown employers, it is that their fear is justified; they are not paranoid; they really are coming after them.

The cost to defend a single lawsuit can easily extend into the tens or hundreds of thousands of dollars. Particularly for these small employers, these expenses are difficult, if not impossible, to bear and could put them out of business. Even if the employer has some type of insurance to cover this legal exposure, the cost of insurance can be a scary prospect in and of itself.

I mentioned before in this Chamber I have received hundreds of letters from small businesses in Missouri. The first issue that almost all of them bring up is whether they can be sued under the McCain-Kennedy bill. Let me read just a few points from a few of them. Simply put, this issue is their No. 1 concern when it comes to patient protection legislation.

Here is one from a lumber company:

We are currently extending health insurance coverage to our 25 employees. We pay two-thirds of the premium; employees pay one-third. At our last renewal, we were faced with an 18-percent increase, some years in the past being even greater. Future increases will force us to continue to offer less coverage. If Senator KENNEDY's bill passes, this may just be the nail in the coffin. We are willing to suffer with higher prices to an extent, as long as they are fair and justified, but we are not willing to open ourselves up to the liability that this bill may subject us to.

Here is another one, a small business, a fabricator:

We are a small company with less than 25 enrollees in our health plan. With the increase in health care costs, utilities, and supplies, we are not making much of a profit. And if this continues, we may not be able to stay in business. We employ between 50 and 75 employees. We also do not see how an employer can be held legally responsible for medical court cases. We will eventually be forced, by Mr. Kennedy's bill, to cancel our health plans because of the liability and cost.

In fact, the National Federation of Independent Businesses—one of the strong voices for America's small businesses—believes so strongly about this amendment that they are going to list it as a key vote: Are you with us or are you against us? Small businesses are going to know by how our colleagues vote on this amendment.

For those folks fortunate enough not to be familiar with the ways of Washington, that means that they believe the vote on this amendment will be one of the most important votes cast during the entire year. They intend to use it in their evaluation of Senators' voting records.

All this begs the question: If employers so well protected by the McCain-Kennedy bill, why are they so scared? Why is NFIB placing such a level of importance on this vote? Why are small businesses in Missouri sending me these letters? Is it because they are not protected? The answer is, they are not well protected.

The McCain-Kennedy bill made a halfhearted try and failed. I related last week several times what the running score was of small businesses that said that they would be forced by this measure to get rid of health care coverage for their employees. Here is today's total: 1,751. That is just a small sample nationwide. These are the number of employees whose employers have written us since they saw the details of the McCain-Kennedy legislation to say they don't want to be involved in tort reform roulette on health care costs. If McCain-Kennedy passes unamended, if their exposure is as written in this compendium of exceptions, exclusions and qualifications, they will terminate their health care plans. Total number of employees covered to date: 1,751.

I suggest that is just a microcosm of small businesses across the country. I have talked to others who have not written in. In our country, most employers voluntarily offer health care coverage, and they are the source of health insurance for the majority of Americans. Overwhelmingly, Americans are employed and get their health care coverage from their employer. The quickest way to destroy the system we now have is to create an atmosphere where employers stop their voluntary willingness to offer coverage. Sure, it is an important benefit, but who wants to be hauled into court if one of their employees has a medical or health care complaint?

Right now we have 43 million Americans who are not covered by health insurance. We have debated many measures in the Senate to find out how to cover those employees. I was terribly disappointed that on a party-line vote last week, this body voted to reject my effort to give 100-percent deductibility for self-employed people. We have been fighting to get that done for a long time. This is a tax bill. It is going to be a tax bill. There is no question about that. That tax provision to get more people covered should have been included.

What we are talking about now is expanding significantly the number of uninsured Americans. Sixty percent of the 43 million who are not covered now are employees of small business. We don't want to add to that number and add to the 43 million. Given the lottery nature of our current legal system, I can't think of anything that would make the employers more fearful and more likely to drop coverage than to say: Hey, you are not authorized to file suit against your employer but notwithstanding subparagraph (A), cause of action may arise against an employer or other plan sponsor, et cetera, et cetera, page after page.

If we want to avoid American businesses dropping coverage on a wholesale basis, employers need to be protected from lawsuits. That is quite simply what the Gramm amendment does. We need to get good health care coverage for all Americans. Yes, we need to give them internal and exter-

nal appeals. We need to make sure they do not get shortchanged. If they get denied coverage, they need to go to another doctor who is independent, who could order their HMO or their health plan to provide them coverage. What they don't need is to start suing their employers because employers will drop health care coverage like a bad habit, if they think they are going to be subjected to a whole range of lawsuits as a result of the dissatisfaction of an employee with health care coverage.

I hope our colleagues will take a look at the impact of this on small businesses and their employees and accept the Gramm amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could enter into a colloquy with my friend from North Carolina, the manager of the bill, I have been on the floor now for a week relative to this legislation. It is interesting to see how the scapegoats come and go.

Does the Senator from North Carolina remember last week that the big boogeyman was the fact that this was a disguise to get socialized medicine, that what the intent really was was to have this onerous bill pass and everyone would drop their insurance and we would have socialized medicine? Does the Senator remember that?

Mr. EDWARDS. I do remember that.

Mr. REID. Does the Senator remember that they were talking about a States rights issue; that it was none of the business of the Congress; that all of these States were doing a good thing; let them do what they want with how they handle patients and doctors. Does the Senator remember that debate?

Mr. EDWARDS. I do remember it.

Mr. REID. There was a significant period of time last week when there was some discussion about this legislation allowing HMOs to be sued, as if that were some novel approach to the law, to the world. Does my colleague remember that, when it was a surprise that they read the bill and, lo and behold, HMOs could be sued? Does the Senator remember that discussion?

Mr. EDWARDS. I do.

Mr. REID. The assertion regarding socialized medicine is, for lack of a better description, kind of foolish. Regarding States rights, they learned very quickly that wasn't much of a winner. Then the fact that they were surprised about the lawsuits, of course, that was a surprise that they were surprised.

I also was here, as the Senator from North Carolina was, when they spent a great deal of time talking about this novel concept they came up with, that you should be able to deduct 100 percent of the cost of an employer's health insurance. What they failed to tell us is that is something we have been pushing for a long time. In fact, it was put in the tax bill of the former chairman of the committee who is now present. That was put in the tax bill. Of course, it was taken out in conference. My colleague remembers that. As a result of

the games being played, that amendment was defeated.

Today, starting the second week of this debate, I now see a new ploy; that is, they suddenly are saying that now you can file lawsuits—and we are OK with that—but what you are doing is, all the employers in America are going to be sued as a result of having health insurance for their employees, and they are going to drop all their insurance.

With this as a background, I want the Senator from North Carolina to comment about the latest direction; that is, that employers will be sued to death.

Prior to addressing that, I want the Senator to recognize that I have been here longer than the Senator from North Carolina. I have heard this NFIB argument for almost 20 years. If you do this, the NFIB is going to send out a note that you are a bad legislator and they should not vote for you.

In my approximately 20 years in the Congress—I could be mistaken because I am sure once in a while they do it just to look good—I have never known the NFIB to support a Democrat. So all these threats about “you do this and we are not going to support your candidacy,” the vast majority of the time, the NFIB is a front for the Republicans. I am saying that; the Senator does not have to agree with me. To this Senator, the threats we have heard today that “the NFIB is not going to support you” is no threat to me. They have never supported me, no matter what I did or didn’t do.

I would like the Senator to respond to the several questions I have asked. But prior to responding, I have the greatest respect for the senior Senator from Texas. He is a fine man, a good legislator. He has a Ph.D. in economics. He taught economics. If he were here—he knows me well enough and I know him well enough—I would say that with his being in the Chamber. As to his reference to his friend Dicky Flatt, which he uses all the time, I think Dicky Flatt and others better be very careful of people such as my friend, the senior Senator from Texas, giving legal advice. He can stand here and give some good economic advice, but the legal advice we should look at very closely. I think Dicky Flatt should look at that.

I ask my friend from North Carolina, to whom I can’t give sufficient superlatives as being more than renowned in the law, a person who has made a reputation around the country as being a good lawyer, to give some comment to the Senate and to those within the sound of our voices as to what he thinks about these continual statements made today—in fact, people are reading the same information. The same person wrote the same speech for several people. I would like the Senator to tell me and the rest of the Senate the fear that an employer who has health insurance for his employee should have as a result of this legislation.

Mr. EDWARDS. I will respond to the Senator’s question. I say to my colleague from Iowa, who has been waiting for some time, that I will be brief and I will yield the floor to my friend because he has been waiting to speak.

First of all, the arguments being used serially, one after another, are all arguments that have been trotted out by the HMOs for years now. They are the arguments they make to avoid any kind of reform. They like it just the way it is now. They are different than every other business entity or individual in America, and they want to maintain the status quo. The Senator knows very well that they are spending millions of dollars on lobbyists, public relations, and on television to defeat any kind of HMO reform. So these arguments go to a really fundamental question: Are we going to move forward or are we going to stay where we are?

There is a consensus in this country among the American people, among the Members of this body, among the Members of the House of Representatives, and among virtually every health care group and consumer group in America, that this needs to be done—“this” being The Bipartisan Patient Protection Act.

There is a reason for that consensus—because we need to do something about this issue that has lingered for so long. For every day that passes, while we engage in what sometimes is high rhetorical debate on the floor of the Senate, there are thousands of American citizens, children and families, who are being denied the care for which they have paid.

Now, it is all well and good for us to have an academic discussion in the Senate about this issue. But there are families and kids all over this country who are not getting the tests they need, not getting the treatment they need, not getting the medical care they need because this legislation has not been passed.

Now, having said that, let me respond specifically to the Senator’s question. First, as to the employer liability issue, the Senator knows that JOHN MCCAIN and I worked for months on it. There was a bill in the House of Representatives—the Norwood-Dingell bill—which passed and provided somewhat broader exposure of employers to liability. Senator MCCAIN and I worked, because we are concerned about this issue and we want employers to be protected, to draft our bill with that goal in mind.

President Bush has issued a written principle which is almost identical to our bill. He says, as we say, that unless an employer actually makes a medical decision on an individual patient, they should be exempted from liability. We believe that is what our bill does. The Breaux-Frist bill—the other bill—has another model, what is called a “designated decisionmaker.” But it also holds employers, through the designated decisionmaker, responsible

where they make individual medical decisions.

So what we have is our bill, the Norwood-Dingell bill that already passed the House, President Bush’s principle, and the Breaux-Frist bill, all of which start with a very simple concept; that is, employers ought to be protected unless they step into the shoes of the HMO and make medical decisions.

The only different position is that of Senator GRAMM in his amendment. His position is inconsistent with all those positions, including the President’s, inconsistent with the legislation that passed the House, inconsistent with the Breaux-Frist bill. His position is the extreme position. What we are working on as I speak—and we worked on it this past week and over the weekend, Republican and Democratic Senators both—is language that we believe will be appropriate and will help provide more protection for employers.

But what can’t be left out of this discussion is the patients; you can’t forget the patients. I listened to my friend from Missouri speak a few minutes ago. I didn’t hear the words “patient,” “employees,” or “families” spoken by him. I think his concern about employers is to be respected, and that is the reason we want to work together on this issue. We have to always keep in mind, when we are trying to protect employers, that we also have the rights of employees and patients to take into account.

So the right approach is an approach that allows us to provide maximum protection for the employers, without completely ignoring the interests and, in fact, protecting the interests of the patients at the same time. We believe that is what we do. We believe that is what the President has suggested.

There are issues in this debate about which there is great disagreement, but this is not one of them. This is one where regarding the President in his principle, us, and the Breaux-Frist proposal, there are minor differences between them. The bottom line is that all of those start with a simple concept and principle. It is a matter of making sure the language works in an effective day-to-day way.

Mr. REID. I heard the Senator say right now the legislation, in his estimation, protects employers, but if there can be more refinement to that, he will be happy to work with whoever can give him that language; is that true?

Mr. EDWARDS. That is true. We will continue to work on it, going forward. We are continuing to work on it as we speak. If we can find a way to maximize protection for employers with appropriate language and, at the same time, not ignore the interests of the patients, we will do that. I believe that can be done. So do Senators on both sides of the aisle who are talking about this particular issue.

Mr. REID. If, however, we didn’t change it in any manner, you could still rest well at night that you and Senator MCCAIN had worked very hard

to take care of this issue on employer liability.

Mr. EDWARDS. We have. We worked long and hard. I believe we have protected employers from many of the concerns that those across the aisle and on both sides of the aisle have raised. But I am the first to say this is an issue on which we should work together to make sure we have language that works to protect America's employers.

I yield to my friend from Tennessee.

The PRESIDING OFFICER (Mr. HOLINGS). The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, the Senator from Iowa has graciously agreed to let me hold forth here for just a few minutes. If no one has an objection, I ask unanimous consent that he be recognized immediately after me. I don't expect to take more than 5 minutes.

Mr. REID. Reserving the right to object, I could not hear the Senator.

Mr. THOMPSON. I will speak about 5 minutes and then the Senator from Iowa will speak for himself on how long he wants.

Mr. GRASSLEY. I intended to speak as long as I wanted to speak just as everybody else has been doing all afternoon.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I have been listening to the debate, and it sounds to me as if we are making progress with regard to this employer issue. We started out without a recognition that this bill provided substantial exposure to employers. The statements that were made by the sponsors of the bill were that they really didn't intend to hold employers liable, except under very limited circumstances. Now, apparently, they agree that perhaps there was more exposure there than was originally intended.

So, as I understand it, some discussions are taking place now to, hopefully, bridge the difference and provide additional protection for employers because what we are doing—what I understand the purpose of the legislation is—is to provide some judicial access, judicial relief against health care plans and against HMOs, and that the thrust of this legislation was not to hold employers liable because employers don't even have to provide these plans if they don't want to.

While it is all well and good to suggest that we give people new remedies and rights, we have to balance that out with the realization that it is going to have some repercussions.

If we go too far and do too much to penalize employers, they are going to walk away from health care coverage. Instead, as pitiful as some of these stories are that we have heard over the last several days about what has been done to individual patients, I hope we do not come back in a couple of years

and have to listen to people who have no insurance at all because of legislation we passed driving employers—and small employers—out of the health care business. That is a real possibility, and nobody wants that. We need to be careful.

I suggest that if we really want to carve employers out of the lawsuit business, if we did not mean to cover employers, all we need to do is say so. All we need to do is provide an exemption for employers the same way we provide exemptions for doctors and the same way we provide exemptions for treating hospitals. We provide blanket exemptions for them, but we have to go through all these various pages of rigmarole and definition to try to figure out when an employer who is providing this health care coverage can be sued and when he cannot be sued.

The law of Texas has been upheld. The President's name has been invoked. The law of Texas has been used as an example. The law of Texas exempts employers from their plan.

The concern is there is a group of employers who are basically self-insured who handle these claims on the front end themselves. They do not hire this out. They do it themselves. I believe if you talk to professionals in the industry, they will say that some of the best plans with some of the most comprehensive coverage of any of the plans out there are these self-insured plans. One of the reasons may be that they cut out the middleman. They do not have an HMO to deal with at that stage of the game, and they provide good, comprehensive coverage for their employees.

By definition, they are making decisions on the front end. By definition, under this bill, from the day it is passed, they will have exposure. One might argue that is a good thing or one might argue that is not a good thing, but there is no question with regard to those plans, some of the better plans out there—because employers decided to provide these plans, they wanted to cover their employees, they wanted to do it themselves—that they will be exposed.

One has to ask oneself, what are they going to do the day after this legislation is passed? Are they going to continue to hold themselves for this kind of additional liability? Are they going to contract it out to a third person and pay the additional freight to get them to assume the liability, driving up costs all along the way? I do not know what they will do. I know what they will not do. They will not stand pat.

The things we do in this Congress have an effect on the lives of the American people, whether it be raising taxes, lowering taxes, or whatever. There will be some repercussions in terms of the behavior of these employers. I hope it is not to wind up with less coverage and fewer of these good plans.

One says: They are not going to have anybody to sue if you do not have HMOs and the employers are involved

on the front end of it. This bill has set up an elaborate external review entity.

My colleagues say we do not talk enough about patients. This legislation sets up a review entity that allows an independent qualified individual or group of individuals to make decisions with regard to whether or not that employee is being treated fairly. That is a strong move in the direction for patient protections. If we stopped right there and did not do anything else, that would be a major move in this legislation, away from the simple ERISA coverage we have right now.

This bill spends 10, 12 pages setting up this external review process and the external review entity on how they have to be qualified, how they have to be independent, how we have the Secretary looking over their shoulder, all of which is designed to protect the patient.

Under this system, if the entity rules against coverage, then they can go to court and sue, or if he rules for coverage, it goes to another independent individual who is the independent medical reviewer. So there is another level of independent protection for the employee.

It is not as if they are out there hopeless and helpless and totally at the mercy of the employer. The employer may have had some discretion on the front end for sure and made some decisions for sure, but then he goes through this independent appeals process where people who have no relationship with the employer make the decisions as to whether or not there is coverage.

We have exempted doctors. We have exempted hospitals. HMOs are not different in this country from many other entities and entities that have been created in this bill. We exempt States from certain lawsuits. We exempt the Federal Government from certain lawsuits.

The Senator from North Carolina and I are exempted from the things we say in this Chamber. We are protected because there are tradeoffs. Everybody knows that. We make decisions because of public policy reasons to make tradeoffs. If we want to encourage certain conduct, we are willing to make tradeoffs the other way.

It is unfair, when we are in the context of a particular area, legislation dealing with health care, to pick and choose as to among whom we are going to make those tradeoffs, especially if we are giving exemptions to the people who are providing health care—doctors and hospitals—and we do not give exemptions for the people who are providing the health coverage, the employers.

That is the gist of what we are dealing with, and hopefully we can work out some agreement.

My bottom line is, if you do not want to cover employers, and if you believe we may be in danger of causing some good folks to say it is not worth the additional headache, it is not worth the additional exposure, it is not worth the

additional expense to set up different entities to protect ourselves, if we are concerned about that, we need to take that into consideration with any resolution, not to mention the exposure this bill has under other provisions of ERISA.

We have not even talked about that. At least I have not. I have not heard any discussion about that. Employers have exposure under COBRA, under HIPAA, under other areas of ERISA that have nothing to do with health coverage. They have employer exposure if they make any mistakes in dealing with that.

Remember we debated Kennedy-Kassebaum, and we decided people needed to have more portability with their insurance. We decided the fair thing to do was to give them more portability for their insurance and included a penalty of \$100 a day plus injunctive relief for an employer who did not behave himself. We debated this liability issue then, and we decided not to do it.

Now what we are doing parenthetically in this HMO bill is bringing back Kennedy-Kassebaum and bringing back COBRA and saying in addition to these penalties we put on the employers when we considered that, we are now going to open that up to litigation and lawsuits. That is a major step, and it should be done only with maximum consideration, and it must be considered in the context of any treatment of employer liability in any compromise we might fashion.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the Senator from Tennessee for what he just said. It was very good for me to let him respond to the other people who have spoken. I particularly suggest to the Senator from Tennessee that there is probably not as much concern on the part of the proponents of this legislation as to whether or not some of the self-employed plans will be abandoned if this bill passes because the Washington bureaucrat has an answer to that problem.

That problem is, we will do what President Clinton suggested in 1993 in his health care plan. We will mandate that every employer has to have insurance for their employee. Just mandate, don't worry about whether or not they can afford to do it. Just pass a Washington mandate that you have to offer this type of insurance.

However, 42 million people in America today do not have health insurance. That number will increase if this bill passes as it currently reads. There will be things done in this bill that will not cause that to happen, if people on the other side of the aisle are willing to compromise. However, if they don't compromise, for these 56 million people who are in self-insured plans, if some of those are abandoned by employers because they don't want the threat of a lawsuit hanging over their head, that number will be increased.

That was suggested in 1993. That was not well received.

It has been suggested after Senator BOND spoke that he never mentioned the word "patient," as if he has no concern about patients being treated fairly and right. That is what Senator BOND's speech was all about. He was concerned that if this legislation passes as it is written, that employers that have self-insured plans—that don't have to offer those plans if they don't want to, but they do offer them because they want to have a good fringe benefit package for their employees—if they drop those for their employees, there are employees who will become patients some day who will not have coverage.

This bill is all about concern for patients. It is not about concern for employers. It is concern for employers that want to offer plans in a self-insured fashion, that they will be encouraged to do it as they have already done for 50-some million employees, and continue, and keep the plans viable.

Why would a family-owned ma-and-pa's plastic corporation, or a ma-and-pa's family-owned machine shop providing self-employed plans for employees, why would they jeopardize the continued existence of the family-owned business if they could be sued under this legislation? What they are going to do is protect what they worked hard for: building up a business, employing people, being the backbone of their local community. That is what the ma-and-pa plastic shop and the ma-and-pa machine shop is all about. They have created this business. Maybe it was created by a grandma and grandpa or mom and dad. It could be in its third generation. This is a family-held business that provides jobs, perhaps for dozens or hundreds of people. They want to provide fringe benefits for their employees, of which health insurance is the most important fringe benefit. They offer it in a self-insured fashion because that is the best way for them to do it. Why would we want to jeopardize it?

Senator BOND was followed by the remarks of the Senator from Tennessee, that this is what this legislation is all about, making sure employees have the fringe benefits of health insurance, with all Members imploring we want to do something for the 42 million people in America who don't have it. If we want to do something for the 42 million people who do not have insurance, and pass legislation as we did with tax credits to incentivize them to buy health insurance, why would we want to put in jeopardy the 50-some million people who already have it through self-insured plans?

It is talking out of both sides of Congress's mouth. On the one hand, we are concerned about 52 million people. We have legislation introduced to do something else about it; on the other hand, we are dealing with a piece of legislation that could put in jeopardy the health care plans of 50-some million people who already have what we

think the other 42 million people ought to be encouraged to have.

It is concern over employees having health insurance, and giving those people, if they become patients, the treatment they deserve.

I don't hear concern about patients getting treatment. I hear concern about lawyers getting tribute. We should be concerned about the patient and protecting the self-employed health insurance plans that 50-some million people have as part of that process.

I hope we will consider the speeches by the Senator from Missouri, the Senator from Tennessee, to be speeches concerned about the employees and concerned about those people who become patients getting treatment. That is exactly to what they are speaking. I don't know how anybody could miss that point.

I didn't come to the floor to speak about that aspect of this bill. I came to the floor to speak about a motion filed by my friend, Senator FRIST, on Friday, to commit the bill before the Senate, the Kennedy-McCain bill, to the Health, Education, Labor, and Pensions Committee on one hand and the Finance Committee on the other hand, and to do it with specific instructions from the entire Senate that this bill be reported back to the Senate within 14 days. I come to this conclusion because I am troubled that the Kennedy-McCain bill has bypassed these relevant committees and has been brought directly to the floor without one hearing, without one markup, and most importantly, without the public input into this particular bill that every bill ought to have.

First, I strongly believe patients' protections are critical to every hard-working American who relies on the managed care system. We need a strong and reliable patients' rights bill, and I am supportive of this effort 100 percent. What we don't need is a bill such as the Kennedy-McCain bill that exposes employers to unlimited liability and either eliminates that insurance or dramatically drives up the cost of that health insurance or perhaps being cut back or eliminated. Instead, I believe we should protect patients by ensuring access to needed treatment and specialists, by making sure each patient gets a review of insurance claims that may be denied, and above all, by ensuring that Americans who rely on their employers for health care can still get this covered. I am confident we can reach these goals. However, the very fact that our leadership brought the Kennedy-McCain legislation directly to the floor, without proper committee action, violates the core of the Senate process.

I know my colleagues on the other side will waste no time in accusing me of delaying this bill. But the truth is, had the relevant committees been given the opportunity to consider Kennedy-McCain legislation in the first place, I would not be raising these objections. By bringing this bill directly

to the floor, the message seems to be very loud and clear that the new chairmen—meaning the people who just have become chairmen because of the Democrat majority in the Senate, and under new leadership—are somehow merely speed bumps on the road to the floor.

During my tenure as Finance chairman, Senator after Senator urged the committee process be upheld regarding tax legislation. I listened and I acted. I resisted strong pressures to bypass the Finance Committee as we considered the greatest tax relief bill in a generation. I forged a bipartisan coalition and a consensus, which I believe made it a much better bill. Ultimately, we were able to craft a bill that benefitted from the support of a dozen Members from the Democrat side.

The Finance Committee has proven it can operate in a bipartisan fashion and craft good legislation in a timely manner. We are committed under this motion to report legislation out of the Finance Committee in 14 days. The fact that the chairmanship of the committee has changed I do not believe will in any way affect our ability to work in a good, bipartisan manner. So I stand before the Senate as someone who has seen the importance of the committee process.

The Kennedy-McCain legislation treads on the Finance Committee jurisdiction in ways that are by no means trivial, so I will explain. The Kennedy-McCain bill reduces Federal revenues by \$22.6 billion, something that should only be done if that motion comes from the Senate Finance Committee. Nearly one-third of this revenue loss is offset by changes in programs within the jurisdiction of the Finance Committee. Section 502 of the bill before us extends customs user fees generating \$7 billion in revenue over 8 years.

You may recall when Congress first authorized these customs user fees, the avowed purpose was to help finance the cost of customs commercial operations and improvements. If these fees are to be extended—and I emphasize “if”—it should be done in the context of a customs reauthorization bill. This is clearly an issue under the jurisdiction of the Finance Committee.

Most of my colleagues know firsthand the financial pressures put on the Customs Service. From Montana to Delaware to Massachusetts, Texas and California, there is a dire need for funds to modernize the Customs Service. Yet the Kennedy-McCain legislation diverts money intended for customs and uses it to pay for this bill. This is not what Congress intended when these customs fees were increased.

Before authorizing the collection of \$7 billion in customs user fees, it seems to me the full Finance Committee should have an opportunity to carefully review, carefully analyze, and of course debate the implications of this move on the future of the Customs Service and customs modernization.

Anybody who has been through customs knows how much time is wasted there, how much gets by the customs officials because they do not have the electronic and technical equipment that is necessary to do their job right, in a fashion that does not inhibit the free and easy transiting of American citizens into and out of our country.

In addition, section 503 of the Kennedy-McCain bill delays payments to Medicare providers, which generate \$235 million to help offset the losses of this bill.

No. 1, customs fees; No. 2, delaying payments to Medicare providers to the tune of \$235 million.

Let me remind my colleagues, when they hold their town meetings, invariably they have to have people from doctors' offices, from hospital organizations, and from nursing homes already complaining, why doesn't the Federal Government pay its bills on time? Why are they a cash cow, an operating fund for the Federal Government while they are borrowing money at the local bank to keep their operation going because the Federal Government does not pay its bills on time?

It is ironic that while many of us are spending significant amounts of our time working to improve Medicare's effectiveness and efficiency, this bill actually takes steps to exacerbate the frustrations so many providers already experience with delayed payments in Medicare today. So, as you can see, the provisions of this bill go a long way to undermine the Finance Committee's jurisdiction, not only on customs but also in the area of Medicare.

In this first action by new leadership, the committee system and the committee jurisdiction are being tossed aside. I have heard once or twice from the other side that the justification of this behavior is based on the patients' rights debates in 1999, 2 years ago. There is continued talk about how the 1999 patients' rights bills were rammed through this Senate by Republicans.

I want to say that is simply not the case. In 1999, the patients' rights legislation underwent a series of hearings in the Health, Education, and Labor Committee, and ultimately there were 3 days of markup. Let me repeat: 3 days of markup in the Health, Education, Labor, and Pensions Committee. Only after the bill was reported out of committee was it then brought up.

Let me hear no discussion on this point. There is no justification for the conduct we are having on this bill. It is a fact that the Kennedy-McCain bill before us today has never undergone the committee process that the 1999 Patients' Bill of Rights did.

Finally, let me repeat that for those who argue that this is just a delaying tactic, they are simply wrong. The motion to commit instructs the Health, Education, Labor, and Pensions Committee on the one hand and the Finance Committee on the other to report this legislation within 14 days. I repeat, if this bill had been handled

properly through the committee in the first place, this motion would not have been necessary.

This motion is not about delaying, it is about ensuring that we have a good patients' rights bill with bipartisan support that is subject to the benefits of the committee process and that the jurisdictions of the Health, Education, Labor, and Pensions, and the Finance Committees are respected. In other words, it pursues a point of view I tried to raise so much when we had the tax bill on the floor in late May. As I managed that bill, I said I hoped the work of Senator BAUCUS, on the part of Democrats, and myself on the part of Republicans, would bring a bipartisan bill before this committee that would serve as somewhat of an example of not only what can be done in an evenly divided Senate to promote good public policy but to promote good public policy in a divided body. Obviously, it must be done in a bipartisan way.

We showed that it could be done in the largest tax bill to pass this body in 20 years. If we did it on taxes, surely we can do it on a Patients' Bill of Rights. I say that not just for the Finance Committee. It is my belief the Health, Education, Labor, and Pensions Committee can do that as well on their part, serving 100 Senators rather than having just a handful of people in this body decide the committee system ought to be thrust aside in the case of a Patients' Bill of Rights, and bringing a bill directly to the floor of the Senate.

I have talked a lot about jurisdiction, but I want to talk about why I am raising these jurisdiction issues because that is a very important point.

For me, the question isn't about inside baseball kind of topic like jurisdiction, which is necessarily important. But it is about two deeper issues that are even bigger than this bill.

I know the public watching this debate, as we are told, is pretty disturbed when they only hear about Members of the Senate talking about the intra-institutional issues. That is what I have been talking about today to some extent. But on the other hand, I know the people of this country are interested in making sure that we protect patients' rights when they are up against the insurance company and feel hopeless about the insurance company not giving them the proper treatment which they are entitled to. The proper treatment the doctor-patient relationship demands. People want to know that what we are doing is improving their life.

So I spend a little bit of time on intra-institutional procedure to say that having this bill go through the Health, Education, Labor, and Pensions Committee on the one hand, and the Finance Committee on the other hand, has something to do with drawing up a piece of legislation that will get these patients the protections to which they are entitled.

What I am talking about can be summed up in two related questions.



The first is: Why are we here? The second is: What is my specific role with respect to the people I serve in my State of Iowa and each Senator in their respective States in the larger national interest of seeing that patients are protected when they are up against an insurance company?

The first question gets at our role as Senators with respect not only to this bill but any legislation. The second refers to our role as committee Members.

So the first question: Why are we here?

Just like the other 99 Members of this body, I wake up every morning and thank the people of my State for the privilege of representing them here in the Senate. Every action I take is an effort to improve the lives of folks back home. Many times I improve it by reducing the role of the Federal Government in their lives. As a conservative, that is generally my preference. On the other hand, there are times that Federal legislation is needed to expand the Federal role to help on a particular problem. This is an example—the Patients' Bill of Rights.

With respect to any legislation but not just this one, if I believe it helps folks back home, I am going to push as hard as I can to see that the legislation becomes law. There is no more satisfying event than seeing the fruits of our labor revealed in ways that changes the lives of real folks back home.

When I approach an idea and I think it is a good idea, my goal is to get it across the goal line. That is true with respect to this bill, the Patients' Bill of Rights.

I think at this particular point in history the American people want results, and particularly on this issue. They want less partisanship, more action, and more thoughtful debate. People in Iowa expect Republicans and Democrats to work together, and to work together in conjunction with the President of the United States to get things done. They expect us as their Senators to do the same thing.

Iowans expect us to refrain from playing partisan politics and to be serious legislators.

I offer that as friendly political advice to many colleagues, particularly those on the other side of the aisle who seem to be visiting Iowa frequently these days. In fact, a surprising large number of Democrat Senators are coming to Iowa.

I approach the tax cut bill as a serious legislative effort. My goal was to work with Republicans and Democrats to get a bill out of the Finance Committee. With Senator BAUCUS' support I did so. That bill improved President Bush's basic proposal.

With respect to the particular policy areas that is the focus of the Patients' Bill of Rights, I start off with a view of how I can make good public policy become law. That particular policy is the arena of Senator KENNEDY on the one hand, and Senator GREGG on the other

in the Health, Education, Labor, and Pensions Committee.

If my motion is agreed to, it is up to Senators KENNEDY and GREGG to use the Health, Education, Labor, and Pensions Committee to process the bulk of this legislation through their committee. That is their call.

This legislation faces a potential Presidential veto. That potential Presidential veto doesn't need to be there. It doesn't need to be hanging over our head as a cloud as we work on legislation.

That is where the committee process is very important because maybe the product of the Health, Education, Labor, and Pensions Committee markup would not face a potential Presidential veto. Maybe some of the ambiguities that we have heard debated on the floor of the Senate this afternoon would be cleared up.

Does anyone really think that by following regular order and going through the committee process the bill before us would be in worse shape? Would we have better known the administration's position if it had been in committee? Would we be sitting here wondering where this bill might be going, as we have heard countless numbers of Senators talk about how we can work out a compromise?

Would we be hearing something more compelling from the bill's advocates other than that anyone who opposes the bill is delaying this bill?

I guess one could argue that there is not much use in delaying a bill that the President is going to veto; that we ought to just quickly pass it.

With the proper preparation and the proper compromise—and the committee system is the place to do that—we could avoid a veto, and we should work to avoid a veto.

You can understand that the Finance Committee knows how to do this. Senator BAUCUS and I put a bill out, and we defeated all of the amendments to destroy that bill—close to 50—over the course of 3 days on the floor of this Senate. So it can be done right in committee.

I would like to go back to the question of why we are here in this particular shape.

I tell the folks in Iowa who sent me here that I am trying to get a Patients' Bill of Rights that we will have signed; in other words, that doesn't have a potential veto hanging over its head as the bill we are debating today does. We would get a bill that would become law and provide them with real protections; most importantly, a bill to guarantee treatment for patients, not tribute for attorneys.

In my view, bad process has impaired what could otherwise be a good product, a bipartisan, broadly supported Patients' Bill of Rights.

But, once again, my motion defers the exact language of the bill to the Members of the Health, Education, Labor, and Pensions Committee to resolve these issues. That is the place it should be done.

My second question: What is my specific role as a committee member?

My role is to best use my position as a senior Republican on the Finance Committee to protect and to promote policies that help Iowans and the Nation at large. I have a responsibility to advance and to protect policy interests within the jurisdiction of the Finance Committee.

There are policy implications in this legislation that are within the jurisdiction of my committee, the Finance Committee. These policies deal with three major subjects of the Finance Committee: trade, Medicare, and tax.

It is my responsibility to Iowans and also to my Finance Committee members and to Members of the Senate as a body to be vigilant on these Finance Committee matters. I cannot let these things slip by, nor should I let them slip by. That would be very easy to do. But it would also be very irresponsible.

My motion provides the Finance Committee with the opportunity to do its job on trade, Medicare, and health-care-related tax issues. This bill affects each of these to some extent.

So I note that I am in some pretty good company when it comes to the value of the committee process.

I would like to refer to a couple quotes that illustrate the importance of my point that we should not bypass the relevant committees of jurisdiction. These quotes come from Members who are very critical of the way the Senate acted by bypassing the Budget Committee on the budget resolution process a couple months ago.

I remind those Senators of some of their comments about the importance of going through the committee process in the Senate. These comments, as I said, were related to the budget. Now let me quote the new chairman of the Budget Committee, Senator CONRAD. This is a quote from a couple months ago:

I think it would be a profound mistake for us to miss the chance to have the Budget Committee do what it was designed to do, which is to make the work of the larger body easier because of the concentration of efforts of the members of the committee on the responsibility they have.

I quote the distinguished Senator from West Virginia, the now-chairman of the Senate Appropriations Committee. He always shows great eloquence and devotion to this institution in his comments:

Why have we seen fit in our constitutional system to have committees? Why? If we are going to have committees, why don't we have markups on bills and let Republicans and Democrats hammer it out, hammer out the measure on the anvil of free debate? Why does any chairman want to say to the committee, I am not going to have a markup, period?

These comments are relevant no matter whether Democrats or Republicans are in the majority in this body. Now, in a sense, since the changes of 3 weeks ago on the chairmanships and the majority of this body, the shoe is on the other foot. I will be curious to

see whether these Members, and others who were so critical of the budget resolution process, will stick to the same rationale now that the committee process is being short-circuited for a measure they might be supporting.

I bring up these comments because they reflect a well-founded sentiment of two very serious legislators whom I respect, Senator BYRD and Senator CONRAD. The committees are kind of like laboratories or, as Senator BYRD said, like anvils. They are a place to test ideas. They are a necessary part of serious—and I underline the word “serious”—legislating.

Senator CONRAD indicated that there is a concentration of member knowledge and expertise in each of these committees. Is it exhaustive? Absolutely not. Am I saying that a bill cannot be improved with amendments on the floor? Of course, no legislation is perfect from that standpoint. But my point is, the legislative product, especially on something as important as health care, should start in the relevant committee.

So my motion would allow the Finance Committee to assert its proper role.

Let's turn to the specific Finance Committee matters that are implicated with this legislation and, hence, the reason for my motion to commit. The first is trade. As I said previously, the customs user fees have been extended to offset the cost of the Patients' Bill of Rights. We are talking about money that was raised by the Senate Finance Committee. Customs fees—getting in and out of the country, getting your baggage inspected, getting your boxes inspected—that money was raised to help the Customs Service and particularly for their modernization. Now they are talking about taking some of that money and putting it over here to finance a Patients' Bill of Rights. So should customs people be concerned? Should the Senate Finance Committee be concerned because we have jurisdiction over that legislation? Should passengers and travelers in and out of the United States be concerned when they are in long lines to go through customs? Of course they should be concerned.

The Finance Committee authorizes and oversees the Customs Service. Customs may not be as politically compelling right now as a Patients' Bill of Rights, but it is very important to all of our constituents. Millions of us, and our goods, come through customs. Customs also protects our people from the entry of illegal products. For instance, customs checks for illegal drugs. Also, customs protects our farmers and consumers from diseased plants and animals.

Just think of the ground zero attitude that is taken by customs today to make sure that the BSE disease, the mad cow disease, prevalent in England and Europe does not come into the United States.

We need to have a customs operation that protects America. It is to be done

at the point of entry. The amount of money we spend on that, and the technology our customs employees have, has something to do with whether or not they can do their job right and protect us. The quality of the Customs Service affects us all. So those of us on the Finance Committee do not approach customs matters haphazardly.

As those of you who have traveled recently know, customs systems modernization is a problem we have to tackle. If we are to extend the fee, we should modernize the Customs Service. Customs fees should not be used to finance a Patients' Bill of Rights.

The Health, Education, Labor, and Pensions Committee has had no hearings on Customs fees. There is a reason for that. The committee does not have jurisdiction over the Customs Service. Yet here we are with a bill that has not even been through the Health, Education, Labor, and Pensions Committee, and that bill is offset by a revenue source from another committee, our Finance Committee. Any Finance Committee member should be disturbed with this usurpation of our jurisdiction. Any Finance Committee member who supports this action has ceded away his or her role with respect to an important Finance Committee matter.

The bottom line is, the Finance Committee, including all 20 of its members, has a duty to our constituents, and all of America, to make sure that the Customs Service isn't dealt with in a faulty manner. To the degree that we ignore this duty, we are being negligent. Again, that is the main reason for my motion: To let the committee members do our job.

There is a second Finance Committee policy item covered by my motion. This legislation moves the payment date for certain Medicare providers by just one day. No big deal? Put it in its context. Medicare reform is something we are talking about right now in the Finance Committee. It is an important topic, particularly because we want to give a prescription drug program to seniors under Medicare. Payment structure and dates are important questions that should be considered in the context of Medicare policy, not as some sort of an offset—which is the word we use—for unrelated legislation, because, in fact, this is an offset for an unrelated subject, the Patients' Bill of Rights.

We ought not to mess with Medicare this way. This bill, pulled from the calendar by the majority leader, gets around Senate rule XV. That rule provides a point of order if one committee treads on the territory of another committee. The reason for the rule is to allow committees, such as the Finance Committee, with the expertise on a subject, such as Medicare, to develop the policy first.

Why would Senate leaders, who expect the Finance Committee, in a bipartisan way, to report out a prescription drug bill for senior citizens con-

nected with the Medicare Program, and, hopefully, with some dramatic improvements in Medicare, expect us to do that but not ask our advice on changing the payment date for Medicare?

We ought to develop it within a policy context by the people on the committee who know how to do it and do it right. Then again, as with trade, my motion preserves the right of the Finance Committee to deal with Medicare. It would allow Finance Committee members to review the change in Medicare provider payment dates and make judgments of whether such a date change is sensible or not.

As I said before, all of us have heard complaints from doctors, hospitals, and nursing homes that the Federal Government never makes Medicare payments timely. Our health providers already feel as though they are financing the Federal Government because of these late payments. This bill exacerbates that problem by creating further delays. The Finance Committee understands this problem. We will do it right if it needs to be done. My motion simply lets the Finance Committee members do the job they were appointed to do by the 100 Members of the Senate.

Now I turn to the third Finance Committee policy area implicated by this legislation, and that is the tax policy area. There are no Tax Code changes in this bill. The history of this legislation is an important element. The history of this legislation is that an important element is greater health care affordability and access. That objective has, in past legislation, been met through tax incentives.

This bill's principal sponsor, for instance, the Senator from Arizona, Mr. MCCAIN, recognized the importance of these tax incentives in the debate, as you heard him speak eloquently over the last several days. I also happen to believe that tax incentives for health care access and affordability are a very important part of health care reform. They are the basis for helping 42 million Americans who do not have health insurance today to get some health insurance. To this end, I have, for instance, proposed changes in the tax treatment of long-term care insurance and expenses.

Some might ask: Why, if I support health care-related tax cuts, did I oppose Senator HUTCHINSON's amendment on self-employed insurance? Well, it is a very good question, one I should be responsive to and answer.

The answer is, most obviously, that Senators HUTCHINSON and BOND have an excellent proposal, one I strongly support as a policy of their amendment. But I opposed the amendment last week because the underlying bill is not a Finance Committee bill. In this case, the underlying bill is not a tax bill. So the third reason for my motion is to provide the Finance Committee with its rightful opportunity, through its tax-writing powers, to add a health care-related tax cut title to this legislation.

If this bill had gone through our committee, that would have been done. Or if it hadn't gone through our committee but we had had time, our committee would have voted out such an amendment, I am sure. There is no doubt that Senator HUTCHINSON's amendment, along with a number of other good health care-related tax cuts, would be on the floor right now being debated as part of this package.

Once again, my motion let's us do this legislation the right way, by letting the Finance Committee members do their job. From that standpoint, again, I stress the bipartisanship of the Senate Finance Committee.

At my urging, Chairman BAUCUS agreed to consider a package of health care-related tax cuts in an upcoming Finance Committee markup. So even if my motion fails, we will be back on the Senate floor in the near future with a Finance Committee package of health care-related tax incentives.

In explaining the reason behind my motion, I talked about what the Finance Committee might or might not do if this motion is adopted. Just as importantly, I believe there are some serious negative implications if my motion is defeated in terms of how the Senate does the people's business. Let me turn to a couple hypotheticals to illustrate the problem my motion gets at. These hypotheticals, hopefully, will disturb all Members.

Turn the clock back a couple months and hypothesize that Senator LOTT, with my cooperation, were to move a version of the Finance Committee's education tax relief proposal. Also, let me say that the revenue loss from those tax cuts were offset by a change to a HELP Committee program, something like student loans. In other words, I am saying let's just suppose hypothetically that Senator LOTT wanted some proposals from our committee to bring to the Senate floor and we were going to offset them with programs under the jurisdiction of the HELP Committee.

Under this scenario, obviously, people on that committee could be very angry. They would have every right to be angry because that kind of maneuver on my part, as a member of the Finance Committee, would be wrong. They would have a right, then, in the Health, Education, Labor, and Pensions Committee, to be outraged. The Finance Committee would have no business in a bill pulled off the calendar such as this one of undoing a student loan policy under the jurisdiction of another committee. It would be wrong from two points, both substantive and procedural.

What has happened here is just as bad. The Finance Committee members who support the process that has brought this bill before us should take a "beware" position. Supporting the process means they support disenfranchising their own committee. By contrast, anyone who supports my motion recognizes the legitimacy of the committee system.

I have one last hypothetical. This time let's talk about another sponsor of this bill. Let's go back to Mr. MCCAIN, the good Senator from Arizona, and his Commerce Committee. Under this hypothetical scenario, Senator DASCHLE, with Senator BAUCUS's cooperation, would bring a bill to create a special form of tax credit bond for Amtrak. That issue has been before us before. A part of that legislation pulled from the calendar, such as this bill, would suspend the Amtrak reforms. That is within the jurisdiction of Senator MCCAIN's Commerce Committee or, as I could say, the Presiding Officer now, the Senator from South Carolina.

I hope these Senators would be angry and rightfully so. I would expect them to protect a policy important to the Commerce Committee. Amtrak reform is that policy and that subject. These Senators would not want an alteration of the Amtrak reforms railroaded through the Senate on an unrelated bill drafted by a committee other than their own committee, the Commerce Committee, I would suspect.

In both of these hypotheticals, the rights of committee members would be violated. These cases are no different than the case before us, the case of jurisdiction and sources of revenue from the Finance Committee being robbed without the consideration of the Finance Committee to fund a piece of legislation, the Patients' Bill of Rights, coming out of the Health, Education, Labor, and Pensions Committee.

The two hypotheticals are disturbing because both involve dubious procedural and substantive policy decisions. Both hypotheticals short circuit important policy decisions and discussions.

A faulty process usually leads to faulty substance. So I have taken a long time to tell you what my motion is all about. It corrects the faulty process that has ensnared this Patients' Bill of Rights, which should otherwise move to the floor only after debate in the committee. And if it had gone through the committees, I believe it would move through the floor proceedings very expeditiously.

Mr. THOMPSON. Will the Senator yield for a question?

Mr. GRASSLEY. Yes.

Mr. THOMPSON. Let me make sure I understand the Senator. This bill that we have been considering has not gone through the committee process this year; is that correct?

Mr. GRASSLEY. That is correct.

Mr. THOMPSON. The Senator mentioned the prerogative of the committee. Having been a chairman, I understand what he is talking about. From the standpoint of patients and the Patients' Bill of Rights, which we have been here discussing today and Friday in terms of who was covered and who wasn't covered, when employers had liability and when they did not, are these the kinds of things that get hashed out in committee?

Mr. GRASSLEY. Obviously. From the standpoint of the Health, Education, Labor, and Pensions Committee, these things were debated and hashed out in 1999 before the bill came to the Senate floor.

Mr. THOMPSON. But not this year.

Mr. GRASSLEY. Not this year.

Mr. THOMPSON. In 1999, were there any liability provisions in that bill? I don't believe there were any liability provisions in that bill.

Mr. GRASSLEY. Right, because I think there was due consideration to the tradeoff between the people who don't have insurance now—42 million people—and the people who do have insurance through self-employed plans, and that there was within the committee a real concern about whether or not those employers might drop their insurance—not that we are concerned about the employer, but we are concerned about the employee if they are not going to have health insurance.

Mr. THOMPSON. What I am getting at is, is it not true that the liability parts of these bills have not been referred to the Judiciary Committee?

Mr. GRASSLEY. That is absolutely right. I thought the Senator was talking about the Health, Education, Labor, and Pensions Committee. These would also be within their jurisdiction.

Mr. THOMPSON. Not only has the Finance Committee not had a chance to consider their portion, the Judiciary Committee has not had the opportunity to consider the liability portion, which is so controversial. We are hashing out right now what this thick bill means regarding liability. It has never been in the appropriate committee to go through the natural, normal committee process on a bill of this importance; is that correct?

Mr. GRASSLEY. Yes. I am a member of the Judiciary Committee, and we would look at these things and give them the due consideration they ought to have. I know the Senator from Tennessee has served on the Judiciary Committee and he knows that is a very important part of our work.

I thank the Senator from Tennessee for bringing those points to us because he reminds me that not only has it not been considered by the Health, Education, Labor, and Pensions Committee, which I have been talking about, and the Finance Committee, because I am a member and the senior Republican on that committee, but also a third committee should have considered perhaps the most controversial part of this legislation before us, and that has not had the due consideration that important changes in law and liability ought to have in this Chamber.

I am just about done. I have spoken now for a long time on my motion to commit to the respective committees. I guess I am being reminded my motion to commit is to the Health, Education, Labor, and Pensions Committee on the one hand and to the Finance Committee on the other. Maybe my motion

should be broadened—although I am not going to do that at this point—to the point of the Judiciary Committee taking a look-see at the liability provisions as well.

A vote for the motion to commit would put this bill on the right track. It lets members of these committees do the job that we were sent here to do. The Health, Education, Labor, and Pensions Committee and the Finance Committee have a great track record in this Congress. They will continue to do so. Taking this bill through the relevant committees will only improve it and ultimately make it a better law, and one that is not in any way subject to a potential—I predict, not subject to a potential veto threat, as the legislation now is.

After all, isn't getting the job done, getting a good Patients' Bill of Rights, what the people really want—a good law that is produced in a proper way, a bill that will guarantee treatment for patients, not a tribute for lawyers?

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, let me say a few words about the bill and tell a story about a patient in North Carolina, and we will have an amendment to offer. First of all, the entire purpose of this legislation is to change the law so that the law is on the side of patients and doctors instead of being on the side of the big HMOs, where it has been for many years. We want health care decisions made by families who are affected by them, and by doctors and nurses who have the education and training to make those decisions. It is just that simple.

That is the reason we create the rights among all Americans with health insurance or HMO coverage to have more control over their health care decisions. That is what this is about—having those rights be enforceable because if they are not enforceable, they don't mean anything. That is why we have specifically provided for access to specialists by families; access to clinical trials, if they need that; and being able to go to the emergency room directly without having to call an HMO or a 1-800 number before going to the emergency room—that is the last thing in the world any family ought to have to worry about before going to the emergency room—making sure a woman can see an OB/GYN as a primary care provider.

These rights are aimed at giving patients and families more control over health care decisions. We have all heard the horror stories of legitimate claims being denied by HMOs. That is what this bill is aimed at—putting the law on the side of the patients and on the side of the doctors.

In addition to these substantive rights, we have provisions to make those rights enforceable, so that they mean something. We have an internal review process. First of all, the HMO decides in the first instance whether

they are going to cover a claim. If that is unsuccessful, then we have an internal review process within the HMO to get that decision reversed. So if a child is denied the care that child needs, then the family has somewhere to go. These families who are up against big insurance companies, big HMOs, big bureaucracies, under present law they can't do anything. I say this to my colleagues who have been here.

Some say we need to spend more time on this issue. This issue has been around for years now. Every day that we fail to enact legislation and have it signed by the President, there are thousands of people in this country who are being denied the care they need. This is an issue that we need to do something about and stop talking about. It should not be a political issue.

Senator MCCAIN and I have bipartisan support, consensus support for our bill here in the Senate and in the House of Representatives. We have virtually every health care group and consumer group in America, including the American Medical Association, supporting our legislation. These people deal with these issues every day. Doctors get to see what is happening to their patients, and there are bureaucrats sitting behind desks 200 miles away, never having seen their patient, telling them what their patient needs. We have families all over this country who know that their child needs a test, but some bureaucrat five States away, sitting behind a desk somewhere, says they are not going to pay for it.

That is what this legislation is about—so that when people have health insurance and they have HMO coverage, it means something. If they get rejected arbitrarily and are treated unfairly and improperly by a big HMO, they would have the power, finally, to do something about it.

That is why we have an internal review process—to reverse the decision within the HMO—and then if that does not work, we have an independent third party review, a panel of doctors, who can come in and say, that is wrong—the doctor was right, the HMO was wrong—and order the treatment be provided.

None of these things exists today. Today, if a doctor orders a test for a 5-year-old child with cancer and if an HMO says, "We are not paying for it," they are stuck. There is no internal review process; there is no external review process.

What chance does that family have against a huge insurance company? That is what this bill is about. It is about a very simple idea: that HMOs and insurance companies ought to be treated as everybody else; more importantly, putting the law finally back on the side of patients, families, and doctors so they can do something about a wrongful decision by an HMO or an insurance company. That is what this debate is about.

The HMOs have been trotting out every conceivable obstacle to some-

thing happening. Anybody who turns their television on will see the ads they are running right now, all these scare tactics and old rhetoric. They have been using it for years. They just want to do everything they can to keep their special status, their privileged status. They like things the way they are. They do not want patients and families to have any power.

We are going to do something about it. I will tell you something else: The families, the children, the patients do not have lobbyists in Washington; they do not have millions of dollars to buy ads on television. They are counting on us to represent them. They are counting on us to do something for them. That is what this debate boils down to: You are either on the side of maintaining the big HMO special status or you are on the side of letting families, doctors, trained people, make health care decisions.

It is not an accident that the American Medical Association, hundreds of health care groups, doctors groups, and consumer groups support our bill. It is not an accident that most of the Senate supports our bill. It is not an accident that most of the House of Representatives supports our bill.

There is a consensus in this country that something needs to be done. What we have to make sure that we get past all the old rhetoric, all the old scare tactics, all the propaganda that is put out by the HMOs. They have huge resources and their voice is heard loudly and clearly in this debate.

Our responsibility is to make sure the voices of the families of this country who do not have big money, who do not have anybody lobbying for them in Washington, are being heard. That is what this is about. Stalemate and nothing occurring is exactly what the HMOs want. That is the easiest result. We have to overcome that. We have to overcome their rhetoric. We have to overcome these obstacles because we are fighting for the children and families of this country who need to make their own health care decisions.

Today I want to talk about one such family. This is a young woman from Wilmington, NC. Her photograph with her husband is behind me. Her name is Terri Seargent. She suffers from a fatal genetic disorder known as alpha one. Alpha one keeps Terri's liver and lungs from working properly. Her body is not able to fight off viruses or pollutants in the air, and if it is left untreated, alpha one eventually destroys the lungs and causes the patient to die. Terri is still fighting this disease, but she is at the point where she only has 43 percent lung capacity.

The problem is Terri is not just fighting this serious disease; she is also fighting her HMO. Ever since she was diagnosed with alpha one, she has been treated by specialists who put her on medication to keep her lungs working as well as they can, to keep her from getting worse. With that medication, she is able to lead a fairly normal life even though she has a serious problem.

She continues to work. She switched jobs, so she has a new HMO, a new health plan. Her HMO first would not let her see the specialist she had been seeing. Second, they would not pay for her medication. They told her she ought to switch to a generic drug because it was cheaper, but then they would not pay for the generic drug.

Here is a young woman who has a very serious medical problem; she is continuing to fight through it courageously to go to work and do everything she can to be productive for herself and her family, and her HMO will not let her see a specialist and will not pay for her medicine. Her medication costs \$4,000 a month. It is expensive, but it is critical to the quality of her life and being a contributing member of her family.

What good is her health insurance—she has been paying premiums for years now—what good is that if, when it actually comes time that she needs this medication to allow her to continue to live and stay as healthy as she can and continue to work, the insurance company will not pay for these prescription drugs she desperately needs?

Unfortunately, Terri's case is one in a long list of what we hear every day. When I have townhall meetings or when I am standing on a street corner talking with people, over and over they come up to me and say: You won't believe what the insurance company did to me; you won't believe what the HMO did to my child.

These people need a chance; they need a fighting chance, and that is all we are trying to do, to level the playing field. Let's give these families and young women such as Terri who have serious diseases a chance when their insurance company or HMO says: You are out of luck; we are not paying for it. When a child with cancer needs a test or specialized care and the HMO or insurance company says, "We're not paying for it," even though they have been paying premiums for years, all we are trying to do is give that family a chance. It gets to be pretty simple.

In many cases, it is an individual, a child, a family against a big insurance company, the same big insurance companies that are spending millions of dollars on lobbyists and television ads right now to make sure people such as Terri cannot take them on. That is what this fight is about. It gets to be about a very simple problem.

I have worked with my colleagues on this issue all the time I have been in the Senate—some worked on it very hard before I came to the Senate. I believe when we finish this debate—hopefully this week, but if not this week, for whatever period of time it takes—that we will finally be able to say the big HMOs and all their money and all their power have been overcome and doctors, patients, and families in America finally have a chance.

Mr. REID. Will my friend yield for a question?

Mr. EDWARDS. Yes.

Mr. REID. The Senator has done a great job of explaining how important this bill is to patients, but it is also important to doctors. If the Senator will allow me to read a letter I received from a Las Vegas physician, this physician is formerly head of the State medical society and is chief of staff to the largest hospital in Nevada, about an 800-bed hospital. This letter is addressed to me.

After the first paragraph saying hello to me, he said:

As you have heard from so many Nevadans over the past several years, we need a mechanism where patients have options where care is denied. The following case is a clear illustration.

On April 20th 1999, Joseph Greuble died at the age of 47 from malnutrition. Joseph's malnutrition was a direct complication of his life long battle with Crohns Disease. Joseph's gastrointestinal problem was quite complex. His disease was complicated by ulcerations, fistulae, bleeding, obstruction, electrolyte disturbances, seizures, and chronic pain, and Joseph required multiple operations. Continuity of care is most important when dealing with an incurable, chronic, debilitating disease. In Joseph's case, the system's failure to provide continuity of care proved tragic and fatal.

I served as Joseph's personal physician for 11 years. As Joseph's conditioned worsened he was no longer able to live independently, and he moved into his mother's small apartment in Las Vegas. His mother would accompany him to my office for all of Joseph's visits and as a result, I came to know his mother Marion quite well.

For over a decade, I performed needed physical examinations, arranged for appropriate diagnostic studies, wrote Joseph's prescriptions, and attended to him in the hospital whenever he required admission due to complications of his disease. One of Joseph's most pressing needs was for nutritional support. Joseph had become malnourished as a complication of his Crohns Disease, and required TPN (intravenous nutrition). Joseph's weight had fallen to just over 110 pounds, and a 5'10" tall Joseph needed the TPN to maintain his weight and prevent death due to malnutrition.

In January of 1999, Joseph was told by his HMO that I could not longer treat him. Appeals by both myself and Joseph to have this decision reversed were denied. My offer to see Joseph free of charge was rejected by the HMO, as I still would not have been permitted to write his prescriptions, direct his nutritional support, order any diagnostic testing or request needed consultations.

While I do not have any of the medical records of Joseph's treatment for the three months after he left my care, Joseph's mother informs me that his TPN had been discontinued, that his malnutrition worsened, his weight dropping to less than 100 pounds. Joseph, malnourished and unable to fight off infection, subsequently developed pneumonia, sepsis, and died.

I have received permission from Mrs. Grouble to share this story. Morion hopes that sharing her son's story will help achieve the needed legislation to prevent this from happening in the future. Holding health plans accountable when they harm patients is not about suing insurance companies and driving up the cost of health care, it is about stopping abuses and bringing compassion back to medicine. Until the health plans are accountable, people like Joseph and his family will continue to suffer.

I say to my friend from North Carolina, this is his bill before the national

legislature. This legislation, the Senator would agree, would help patients, but also would help physicians such as my friend, Dr. Nemec, prescribe and give appropriate care to patients. Is that a fair statement?

Mr. EDWARDS. That is absolutely a fair statement. When I have town hall meetings in North Carolina, we often have physicians show up and share horror stories, including ordering care for a patient, with some clerk sitting behind a desk 300 miles away reversing it and overruling a doctor with many years of education and training because they thought they knew better; there was no way they would pay for the particular care.

Mr. REID. Dr. Nemec stated this is one of many cases. He could write me letters on case after case, but he wanted me to indicate he feels this is just about the straw that breaks the camel's back. A man 5 foot 10, weighing less than 100 pounds, and they prevented him from eating, in effect: You are going to die anyway; what is an extra few months or a year.

I want the Senator from North Carolina to know how much I and the people of Nevada appreciate the work the Senator is doing, spending weeks of his time working with Senator MCCAIN, coming up with legislation that allows the Frank Nemecs of the world to give proper care to patients and will allow people such as this lovely woman, pictured behind me, to know when she pays for her insurance for years, when it comes time she needs help, that help will be there.

I want the Senator to know how much I appreciate what is being done. Not only do I appreciate it but so do the people of the State of Nevada. Hundreds of organizations all over the country have contacted us. I have read into the RECORD already, and I will continue reading when we have time on the floor, the names of the entities that support the work done by the Senator from North Carolina. The Senator has been here a short period of time. The impact he has made and the impact he will make adding his name to this legislation will give people hope for generations to come. I appreciate the Senator's work.

Mr. EDWARDS. I thank the Senator for his comments.

I point out, as the Senator well knows, the American Medical Association strongly supports our legislation. Having met with them many times about this issue, they want their doctors to be able to provide the quality care they need to provide to their patients. It is a simple thing from their perspective. For health care providers, doctors and nurses, this is not a money issue. This is not an issue of what their earnings or salaries will be. This is purely an issue of whether they are going to be able to provide the care they have been educated and trained and have spent their life preparing to provide. That is what this is about. They are committed to doing something.

Every day their members all over this country see in their offices patients who need treatment, who need care, who are being arbitrarily denied by people far away who have never seen them, who have no idea what they need.

The horror stories go on and on. We have a young man in North Carolina who is severely sick. They quit paying for his oxygen. We had a young boy with cerebral palsy who needed physical therapy and other therapies on a daily basis and they said it would not do any good; they were not paying. The stories go on and on and on.

With respect to our colleagues on both sides of the aisle, we will work our way through the intricacies of this legislation, whether the issue of exhaustion of administrative remedies, legal terms that may not mean a lot to the American people, we will work our way through those issues and find a bipartisan way to get that done.

What we shouldn't do is leave the Senate without having done something about this issue. The issue has been around for years and has been fought vigorously by the HMOs. We have a responsibility to empower the families of this country to have more control over their health care decisions. That is what this debate is about. Hopefully, by the time we finish this debate, whether this week or next week or the following week, however long it takes—and I believe Senator DASCHLE indicated he is willing to stay as long as we have to—we will be able to walk out of here and be proud of what we have done in giving families, doctors, and patients more control over their health care decisions and the power to do something when they have been treated improperly. That is what this is about.

#### AMENDMENT NO. 812

Mr. President, pursuant to the previous order, I call up the amendment at the desk by Senator MCCAIN and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. EDWARDS] (for Mr. MCCAIN (for himself and Mr. EDWARDS)) proposes an amendment numbered 812.

Mr. EDWARDS. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the Sense of the Senate with regard to the selection of independent review organizations)

At the appropriate place, insert the following:

#### SEC. . SENSE OF THE SENATE REGARDING FAIR REVIEW PROCESS

(a) FINDINGS.—The Senate finds the following:

(1) A fair, timely, impartial independent external appeals process is essential to any meaningful program of patient protection.

(2) The independence and objectivity of the review organization and review process must be ensured.

(3) It is incompatible with a fair and independent appeals process to allow a health maintenance organization to select the review organization that is entrusted with providing a neutral and unbiased medical review.

(4) The American Arbitration Association and arbitration standards adopted under chapter 44 of title 28, United States Code (28 U.S.C. 651 et seq.) both prohibit, as inherently unfair, the right of one party to a dispute to choose the judge in that dispute.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) every patient who is denied care by a health maintenance organization or other health insurance company should be entitled to a fair, speedy, impartial appeal to a review organization that has not been selected by the health plan;

(2) the States should be empowered to maintain and develop the appropriate process for selection of the independent external review entity;

(3) a child battling a rare cancer whose health maintenance organization has denied a covered treatment recommended by its physician should be entitled to a fair and impartial external appeal to a review organization that has not been chosen by the organization or plan that has denied the care; and

(4) patient protection legislation should not pre-empt existing State laws in States where there already are strong laws in place regarding the selection of independent review organizations.

Mr. EDWARDS. We have talked about the need for an independent review once there is an internal review and the HMO or insurance company denies the claim, to be able to go to a truly independent panel to get the case decided and the decision reversed if a wrongful decision has been made. This sense-of-the-Senate amendment simply provides we all believe that review panel needs to be truly independent in that the HMO and the insurance company should not be able to appoint the members of that panel nor have control over who goes on that panel.

We will debate this amendment tomorrow, but its underlying purpose is to support the notion that I think a majority of the Senate, maybe the vast majority, supports, which is if you are going to have an independent review by a panel of health care providers or doctors, that panel needs to be truly independent, not connected to the HMO, not connected to the insurance company, and also not connected to the patient or the doctor involved, so you have a fair and impartial group to decide whether the claim or treatment should be paid.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I was listening to the description of the sense of the Senate and I wish to compliment my colleague from North Carolina for introducing it. It is extremely important in the administrative process that the procedures we set up are guaranteed to be qualified and guaranteed to be independent. This bill goes a very long way towards doing that. Obviously, I have some problems with this bill. With regard to the provision setting forth these independent enti-

ties, the qualified external review entity is established. That means when we have these cases where there is an issue as to whether or not there is coverage, it is the independent person who decides.

We hear about a lot of terrible cases. We get letters from people. We talk to people when we go back home. We hear about people who are sick; in some cases there is absolutely nothing anybody can do, and certainly not us. We hear about people who have terrible accidents. We hear about people who are victims of crimes. We hear about a lot of misfortune. But, in the health care area, we have a system in this country where people can get insured for a lot of things. The deal is, your employer provides this for you. The deal is, your wages are affected by it, of course. The deal is, we are going to provide you insurance to cover certain things in exchange for a premium that the employer is going to pay.

If you cover absolutely anything, and you have a contract—which has never been drafted—that says whatever happens to you, however you get sick, however much it costs, however onerous your injuries, we are going to cover you, no questions asked—the premium for that would be astronomical. Nobody could afford that. It is unfortunate. It doesn't make that person any less sick. It doesn't make that person any less deserving. But that is just the way it is.

We got into managed care because we, in this body, encouraged the creation of these HMOs. The reason for that wasn't because we liked HMOs. The reason was that health care costs were becoming astronomical and people were losing their health care. As tragic as these stories are, they would have been just as tragic had their employers never bought the health insurance. There would not be any dispute over whether or not there was coverage. This would not even be a policy to start with. That would not help these poor people.

So we have a system where certain things are covered for a certain premium. In a free market, those things work out. If somebody is messing up on one side, the other side will take care of it. That is the way the system works. As I say, if you are going to have a system where the Federal Government says that, regardless of whatever the claim is, it has to be paid, you can have a system like that. Nobody has suggested that. I wonder why no one has suggested that. Our hearts go out to people because of these stories. Our hearts go out for all these sick people. Why don't we just say the Federal Government will see to it, either directly out of the Federal Treasury or we will make an insurance company take care of whoever is sick for whatever reason? It is a nationalized health care system. You can debate that. You can argue that. Some people would argue on behalf of that.

Nobody is suggesting that. Why not? Because we do not want to take care of



these people? Of course not. It is because we know the effects of that. Because for everything we do, for which we can make a case, to help people and give rights and give benefits and make other parts of our society give third parties of our society certain rights and benefits so the Federal Government doesn't have to do it—we make other citizens, other companies, do it for us—we can do all that, but there are always effects from that. We were elected to look at all that and try to balance it and try to come up with something that is reasonable. Not something that will come up and cover every hypothetical case that may ever come about, because that cannot be done, but something that will reasonably balance the coverage we want people to have, I want my family to have, something the average person can afford, something the average small employer can afford. Otherwise, they are not going to buy any insurance at all.

The point I am getting to is that there are some cases, where coverage is at issue, in which everybody is operating in good faith. It is not a matter of the big guy and little guy and the big guy is always wrong and the little guy ought to be paid. It is a matter of reasonable people sitting down and having a consideration, discussion, and sometimes a disagreement as to whether or not a particular procedure is medically appropriate.

Honest doctors disagree about that all the time, whether or not a particular procedure is experimental or not. If a policy covered all kinds of experimental things that we did not think would help you—there is a 99-percent chance it is not going to help you any, but it is experimental; we can spend \$1 million to see what it is; policies just don't cover that—prices would be astronomical. Nobody could afford that. So you get into the question, Is it medically called for? Is it an experimental thing?

Honest people can disagree about things such as that. We do it all the time. We are talking about lawsuits, and that is what happens in lawsuits. You would not have any lawsuits in the medical area, in the malpractice area, unless you had doctors on both sides of the cases taking different views of these matters. We have to resolve these matters. We cannot just predetermine that because a case is meritorious and our heart bleeds for an individual case, all of it is covered any time for anything. Nobody could afford it. It is a practical, hard part of life with which we have to deal. And we are doing a disservice to our constituents if we do not remind them that there are tradeoffs and there is a bigger picture with which you have to deal.

Here is where we are going. We are getting down to the fact that, as I said, we have in some cases a dispute as to whether or not something is medically called for. What this bill does, and what this resolution supplements, is that it says when you have a situation

such as that, let's set up an independent person, an independent entity. In the bill it is called a qualified external review entity. It is external because it is not a part of any employer's process; it is not a part of the employer's deal. The employers do not control this.

The bill takes several pages setting up, I think very skillfully, an independent entity that is highly qualified, that is very independent, that is monitored by the Federal Government to make sure they take a look at that issue to see whether or not there is coverage on an individual incident.

Once again, if you were going to say on the front end everybody who needs coverage has to be covered, regardless of whether or not it is in the insurance policy or anything else, you would not need this external review and your premiums would go through the ceiling and everybody would be calling for nationalizing the health care system in this country. But we are not doing that.

This bill calls for this external review process. That entity determines whether or not this is a medically reviewable decision or not. That entity determines whether or not there is coverage. If that entity decides that it is a medically reviewable matter, there is coverage, it goes to another independent level. And this bill sets up an independent medical review. This first reviewer doesn't have to be a doctor, necessarily. But on the second review it has to be a doctor. He is independent. He has nothing to do with the employer. He is qualified. He is supervised and overseen by the Federal Government. He takes a look at it and he makes a decision.

So far so good. Again, this is a reasonable response to these sad, sad stories that we know people tell and we all hear about from time to time. If you are not going to say: Cover everything all the time and we are going to, depending on how sick a person is, determine coverage—if you are not going to do that, you have to have some way of reasonably and fairly deciding what is right. This bill sets up two levels of independent review. I think that is an appropriate way to balance the need to cover people for what they contract for, for what coverage is for—for which you are paying a premium commensurate with the coverage, on the one hand, and a need to make sure there is at the end of the day some coverage that is affordable for somebody so we do not add to the 40 million people who have no insurance at all.

So far, so good.

The problem I have is not with the bill I just described. The problem I have is not with this resolution which reinforces the idea that we need independent review. The problem I have is that you can go through that entire process and, if a claimant is turned down, they can ignore that entire process and still sue in State court, they can still sue in Federal court, and they

can still sue in any jurisdiction where the defendant has a place of business or is doing business for unlimited damages. They can still sue an employer who gave them the insurance.

That is what I have trouble with—not that we are setting up an independent review process. It is that we are not honoring the independent review process. We are saying we are going to set it up. But if it turns out one way, we are going to adhere to it. If the claimant wins, then it is binding on the employer. But if these independent entities decide that the claimant does not win, because it is one of those 99 percent deals, and it is an experimental thing: we just do not cover that; our heart goes out to you, but you just didn't pay for that much—if they decide that, then it is as if all of that independent stuff doesn't count. Here is where the lawsuits start.

That is the problem I have with this bill.

We must recognize that there are tradeoffs for everything we do in this field. It is easy to give new rights, and establish new rights, either out of the Treasury of the Federal Government or making some company pay for something else. But it has an effect on people's conduct. People do not just sit still. If you triple somebody's taxes, it is going to affect their behavior. If you cut their taxes in half, it is going to affect their behavior. If you place new liabilities on employers—some of them are small employers trying to furnish decent health care packages to their employees—they do not have to. But if you make things tough enough on them, they are just going to say: We are either going to drop coverage or we are going to give you some money. You go get your own health insurance and I don't have any liability. And that employee may or may not take that money and buy health insurance; he can do whatever he wants to with it.

What we do affects people's behavior. It is not enough to talk about sad story after sad story and say that is fact. We all agree to that. All of us are looking for a way to balance the approach so people can be properly covered to the extent possible where folks can still afford coverage in this country. Health care prices are already going up at double-digit rates before this bill is passed. If we make the lawsuit liability so great that people can't afford coverage, it is going to go up even higher.

We already have 40 million people in this country who have no insurance at all. Our job is to try to come up with a balanced approach so that we don't add to those 40 million people. We can't just sit out here and talk about one sad story after another without considering the effect of the public policy we are putting into place.

We had before this body, before I got here, when President Clinton was President, the Clinton health care plan. It had noble motives, too. We heard about people who needed help and needed coverage, and so forth, at

that time. The whole Nation did. This body considered that bill. This body decided not to go in that direction because in many people's minds it was a nationalizing of our health care system; that as much as we have instances sometimes where things fall through the cracks, on the whole, people do not fly to England in order to get their medical coverage. The rich people of the world fly here. We have the best overall medical system in the world. We didn't want to nationalize our health care system. We turned that down. It wasn't because our heart didn't go out. It wasn't because there were some pitiful stories out there where people needed more help than they were getting. But it was, on balance, because we didn't believe it would be good for those same people if we nationalized our health care system.

I do not know if we have changed our minds about that or not. I don't think so. But that is what we are doing here with this bill the way it is now drafted. We are nationalizing our health care system in a significant respect by other means. We are doing it by an unfunded mandate on corporations. The Government is not sending people checks for their health care, but they are requiring other people to. We can't think we can do things such as that without having an effect on people's conduct.

Health care costs got out of hand in this country. We responded with a managed care response to it and tried to make that balance to provide enough care that would cover people in most cases but would not be so costly that it would drive people out of the system. It didn't always work. There were some excesses. Some of these HMOs did some bad things. States got into the act. My State of Tennessee covers more things than the McCain-Kennedy bill does in many respects—it is not as if the States are not addressing these issues—and in response to that, health care costs went back up a little bit. We can live with that. But now we are coming along and laying a whole new Federal layer on top of that, double-digit increases in health care costs being present today. And we have no idea what that is going to do to costs when we are saying we are going from a system where there is no redress, right past the system of independent review, which would be a major beneficial change where independent doctors would be deciding the right to unlimited lawsuits.

We have no idea what that is going to mean to the cost of health care in this country. If we think employers are going to sit still for that, that small employers are not going to change their conduct, that prices are going to remain the same and that these HMOs are not going to protect themselves in terms of price increases to cover their new exposure, we are fooling ourselves.

I am not saying we shouldn't respond to current circumstances. I am just

saying we are hearing too much of this side of the story and nothing about the other. We are doing the American people a disservice. It doesn't take a lot for Members of this body to grant new rights and extend our sympathy. Sometimes it takes a little more to say that is a relevant part of this discussion. But let's talk about the effects of what we are about to do.

I hope we don't have this debate 2 years from now and we have these same sad stories coming in about my problem wasn't that we got into a dispute over coverage and they were not covering it, but they cut me off. My problem was I didn't have insurance to start with because my employer couldn't afford it.

I commend the Senator for offering the sense of the Senate. I think these independent entities ought to be strong. We have set them up now in this bill. My problem is we don't use them. They can be circumvented without exhausting the administrative remedies. It goes straight to court. Or we can go through and use them, but if you get an adverse decision and the best independent minds look at this and say, sorry, but there is no coverage, it doesn't matter; it is as if they didn't exist. You can then begin a whole realm of lawsuits against HMOs, against employers in some cases, and even against these independent entities that have made the determination. Both the external reviewer and the doctor can be sued because they decided against coverage.

There is in this bill a higher threshold of proof against them to prove they are guilty of gross misconduct. But when we use these independent entities that we are bragging about and we are talking about how strong and important they are, let's use them. Let's not just use them as a starting place and a debating point and go through a year or two of that and a decision that everybody admits was objective and untainted, and then totally treat it as if it didn't exist because we want to open the door to unlimited lawsuits for unlimited amounts for everybody in sight. That is not helping those poor people. That is not going to help those poor people who need medical attention and medical coverage.

They have exempted doctors and lawyers. A lot of doctors support the bill because when they get sued, they want the HMO also to be right there beside them. I understand how that works. So the doctors support them. The doctors were exempted. The doctors are exempted in this bill, and so are the hospitals. People who are giving the health care have been exempted. But the people who are furnishing the health care, the employers, have not been exempted. It doesn't seem right to me.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). Who yields time?

The Senator from Montana.

Mr. BURNS. I thank the Chair.

Madam President, I know there are a lot of folks who want to go home about now. I have listened to this debate on the television with a great deal of interest. We have heard all kinds of examples of bad things that can happen to people. Of course, we could talk about those kinds of things in any field because there are certain circumstances where you could sometimes find victims of circumstance and sometimes find victims of greed.

We have also heard that our health care system is very complicated. I will tell you, I do not think our system is complicated. I think we are moving a piece of legislation that is going to complicate it.

Since the introduction of Medicare and Medicaid, it has grown more complicated all the time. If one thinks HMOs are hard to deal with, I am wondering if anybody has had the opportunity to deal with HCFA lately. Just try to get some things done for an elderly mother or father. I do not see anything in the three proposals right now that deals with the real and perceived problems with private insurance plans or HMOs.

We have advertising that is on every radio station in this town. They have lots of facts, some of which are a little misleading. Patients' rights are assured to those who are covered by HMOs and insurance plans now, but it seems to me where the dispute begins is either the insured did not understand what he or she was buying or what the specific coverages were to which they thought they are entitled.

I am not going to stand here and defend the HMOs or the insurance companies, but what has happened to the industry is making them more cautious about the kinds of contracts they issue. And again, with the consumer, as in all areas of the American way, the buyer has to be concerned. It has always been that way. But as plans were gamed and abused, insurance companies and HMOs became more precise in the offering of their coverages; in other words, the fine print became even finer and smaller. Patients have rights, but not for compensation for specific health care problems that are clearly exempted from coverage.

So what I am saying is, when you are buying something, buyer beware. Again, with regard to this problem of companies being driven to that kind of a situation, how far they can go, and how far they will go, we do not know. We do not know how much they can stand.

A Patients' Bill of Rights is nothing new for me. In 1994, along with my distinguished colleague from Minnesota, Senator WELLSTONE, we had a Patient Protection Act. The goal of that bill was to assure fairness and choice to patients and providers under managed care health benefit plans.

I still believe it is essential we ensure that managed care techniques and procedures protect patients and guarantee the integrity of the patient-physician

relationship. Let me repeat that. We have to guarantee that the integrity of the relationship between the physician and the patient is protected.

I am not without a physician in my family, and we talk quite frequently of these and other issues related to the Patients' Bill of Rights and the problems she faces as she attempts to administer quality and necessary medical care to her patients. It is an area in which I am particularly interested.

I believe all Americans should have access to quality, affordable health care and to be able to select the health care plans of their choice. I support legislation that requires HMOs to be more responsive and accountable to their patients. We must ensure choice, quality, and access at all times.

I think it is fair to state we have reached general agreement over many of the consumer protection aspects of all three of these bills that have been presented to the Senate.

Doctors must be able to discuss the full range of treatment options to their patients. I continue to believe that gag clauses in health care provider contracts attack the heart of the doctor-patient relationship, and they eat into the most important factor in the healing process, and that is trust.

In addition, customers should be fully informed about the financial arrangements, if any, between their doctors and the insurers. Patients in need of emergency care must be free to go to the emergency room to receive the care they need, uninhibited.

Customers must be fully informed about the costs and limits of the coverage they buy, they should have complete information about treatment options, a complete list of the benefits and costs of each plan, a full choice of doctors, and access to specialists.

Finally, patients who are denied care, or receive word that their plan will not pay, must have a right—and they have the right—to a fair, binding, and timely appeals process.

A great deal of debate has and will likely continue to center around this appeals process and how it is structured and having access to the courts. I believe access to the courts should be the last resort. First we should structure a fair, timely, credible, and independent appeals process.

Independent, qualified reviewers should be able to draw upon the broadest and best possible medical guidelines when determining the care patients need that is covered under the contract. Physicians should be able to set the timeframe within which the treatment should be provided. When this process fails or is exhausted, then we should turn to the courts. In the cases where an HMO defies an order of the independent reviewers to provide a benefit—or acts in bad faith to delay making the necessary treatment available—I believe the HMO should be held liable. After all, no American should be denied access to our court and justice system, as it is a constitutional right.

On the other hand, we cannot let the practice of medicine be governed by the fear of lawsuits and, of course, trial lawyers. This will surely add to the cost of care. I am afraid that as the cost of obtaining care increases, so too will the number of uninsured. That is what I have heard most in my State of Montana. That is a price that no one can afford, especially small business. We do not have big companies in the State of Montana. We are a State with a lot of small businesses. Those employers are telling us to be very careful of the action we are taking.

Any bill that passes this Congress cannot contain provisions which would make the employers liable when they have nothing to do with the decision made by their provider of medical coverage. I will tell you, trial lawyers are very imaginative. When they sue, no one is exempt. So our language has to be specific. I was struck that even though it has been shown in this Chamber that the legislation we are considering has that concern—where they say it doesn't say one thing, but there it is in black and white—nobody has offered to change it and make it palatable to either side.

Any such provision is extremely dangerous for any employer, whether it be a small Montana business with two employees or a larger employer such as a hospital or doctor's office or clinic.

There are many native people who do not understand how imaginatively and broadly trial lawyers can interpret statutory provisions to include businesses as defendants in lawsuits when it was not the intention of the drafters of this legislation. To be very specific, I want to make sure that the innocent small businesses that are trying to provide much needed health care for their employees do not find themselves in court for their good intentions. I have always heard the old saying that no good deed shall go unpunished.

Twenty percent of Montanans currently lack health coverage. I don't want to see that number rise either. We cannot add to that number. I cannot support provisions which would threaten to do so. As a practical matter, it seems unreasonable to potentially give one or two people and their lawyers millions of dollars in punitive damages and as a consequence destroy thousands the ability to obtain health insurance coverage. It just doesn't make a lot of sense.

For many the greatest obstacle we face in health care today in this country is the cost of insurance. It is not that we don't want it; we can't afford it. What is driving those costs? It is not the person who tries to take care of themselves. It is the coverage of some extraneous programs or plans that drives the cost.

Since way back in 1993 and 1994, we have been talking about health care. We want three things when it comes to health care in this country: We want top quality, which we have; we want it fast; we want it low cost. If one would

think just for a little bit, we can only have two of the three.

I believe we ought to start looking at the best way we can control costs and make health care more accessible and affordable to those who need it.

My primary and overriding concern is that any Patients' Bill of Rights is indeed in the best interest of all my folks in Montana and all Americans. I am deeply concerned about those thousands of hard-working folks who are self-employed or employed by small businesses throughout my wonderful State. These people desperately need our protection. I do not want to act in haste or irresponsibly, jeopardizing their present health coverage by higher premium costs.

I, therefore, will support a bill that will assure the maximum patient protection to all and ensure that patients get the health care they need when they need it.

I absolutely agree that a real Patients' Bill of Rights needs to be enacted as soon as possible. These are complex issues. We have come a long way. I am confident we will be able to arrive at a fair and reasonable bill in the very near future.

We have to look at just exactly what we can do because in this piece of legislation, there could be and probably will be some unintended consequences, as there always is when we pass major legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, we have heard a number of statements over the past week about what is wrong with this legislation that is now before the Senate.

One of the arguments that has been made is that the real purpose behind this legislation is to create socialized medicine in America, that that is the whole purpose. That is why this bipartisan bill was introduced, so that we would have socialized medicine in America. The purpose was to drive all the employers out of insuring their employees.

That argument didn't last very long because it was so fallacious on its face.

Then there was a statement that this was all about lawyers, that there would be thousands of new lawsuits. Well, we looked at a couple of States where they have something comparable to what we want to pass.

Senator MILLER from Georgia came to the floor and said: I don't know what they are talking about. In Georgia, since we have had a Patients' Bill of Rights, there has not been a single lawsuit filed.

In Texas the law has been in effect for over 4 years, even though Governor Bush—now President Bush—vetoed that. In 4 years there have been 17 lawsuits. So they dropped that debate. I will no longer debate that issue.

Then they spent some time on States rights: What was being attempted in this bipartisan legislation is to take

away the rights of States to settle their own problems. Example after example was brought to the attention of the Senate that was simply not true, but they wouldn't let up on that. They said: Well, we think all lawsuits in this matter should be filed in Federal court.

We knew that wasn't the right way to go because people should be able to go to court in the place where they live. Again, Senator MILLER from Georgia laid that out very clearly. Why should someone have to travel hundreds and hundreds of miles to file a lawsuit when they can do it in their own community?

Senator ZELL MILLER of Georgia really put this debate on the right track. After Senator MILLER spoke, they dropped that "let's use the Federal court for all of our litigation."

This boils down to a very simple proposition. Why should HMOs be treated differently than anyone else in America except foreign diplomats? As a result of our Constitution, foreign diplomats cannot be sued. HMOs are not in our Constitution. They should be treated no differently than anyone else. Why in America should there be the abnormal situation that the only people who can't be sued are foreign diplomats and HMOs?

There are a number of suggestions floating around here. In fact, one of the sponsors, Senator FRIST of Tennessee, said:

The Patients' Bill of Rights leans toward protecting trial lawyers, not toward protecting patients.

President Bush said, when he was running for President:

If I am the President, people will be able to take their HMO insurance company to court.

He said this on October 17 of last year.

Fact: As a candidate George Bush promised voters their insurance companies would be held accountable.

Fact: George Bush took credit for a law that allowed Texans to sue their insurance companies in State court even through he vetoed that. Now his administration is saying that holding HMOs accountable in State court is a terrible idea. He can't have it both ways.

Another of the fixes on this legislation that is being passed around, again, by the Senator from Tennessee, Mr. FRIST: "You sue employers under this bill."

What the President has said in February of this year: "Only employers who retain responsibility for and make final medical decisions shall be subject to suit."

That sounds reasonable. That is what the McCain-Edwards bill does.

Fact: The McCain-Edwards legislation does not authorize a cause of action against an employer. In short, employers are protected from lawsuits relating to harm caused by an insurance company.

Another fix, again by the Senator who is sponsoring the other bill, Mr. FRIST. His statement: "Their bill will

drive people to the ranks of the uninsured."

That is the socialized medicine argument. Here is what the Census Bureau said: "After Texas enacted a patients right law, the number of uninsured in the State actually decreased."

This is the U.S. Census Bureau.

Fact: 2 years after the State of Texas gave Texans the right to sue HMOs in State court, the ranks of the uninsured in the State of Texas actually decreased.

George W. Bush, in October of 2000:

I support a National Patients' Bill of Rights and I want all people covered.

One of the fictions stated here by my colleague, the Republican whip, the Senator from Oklahoma, was:

The United States will be considering a bill which could preempt some of the good work States have done in the States to protect patients.

That is fiction. Here are the facts: The McCain-Edwards legislation provides a Federal floor for patient protections, not a ceiling. Stronger unrelated patient protections enacted by the States would remain untouched by this bill.

The other argument they have used—and I touched on this before—is that this is so expensive and how could you possibly ask people to pay for this exorbitant cost that is going to be created by this legislation? The Congressional Budget Office says:

Real patient protection costs about 37 cents more than the GOP-backed Frist legislation.

Not hundreds of thousands or millions or billions but 37 cents.

Senator FRIST:

We know this is going to drive up the cost of health care premiums.

He is right, 37 cents. But last year—the facts are that last year insurers increased premiums by an average of 8.3 percent, 10 times the 1-year cost of this legislation. So it is no wonder that 85 percent of the American public support the Patients' Bill of rights. That is why in a movie—when you hear HMO in a movie, people sneer and shout out in derision.

The Patients' Bill of rights is something we must do. The majority leader has said we are going to finish this legislation before we have the Fourth of July break. Why? Because as the Senator from North Carolina indicated, every day that goes by, there is more grief and pain to patients and doctors because the doctors can't render the care they believe is appropriate for patients. Every day we wait is a day people will be harmed as a result of our not passing this legislation.

Madam President, I read into the RECORD hundreds of names of organizations that support this legislation. The time is late and I am not going to do that tonight. From time to time, I am going to read the names of organizations supporting this legislation. I already read in the names of hundreds. I would start tonight with the D's. It

would take a long time because the organizations that support this legislation that have the name "family" connected with them goes for five pages.

Literally, our bipartisan Patients' Bill of Rights is supported by hundreds and hundreds of organizations. I hope we—and I am confident that we can as legislators, Democrats and Republicans—pass this legislation soon because the sooner we do it, the better off America is.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

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

#### AGENT ORANGE ACT OF 1991

Mr. DASCHLE. Madam President, I would like to call attention to the introduction of S. 1091, our bipartisan legislation to update and expand the Agent Orange Act of 1991.

These changes, and my other ongoing Agent Orange work, are necessitated by our imperfect understanding of how dioxin affects the human body.

As many of my colleagues know, dioxin is the toxic ingredient in Agent Orange, 11 million gallons of which were sprayed over Vietnam during the war. Dioxin ranks with plutonium as one of the most toxic substances known to man, and this country dropped more on Vietnam than has ever been released into the environment, anywhere in the world. S. 1091 is another effort, more than 25 years after the war's end, to deal with the wounds of, and determine the extent of the injury to, our own soldiers.

As an example of how our knowledge of dioxin is evolving, I would point to a provision in S. 1091 that would remove all deadlines for veterans to claim disability benefits for respiratory cancer. This provision stems from a recent report by the National Academy of Sciences, which pointed out that there is no scientific basis for the deadline contained in current law—a deadline that effectively blocks benefits for a veteran whose cancer develops 30 years after Agent Orange exposure. The Academy finds no evidence that the risk diminishes with the passage of time.

And as scientists learn more about Agent Orange, we must continue to ensure that veterans benefits are updated accordingly. The current mechanism

for continuous updating, established in the 1991 Agent Orange Act, has proven to work well, but it expires soon. The two-step process begins with a biennial review of new dioxin research, via a scientific panel organized by the National Academy of Sciences. Next, the Secretary of Veterans Affairs must respond to the report and recommend the addition of new diseases and conditions as appropriate. S. 1091 would extend the process until 2012.

Recently, this process has brought diabetes on the Agent Orange presumptive disability list, which means that if a veteran was exposed to Agent Orange, the veteran's diabetes is presumed to be connected to his or her military service. Previous Academy reports have linked Agent Orange exposure to serious conditions such as prostate cancer, respiratory cancer, the disfiguring skin disease chloracne, soft-tissue sarcoma, the lymphatic system cancers known as Hodgkin's disease and non-Hodgkin's lymphoma, porphyria cutanea tarda, multiple myeloma, and subacute peripheral neuropathy.

I am proud to be a cosponsor of S. 1091, along with the chair and ranking member of our Veterans' Affairs Committee. My thanks to Senators ROCKEFELLER and SPECTER for their hard work on this measure and their interest in Vietnam veterans, their families, and others who live with the diseases, conditions, and uncertainty created by exposure to dioxin.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 1, 1991 in Staten Island, New York. An attacker called 53-year-old Frank Kovarik "fag" before striking him repeatedly with a baseball bat, breaking his right ankle, fracturing his right leg, breaking a kneecap and wrist, and causing a concussion. The attacker and an accomplice also stole \$400 and the keys to Kovarik's car.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### INVESTING IN COMMUNITIES DAY

Mr. DASCHLE. Madam President, the vast majority of cities throughout our Nation are small cities, many of which are fewer than 50,000 people. It is

in these communities that our Nation's citizens nurture their families, develop their work ethic, cultivate their values, and live with their neighbors. Millions of Americans live better lives because small cities provide services and programs that meet the needs of their citizens. But small cities cannot meet these needs alone.

Businesses, civic organizations and citizens across the Nation continue to develop partnerships in an effort to improve the quality of life in their communities. The Federal Government, too, must continue to be a good partner by supporting important efforts, such as the COPS program, Community Development Block grants, disaster assistance and infrastructure assistance, that enable small communities to become better places in which to live.

The National League of Cities has designated this day, June 22, 2001, as National Small Cities "Investing in Communities Day" in an effort to highlight the many ways in which Federal, State, and local governments work together. We must continue that work and look for ways to improve our communities through continued cooperative efforts.

I join the National League of Cities and the Small Cities Council in encouraging President Bush, my congressional colleagues, State governments, community organizations, businesses and citizens to recognize this event, honor the efforts of "small town America," and renew our commitment to work together on this day and in the future to improve the lives of all citizens throughout the Nation.

#### DEPUTY UNITED STATES MARSHAL PETER P. HILLMAN

Mr. WYDEN. Madam President, I rise today to pay tribute to a fallen American hero: Deputy United States Marshal Peter P. Hillman.

Deputy Hillman was tragically killed in the line of duty 1 year ago when the van he was driving was hit by a truck, killing Deputy Hillman and the three prisoners he was transporting. Deputy Hillman's defensive driving actions during that terrible incident helped save the life of a U.S. Marshals Service guard traveling with him that afternoon.

The U.S. Marshals Service and Oregon experienced a great loss with the death of Deputy Hillman. His 14-year U.S. Marshals Service career began in 1986 in San Jose, California. He later transferred to the Eastern District of California in Fresno. It was there that he was given the nickname "The Hillmanator" for his relentless efforts in apprehending narcotics fugitives.

Whether his duties entailed lending support to members of the community in the U.S. Virgin Islands after Hurricane Marilyn, apprehending fugitives during "Operation Sunrise," providing security at a high-threat trial in Montana or at the Olympic Games in Atlanta, Georgia, he gave his all in every-

thing he did. Deputy Hillman was a dedicated and courageous man with an enthusiasm for life. His name is now engraved on the Marshals Service's "Roll Call of Honor," along with nearly 200 other dedicated and brave individuals who have set a standard of excellence for all United States Marshals and Deputy Marshals.

Today is the anniversary of Deputy Hillman's death, so I would like to take this opportunity to express my sorrow to the family of Deputy Marshal Hillman. I know they miss him dearly, and I want them to know he has not been forgotten.

I ask my colleagues to join me today in expressing gratitude to the family of Deputy U.S. Marshal Peter Hillman for his service to our country. Displaying valor in both his life and his work, Deputy Marshal Hillman is a tribute to this great nation.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CAPTAIN RICHARD F. WALSH, UNITED STATES NAVY

• Mr. WARNER. Mr. President, I rise today to recognize and pay tribute to Captain Richard F. Walsh, Judge Advocate General's Corp, United States Navy. Captain Walsh will retire from the Navy on July 1, 2001, having completed a distinguished 30 year career of service to our Nation.

Captain Walsh was born in New York City, and is a graduate of the United States Naval Academy and the University of Virginia School of Law. He also earned a Master of Laws degree from the Judge Advocate General's School of the Army.

During his military career, Captain Walsh excelled at all facets of his chosen professions of law and naval service. As a line officer, he served as Combat Information Center Officer onboard USS LUCE (DLG-7), completing two U.S. Sixth Fleet deployments, and qualifying as a Surface Warfare Officer.

As a judge advocate, Captain Walsh has served in a variety of challenging assignments. As the senior litigator at Naval Legal Service Office, Subic Bay, Republic of the Philippines, Captain Walsh faithfully preserved the fairness of the military justice system. Later in his career, he returned to the courtroom as a member of the General Litigation Division, Office of Judge Advocate General, and argued many important cases in numerous Federal Circuits. As a staff judge advocate, he provided legal counsel to SEABEE Commanding Officers stationed in Gulfport, Mississippi, and was later selected to serve as Counsel to the Chief of Naval Personnel. A superb manager of people and mission, Captain Walsh headed the JAG Corps' accession program and later assumed command of Naval Legal Service Office, National Capital Region, where he continued to lead and inspire young judge advocates.

I am sure that many of my colleagues remember and appreciate Captain Walsh's service as Director of Legislation in the Navy's Office of Legislative Affairs, followed by his tour of duty as Executive Director for Senate Affairs under the Assistant Secretary of Defense for Legislative Affairs. During these assignments, he directly contributed to clear and concise communication between Congress and the Departments of the Navy and Defense on a broad range of legislative matters. So noteworthy are his talents, knowledge, and integrity, that Captain Walsh has been chosen to serve on the staff of the Senate Armed Services Committee. The Navy's loss is certainly the Senate's gain, and we look forward to working with Dick Walsh for many years to come.

The Nation, the United States Navy, and the Judge Advocate General's Corps have been made better through the talent and dedication of Captain Richard F. Walsh. I know all of my colleagues join me in congratulating Dick on the completion of his outstanding military career, and we welcome him to the Senate staff.●

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMPSON:

S. 1095. A bill to amend title 38, United States Code, to restore promised GI Bill educational benefits to Vietnam era veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 1096. A bill to eliminate the requirement that certain covered beneficiaries under chapter 55 of title 10, United States Code, obtain a nonavailability-of-health-care statement with respect to obstetrics and gynecological care related to a pregnancy; to the Committee on Armed Services.

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 1097. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. VOINOVICH (for himself, Mr. BIDEN, Mr. DEWINE, and Mr. HARKIN):

S. Res. 116. A resolution congratulating the Republic of Slovenia on its tenth anniversary of independence; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 258

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico

(Mr. BINGAMAN) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of annual screening pap smear and screening pelvic exams.

S. 277

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 277, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 345

At the request of Mr. ALLARD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 392

At the request of Mr. SARBANES, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 497

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 497, a bill to express the sense of Congress that the Department of Defense should field currently available weapons, other technologies, tactics and operational concepts that provide suitable alternatives to anti-personnel mines and mixed anti-tank mine systems and that the United States should end its use of such mines and join the Convention on the Prohibition of Anti-Personnel Mines as soon as possible, to expand support for mine action programs including mine victim assistance, and for other purposes.

S. 662

At the request of Mr. DODD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 672

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 672, a bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens "age-out" while awaiting immigration processing, and for other purposes.

S. 756

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity pro-

duced from biomass, and for other purposes.

S. 838

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 887

At the request of Mr. WELLSTONE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 887, a bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture.

S. 913

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of all oral anticancer drugs.

S. 917

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 940

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 964

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) 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. 999

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1019

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1019, a bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes.

S. 1037

At the request of Mrs. HUTCHISON, the name of the Senator from Utah (Mr.



HATCH) was added as a cosponsor of S. 1037, a bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes.

S. 1066

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the Medicare program.

S. 1083

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1083, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1084

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 72

At the request of Mr. SPECTER, the name of the Senator from Texas (Mr. GRAMM) was withdrawn as a cosponsor of S. Res. 72, a resolution designating the month of April as "National Sexual Assault Awareness Month."

S. CON. RES. 37

At the request of Mr. LIEBERMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution expressing the sense of Congress on the importance of promoting electronic commerce, and for other purposes.

S. CON. RES. 43

At the request of Mr. VOINOVICH, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors 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.

S. CON. RES. 53

At the request of Mr. HAGEL, the names of the Senator from Ohio (Mr.

DEWINE) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 53, concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 53, supra.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 1096. A bill to eliminate the requirement that certain covered beneficiaries under chapter 55 of title 10, United States Code, obtain a nonavailability-of-health-care statement with respect to obstetrics and gynecological care related to a pregnancy; to the Committee on Armed Services.

Ms. COLLINS. Mr. President, I rise today to introduce the Military Spouse Physician Choice Act of 2001. This legislation amends the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, to eliminate the requirement that a military dependent obtain a nonavailability statement, NAS, or a waiver from a commanding officer of a military treatment facility, in order to receive maternity care from a civilian doctor. I am pleased that my colleague Senator LANDRIEU is joining me in introducing this legislation.

This legislation, which is a companion to H.R. 1511, introduced in the House by Representatives JIM RYUN and SUSAN DAVIS, will eliminate the requirement for TRICARE Standard maternity patients to obtain military nonavailability statements before seeing other doctors. Under current policy, Standard patients who live within 40 miles of a military medical facility must obtain a NAS from the facility commander before receiving pregnancy care from a civilian physician.

Over 53 percent of our Nation's active service personnel today are married. Maintaining a high quality of life for these men and women in uniform must include the best possible health care for their spouses. While the services may recruit men and women to serve in our military forces, the reality is that we retain families to protect our Nation. It is therefore critical that all military spouses receive the health care services they signed up for.

Currently, a military dependent has two options under the military's health care system. All military personnel and 84 percent of military dependents enroll in TRICARE Prime, which is the military's version of an HMO. Prime provides quality care, usually at a military treatment facility on the post or base. However, some dependents choose to enroll in the military's fee-for-service plans, called TRICARE Standard and Extra. These dependents voluntarily accept higher copayments

and deductibles in return for the promise of freedom to choose their own doctor.

Unfortunately, the promises in the enrollment brochure do not apply in all circumstances. Currently, a woman who chooses a civilian doctor through TRICARE Standard or Extra is forced to change doctors and return to the military treatment facility when she becomes pregnant. The only way for her to continue using her own doctor is to receive special permission from the commanding officer of that military treatment facility. The result is a bureaucratic nightmare.

This situation is a concern for military dependents across the country. It represents a break in continuity of care that compromises the invaluable relationship between a woman and her doctor. A woman who has a trusted relationship with her civilian ob/gyn is required to change to a doctor at the military treatment facility due to an unnecessary regulation that can, and should, be fixed.

Military families deserve better treatment. Many of them consistently pay higher premiums and accept higher out-of-pocket costs in exchange for an active role in controlling their health care decisions. It should not take a military order to allow a woman to stay with her regular doctor for prenatal, delivery and postnatal care. This is why Senator LANDRIEU and I are introducing legislation to cut through this burdensome red tape. The Military Spouse Physician Choice Act would eliminate the need for women to get special permission to receive the continuity of care they were promised.

Over the past few years, Congress has made several positive changes to military health care services. We have given our military personnel the ability to choose the health care option that is right for each of their families. We have enabled our military treatment facilities to maintain a high level of excellence, making them the choice of most military dependents. It only follows that a pregnant spouse should be able to choose to utilize that treatment facility but not be mandated to do so.

If we want to continue to recruit and retain quality people for our armed services, we need to show them that they and their families will be treated fairly when making health care decisions.

I am very pleased that the Military Coalition, a consortium of nationally prominent uniformed services and veterans organizations representing more than 5.5 million members plus their families, has endorsed this legislation. The Retired Officers Association, TROA, has as well because the current policy denies TRICARE Standard beneficiaries one of the most important principles of quality health care, continuity of care by a provider of their choice.



I urge all Members of the Senate to join me and Senator LANDRIEU in support of the Military Spouse Physician Choice Act.

I ask 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. 1096

*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 "Military Spouse Physician Choice Act".

#### SEC. 2. ELIMINATION OF REQUIREMENT TO OBTAIN NONAVAILABILITY-OF-HEALTHCARE STATEMENT IN CASES OF PREGNANCY.

(a) ELIMINATION OF REQUIREMENT.—Section 1080(b) of title 10, United States Code, is amended by striking the second sentence.

(b) EXPANSION OF NONAVAILABILITY STATEMENT WAIVER AUTHORITY.—Section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-446) is amended—

(1) in subsection (a), by inserting "or with respect to obstetrics and gynecological care related to the pregnancy of such a beneficiary who is enrolled in TRICARE Extra," after "TRICARE Standard"; and

(2) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by inserting "(1)" after "(c) EXCEPTIONS.—"; and

(C) by adding at the end the following new paragraph:

"(2) Paragraph (1) shall not apply in the case of obstetrics and gynecological care related to the pregnancy of a covered beneficiary."

Ms. LANDRIEU. Mr. President, I rise today to introduce the Military Spouse Physician Choice Act of 2001 with my distinguished colleague, the junior Senator from Maine. This legislation amends the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, to restore equity to the families of our servicemembers. Simply put, this bill would delete the requirement for a servicemember's spouse to obtain a non-availability statement from the commanding officer of the nearest military treatment facility in order to receive maternity care from a civilian doctor.

Under current legislation, military dependents choosing to enroll and pay for TRICARE Standard, the program in which enrollees accept higher co-payments in exchange for the option of choosing their own doctors, are still required to obtain a military non-availability statement before seeing their choice of civilian physician. This practice continues despite the fact they are already paying for just that option. Our bill eliminates the requirement for maternity patients enrolled in TRICARE Standard to get that non-availability statement before being seen by the civilian physician of their choice for all maternity care throughout the pregnancy.

I am committed to the quality of life of the men and women in uniform who

sacrifice to serve their Nation. All too often we forget that families and their treatment are key to the quality of life and retention of those servicemembers. Our military and their families deserve better treatment than what they receive today. If they choose to accept the higher costs of TRICARE Standard in exchange for greater control over their healthcare choices, then they should have that control over all healthcare choices. Pregnancy should not force a spouse to get permission from the military to receive her prenatal, delivery, and postnatal care from the same doctor who she paid to see prior to the pregnancy. Anything less is fundamentally unfair and is something none of us would accept from any medical plan in the civilian community.

This body has worked hard to improve military healthcare for our servicemembers, their families and retirees. With the creation of TRICARE, we gave them control over their medical treatment by allowing them to pay additional costs out of pocket in exchange for greater flexibility, the same choice anyone outside of the military has the opportunity to make. If we want to continue to recruit and retain the best and brightest people our Nation has, we owe them equitable treatment. Any other course is a disservice to them and disrespectful of the choices and financial commitments they have made to the military healthcare system. I urge my colleagues to support this bill and send a message to our military: You and your families will be treated fairly and with respect when making healthcare decisions. The Military Coalition representing more than 5.5 million servicemembers and their families supports this legislation. So does The Retired Officers' Association, TROA. Fellow members of the Senate, support of this bill should be common sense for all of us. This bill should pass unanimously because it does what is right, what is fair, and keeps faith with our military.

I am proud to cosponsor this legislation with Senator COLLINS and urge all of you to join us in supporting the Military Spouse Physician Choice Act.

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 1097. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park; to the Committee on Energy and Natural Resources.

Mr. THOMPSON. 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. 1097

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

#### SECTION 1. NATURAL GAS PIPELINES WITHIN THE BOUNDARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK.

(a) PERMIT FOR NATURAL GAS PIPELINES.—

(1) AUTHORIZATION.—The Secretary of the Interior may issue right-of-way permits for natural gas pipelines that are—

(A) within the boundary of the Great Smoky Mountains National Park (as of the date of enactment of this Act);

(B) not otherwise authorized by Federal law; and

(C) not subject to valid rights of property ownership.

(2) CONDITIONS.—A permit issued under paragraph (1) shall be subject to any terms and conditions that the Secretary determines necessary.

(b) PERMIT FOR PROPOSED NATURAL GAS PIPELINES.—

(1) AUTHORIZATION.—The Secretary may issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park that are proposed for construction in—

(A) the Foothills Parkway;

(B) the Foothills Parkway Spur between Pigeon Forge and Gatlinburg; and

(C) the Gatlinburg Bypass.

(2) CONDITIONS.—A permit issued under paragraph (1) shall be subject to any terms and conditions that the Secretary determines necessary, including—

(A) provisions for the protection and restoration of resources that are disturbed by pipeline construction; and

(B) assurances that construction and operation of the pipeline will be compatible with the purposes of the Park.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 116—CONGRATULATING THE REPUBLIC OF SLOVENIA ON ITS TENTH ANNIVERSARY OF INDEPENDENCE

Mr. VOINOVICH (for himself, Mr. BIDEN, Mr. DEWINE, and Mr. HARKIN) submitted the following resolution; which was considered and agreed to:

S. RES. 116

Whereas on December 23, 1990, the people of Slovenia voted overwhelmingly in favor of independence from the former Yugoslavia in a national referendum;

Whereas, on June 25, 1991, the Republic of Slovenia declared itself an independent and sovereign nation;

Whereas, on December 23, 1991, the Slovenian parliament adopted a constitution based on the rule of law, respect for human rights, and democratic ideals;

Whereas, during its ten years of independence, Slovenia has been an important United States ally in Central and Eastern Europe and a strong advocate of democracy, the rule of law, and the merits of an open, free market economy;

Whereas the Republic of Slovenia has demonstrated an outstanding record on human rights during the past decade, and the country's market economy has experienced continued growth and success;

Whereas Slovenia has made important contributions to international efforts to promote peace and stability in Southeast Europe and other parts of the world;

Whereas Slovenia serves as a leader in efforts to remove destructive land mines in parts of Southeast Europe plagued by war and ethnic violence during the 1990s;

Whereas Slovenia has become an active member of international organizations, including the United Nations, the World Trade

Organization, the Council of Europe and the Organization for Security and Cooperation in Europe; and

Whereas the Republic of Slovenia has made significant progress in its work to join the NATO Alliance and the European Union: Now, therefore, be it

*Resolved*, That the Senate hereby—

(1) congratulates the Republic of Slovenia as the country celebrates ten years of independence on June 25, 2001;

(2) commends the people of Slovenia on the significant progress made during the past decade to advance respect for human rights, the rule of law, free market economies, and democracy;

(3) recognizes the important role played by the Slovenian community in diaspora to promote independence in the Republic of Slovenia; and

(4) encourages the Republic of Slovenia to continue its important work toward membership in the NATO Alliance and the European Union, as well as efforts to further peace, stability, and prosperity in Central and Eastern Europe.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 811. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; which was ordered to lie on the table.

SA 812. Mr. EDWARDS (for Mr. MCCAIN (for himself and Mr. EDWARDS)) proposed an amendment to the bill S. 1052, *supra*.

#### TEXT OF AMENDMENTS

**SA 811.** Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; which was ordered to lie on the table; as follows:

On page 153, strike lines 1 through 14.

On page 159, between lines 12 and 13, insert the following:

“(D) ACTIONS IN FEDERAL COURT.—A cause of action described in subparagraph (A) shall be brought and maintained only in the Federal district court for the district in which the plaintiff resides or in which the alleged injury or death that is the subject of such action occurred. In any such action, the court shall apply the laws of the State involved in determining the liability of the defendants.”

**SA 812.** Mr. EDWARDS (for Mr. MCCAIN (for himself and Mr. EDWARDS)) proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; as follows:

At the appropriate place, insert the following:

#### SEC. . SENSE OF THE SENATE REGARDING FAIR REVIEW PROCESS.

(a) FINDINGS.—The Senate finds the following:

(1) A fair, timely, impartial independent external appeals process is essential to any meaningful program of patient protection.

(2) The independence and objectivity of the review organization and review process must be ensured.

(3) It is incompatible with a fair and independent appeals process to allow a health maintenance organization to select the review organization that is entrusted with providing a neutral and unbiased medical review.

(4) The American Arbitration Association and arbitration standards adopted under chapter 44 of title 28, United States Code (28 U.S.C. 651 et seq.) both prohibit, as inherently unfair, the right of one party to a dispute to choose the judge in that dispute.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) every patient who is denied care by a health maintenance organization or other health insurance company should be entitled to a fair, speedy, impartial appeal to a review organization that has not been selected by the health plan;

(2) the States should be empowered to maintain and develop the appropriate process for selection of the independent external review entity;

(3) a child battling a rare cancer whose health maintenance organization has denied a covered treatment recommended by its physician should be entitled to a fair and impartial external appeal to a review organization that has not been chosen by the organization or plan that has denied the care; and

(4) patient protection legislation should not preempt existing State laws in States where there already are strong laws in place regarding the selection of independent review organizations.

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nominee has been added to the full committee nomination hearing scheduled for Wednesday, June 27, immediately following a 9:30 a.m. business meeting in room 366 of the Dirksen Senate Office Building.

The nomination of John Walton Keys III, to be Commissioner of the Bureau of Reclamation, will be considered, along with the nominations of Vicky A. Bailey to be an Assistant Secretary of Energy (International Affairs and Domestic Policy) and Frances P. Mainella to be Director of the National Park Service.

Those wishing to submit written testimony on these nominations should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510. For further information, please call Sam Fowler on 202/224-7571.

#### CONGRATULATING THE PEOPLE OF PERU ON THEIR DEMOCRATIC ELECTIONS ON JUNE 3, 2001

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from the consideration of S. Res. 107, and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 107) congratulating the people of Peru on the occasion of their democratic elections on June 3, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 107

Whereas the people of Peru have courageously struggled to restore democracy and the rule of law following fraudulent elections on May 28, 2000, and after more than a decade of the systematic undermining of democratic institutions by the Government of Alberto Fujimori;

Whereas, in elections on April 8 and June 3, 2001, the people of Peru held democratic multiparty elections to choose their government;

Whereas these elections were determined by domestic and international observers to be free and fair and a legitimate expression of the will of the people of Peru; and

Whereas the 2001 elections form the foundation for a genuinely democratic government that represents the will and sovereignty of the people of Peru and that can be a constructive partner with the United States in advancing common interests in the Americas: Now, therefore, be it

*Resolved*,

#### SECTION 1. SENSE OF THE SENATE REGARDING THE DEMOCRATIC ELECTIONS IN PERU ON JUNE 3, 2001.

(a) CONGRATULATING THE PEOPLE OF PERU.—The Senate, on behalf of the people of the United States, hereby—

(1) congratulates the people of Peru for the successful completion of free and fair elections held on April 8 and June 3, 2001, as well as for their courageous struggle to restore democracy and the rule of law;

(2) congratulates Alejandro Toledo for his election as President of Peru and his continued strong commitment to democracy;

(3) congratulates Valentin Paniagua, current President of Peru, for his commitment to ensuring a stable and peaceful transition to democracy and the rule of law; and

(4) congratulates the Organization of American States (OAS) Electoral Observer Mission, led by Eduardo Stein, for its service in promoting representative democracy in the Americas by working to ensure free and fair elections in Peru.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should expand its cooperation with the Government of Peru to promote—

(A) the strengthening of democratic institutions and the rule of law in Peru; and

(B) economic development and an improved quality of life for citizens of both countries;

(2) the governments of the United States and Peru should act in solidarity to promote democracy and respect for human rights in the Western Hemisphere and throughout the world;

(3) the governments of the United States and Peru should enhance cooperation to confront common threats such as corruption and trafficking in illicit narcotics and arms; and

(4) the United States Government should cooperate fully with the Peruvian Government to bring to justice former Peruvian officials involved in narcotics and arms trafficking or other illicit activities.

#### CONGRATULATING SLOVENIA ON ITS TENTH ANNIVERSARY OF INDEPENDENCE

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 116, submitted earlier by Senators VOINOVICH and BIDEN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 116) congratulating the Republic of Slovenia on its tenth anniversary of independence.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Madam President, I rise today to congratulate the people and Republic of Slovenia on their tenth anniversary of independence. It is a privilege to join my Republican colleague, Senator GEORGE VOINOVICH, as an original cosponsor of the legislation he introduced today to pay tribute to the remarkable transformation of Slovenia into a free, democratic state during the past decade.

Since the fall of the Soviet Union and the break-up of the former Yugoslavia, no country in either Southern or Eastern Europe has made greater and faster progress in embracing human rights, the rule of law, open markets, and democratic governance.

At the same time, Slovenia has demonstrated both the readiness and the capacity to become a regional leader in pursuit of peace and stability that has long suffered from ethnic divisiveness, turmoil, and bloodshed. Let me cite just one example. Slovenia took the initiative a few years ago to establish the International Trust Fund for Demining, ITF, which has become the leading organization to rid the Balkans of landmines and to rehabilitate the victims of these deadly weapons. In so doing, it is the Slovenians who deserve the credit for securing contributions from the U.S. and eighteen other Nations as well as many private donors to meet this urgent humanitarian challenge. I am hopeful that this Congress will authorize and appropriate a second U.S. contribution to help sustain the outstanding work of the ITF this year and beyond.

Slovenia has also become an active member of various international organizations, including the United Nations, the World Trade Organization, the Council of Europe, and the Organization for Security and Cooperation in Europe. Therefore, it is not surprising that President Bush and Russian Presi-

dent Putin held their first summit meeting earlier this month in Ljubljana, the capital of Slovenia.

I salute the remarkable courage of the Slovenian people in achieving their quest for free and democratic government as well as their entrepreneurial drive in building a vibrant, growing national economy in such a short span of time. Accordingly, the U.S. and our NATO allies should move forthwith to extend a formal invitation for Slovenia to become a full-fledged NATO member within the next 12-18 months.

Mr. VOINOVICH. Madam President, today, I am joined by Senators BIDEN, DEWINE, and HARKIN in congratulating the Republic of Slovenia on its tenth anniversary of independence.

Ten years ago today, on June 25, 1991, the Republic of Slovenia declared itself an independent and sovereign Nation. Since that time, Slovenia has remained a model of reform and progress in Central and Eastern Europe, working to promote democratic ideals, respect for human rights and the rule of law, and the merits of free market economic systems.

Slovenia has made great strides in its work to join the NATO Alliance and the European Union. In addition to its outstanding human rights record and commitment to the democratic process, the people of Slovenia enjoy the highest per capita gross domestic product in the region, and the country's economy continues to grow. Slovenia has also demonstrated its ability to contribute to international peacekeeping operations, including NATO's Stabilization Force in Bosnia and Herzegovina, as well as NATO's force in Kosovo, among others. Given its record in these regards, I believe the Republic of Slovenia stands as a strong candidate for NATO membership when the Alliance considers enlargement in Prague in November 2002.

Slovenia's progress extends beyond domestic reform and foreign policy goals. In Southeast Europe, a part of the world that continues to feel the burden of decades of war and ethnic strife, Slovenia continues to serve as a leader in efforts to remove destructive land mines in the region. The International Trust Fund for Demining, ITF, established by the Slovenian government in 1998, has undertaken more than 200 projects in the Balkans since its creation. As a result, more than 12 million square meters of land have been cleared throughout Albania, Croatia, Bosnia and Herzegovina, and Kosovo. In addition, the ITF Mine Victims' Assistance program has helped more than 500 people in Bosnia and Herzegovina who have been injured by land mines. Congress provided matching funds to assist the International Trust Fund for Demining in 1998, and this year the United States will again consider funding for this important initiative.

As the Republic of Slovenia has made considerable and important progress during its 10 years of independence,

working to promote peace, stability and prosperity in Central and Eastern Europe, I am pleased to have the opportunity to submit this resolution on the occasion of Slovenia's 10th anniversary of independence. I congratulate the people of Slovenia on their accomplishments thus far, and I urge them to continue their significant work to advance the ideals of democracy, human rights, the rule of law and free market economies throughout the Balkans region.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 116) was agreed to.

The preamble was agreed to.

(The text of S. Res. 116 is located in today's RECORD under "Statements on Submitted Resolutions".)

#### ORDERS FOR TUESDAY, JUNE 26, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. Tuesday, June 26. I further ask that on Tuesday, immediately following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Patients' Bill of Rights; further, following the 11:30 a.m. votes, there be up to 30 minutes for morning business with Senators permitted to speak for 5 minutes each, with the following exceptions: Senator FEINGOLD, the first 15 minutes; Senator THOMAS, or his designee, the second 15 minutes; further, that upon conclusion of the period for morning business, the Senate recess until 2:15 p.m. for the weekly party conferences.

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

#### STATUS ON SENATOR RICHARD BRYAN

Mr. REID. Madam President, I want to announce to the Senate—and I have made this statement previously—that my friend Richard Bryan is expected to be released from the hospital tomorrow or the next day. He has been very ill, with some malady that no one can figure out. He had an infection in his neck. He went into surgery and was in intensive care for 5 of 6 days. He is up and walking around, and he is going to go home. In a few weeks, he will be as good as ever.

#### PROGRAM

Mr. REID. Madam President, on Tuesday the Senate will convene at 9:30

a.m. and resume consideration of the Patients' Bill of Rights. There will be 2 hours of closing debate on the Grassley motion to commit and the Gramm amendment regarding employers prior to two rollcall votes at about 11:30 tomorrow. Hopefully, we are going to conclude consideration of the Patients'

Bill of Rights and, hopefully, the supplemental appropriations bill, together with the organizing resolution.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. REID. Madam President, if there is no further business to come before

the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, at 6:27 p.m., the Senate adjourned until Tuesday, June 26, 2001, at 9:30 a.m.

## EXTENSIONS OF REMARKS

A POINT OF LIGHT FOR ALL AMERICANS: JAMES NEVILLE MORGAN ACKNOWLEDGED POSTHUMOUSLY

**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, James Neville Morgan, recognized posthumously as a Point of Light for all Americans.

James Neville Morgan of Richmond Hill, Queens, was born in Georgetown, Guyana on January 11, 1951. He attended Sacred Heart Primary School then the Guyana Technical Institute.

From his early teen years, James loved music and cared for the well being of people. He joined the Guyana Police Force and worked in various departments as well as playing in the steel band orchestra.

In 1976, James migrated to the United States, got involved in St. Matthews Roman Catholic Church where he was a Director for Remedial and Religious Education. Although he had a Degree in Business, his heart led him to pursue a career in Social Work. He worked for the New York City Department of Social Services and later the New York City Administration for Children Services as an investigator and was elevated to Supervisor Level II. He was also Director for the International Institute of Travel.

James had a passion for politics and social work and strongly believed that is the only way to make changes in the world. Very much involved in the Association of Concerned Guyanese, Guyana North American Association, New Concept Democratic Club, Political Activist Liaison of the New York Congressional Delegation for the American Federation of State, County and Municipal Employees, Delegate of Social Service Employees Union—Local 371 and many more.

James, whose recent death saddened his family, friends and colleagues, was a man of integrity, he was known to be honest, assertive, intelligent, very outgoing, outspoken, humorous and most of all a loving man.

Mr. Speaker, I am proud to salute James Neville Morgan posthumously as a Point of Light for all Americans.

2001 SUPPLEMENTAL  
APPROPRIATIONS ACT

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 20, 2001*

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, earlier today, during debate on the Crowley amendment, I made reference to my concerns about cuts to the Workforce Investment Act. As I said, I am deeply concerned that the funding for the supplemental is at the expense of this very important program.

As you know, the Workforce Investment Act of 1998 (WIA) provides job training and related services to low-income persons, dislocated workers, and other unemployed or underemployed individuals. The WIA trains people for jobs so that they are prepared to enter the workforce and participate as productive employees. And one major, positive consequence of the program is a true savings in the costs of crime and dependency.

Without a doubt, the WIA is a vital investment in our workforce and our future. I am particularly interested in this program because of the Stanley M. Isaacs Neighborhood Center which is located in my district. I am proud to say that the Isaacs Center has a long history of helping young people stay in school and prepare for entering into the job market.

Fortunately, the Center was awarded \$1.2 million over a 3 year period to work with 250 at-risk children ages 14–18 to help them complete high school, get work experience and training, and transition to work or to pursue further education.

However, it is very clear: the Isaacs Center's funding and its ability to continue this project is directly linked to the continued funding of WIA. Our children count on this funding. Our future demands it. We must not cut WIA funding.

IN HONOR OF SAM D. CANITIA

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Sam Canitia, a life-long resident of Ohio, who served his community in various ways throughout his lifetime. He will be missed, not only by his beloved family, but also by countless members of the community.

Mr. Canitia was a former Highland Heights City Council president and Shaker Heights Democratic ward leader. In 1972, Cleveland Mayor Ralph J. Perk hired him to study the County Board of Revision's rulings on tax appraisals and appeals.

He was a past president of the Italian-American Democratic League, the Cosmopolitan Democratic Club and the Akron-Cleveland chapter of the American Society of Appraisers. He was named "Realtor of the Year" in 1977 by the Cleveland Area Board of Realtors, of which he was a past president and board chairman.

Mr. Canitia also taught property appraisal classes at John Carroll University, Cuyahoga

Community College and Dyke College. I'm sure that you will agree that there are few professions more honorable than that of teaching.

My fellow colleagues, please join me today in celebrating the life of this remarkable man. He was a gentleman of honorable intentions and thankless acts of service to the community.

TRIBUTE TO MR. FERDINAND HAMMONDS, SR. OF MADISON COUNTY, ALABAMA

**HON. ROBERT E. (BUD) CRAMER, JR.**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to the long and fruitful life of Mr. Ferdinand Hammonds, Sr. of Madison County, Alabama, an extraordinary man whose ninety-seven years have been marked by his love of country, family and God.

Mr. Hammonds was born in Madison County on June 24, 1904. Throughout his life, he has worked hard and excelled in many roles as a farmer, as a funeral director, at a rock quarry, and until his final retirement at age 86 at the Madison Boulevard Chevron station.

One of Mr. Hammond's biggest successes was raising six happy and healthy children with his dear wife of 67 years, Anna Jones. His children, James, Ferdinand Jr., Sister, Jewell, Piney and Tiney are his pride and joy and lovingly refer to him as "Pops". Mr. Hammonds is also the oldest living sibling out of 15 and his sisters Martha Coleman and Mary Robinson celebrate his birthday as well. He is the eldest member of the St. Peter United Methodist Church having served on the Trustee Board.

With a lifetime love of sports, Mr. Hammonds has become one of Bob Jones High School's most beloved fans. He is a familiar sight at their basketball, football and baseball games even earning a special seat and an assigned parking spot.

On behalf of the people of Alabama's Fifth Congressional District, I join them in celebrating the extraordinary life of this incredible man. I send him and his family and friends my best wishes on this special birthday celebration. I wish Mr. Hammonds a happy and healthy 97th year.

A POINT OF LIGHT FOR ALL AMERICANS: MR. JAMES NORRIS WILLIAMS

**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Guyanese American, James Norris Williams, as a Point of Light for all Americans.

James Norris Williams, was born and educated in Guyana. He first started working as a teacher of Latin, Math, English and History at West Demerara High School in 1961. Four years later he took a position as an Assistant in the Reservations Department for Guyana Airways Corporation, which would set the stage for a prolific and enduring career in the company.

Soon after he was initially hired by Guyana Airways, he became Traffic and Operations Assistant and was sent to Trinidad where he worked and underwent training in the Operations Department with BWIA at Piarco Airport and on his return to Guyana, was promoted to Senior Traffic and Operations Assistant; he was quickly promoted to Station Superintendent at Atkinson Airport in Guyana.

James Norris Williams was married to June James in 1967, and only a few weeks later, he was sent to London to train with British Airways Commercial and was presented with a Service Handling Specialist Diploma upon completion of the program.

In 1972, James was promoted to Assistant General Manager of Guyana Airways, and in this capacity, coordinated the Caribbean Free Trade Association and was responsible for cargo, marketing and sales, aircraft operational permits and handling documentation. Later that same year, he was appointed Manager for Cargo Services North American based in Miami, and from 1975 to 1978, he served as General Manager of Guyana Airways.

Upon moving to the United States in 1979, James worked as a manager at Medas Shipping, before acquiring two trucks of his own and establishing a family business, Williams Shipping and Delivery Service, which delivered furniture to stores throughout the tri-state area. In 1986, the company expanded and its name changed to Williams Worldwide Shipping and Trading which now operates as a worldwide shipping company, servicing Guyana and the Caribbean Islands and is Brooklyn's main cargo consolidator.

James and his wife June have three lovely children: Nicholas, Michelle and Lester. Four granddaughters—Leslie Ann, Shenice, Kennedy and Kristen. They also have one grandson, Ethan Nicholas.

Mr. Speaker, I am proud to salute Mr. James Norris Williams as a Point of Light for all Americans.

LORI BERENSON

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mrs. MALONEY of New York. Mr. Speaker, when Peru announced it would retry Lori last August, we hoped for an open and fair hearing. Instead, what she received was a public circus in which the verdict was a foregone conclusion.

Peru has condemned Lori Berenson under draconian anti-terrorism laws enacted during the flawed Fujimori-Montesinos regime. The U.S. Department of State and the Inter-American Human Rights court system have been joined by human rights groups such as the

Washington Office on Latin America (WOLA) and Human Rights Watch: Americas, in concluding that the Fujimori-Montesinos anti-terrorism laws violate both international law and the Peruvian Constitution. Her trial should not have been held until those laws were reformed.

International observers, human rights advocates and legal scholars report that Lori's trial has been riddled with violations of due process. Much of the evidence used against her was gathered during her discredited military trial, in many cases from witnesses who had been subjected to torture. Most of the witnesses have since recanted their earlier statements. The only witness against Lori received a reduced sentence for his testimony against Lori and, on the eve of Lori's trial was given a new trial so that he can get another reduction in sentence. Furthermore, court proceedings clearly show that the judges had decided the verdict long before this trial began. How fair is a trial in which a judge proclaims a defendant guilty while witnesses are still being heard?

In her public statement in court yesterday, Lori said that she was sorry for the violence and the deaths that there have been. She has condemned terrorism in the past and she did so again today. Lori has always maintained that she was innocent of the charges against her.

I am hopeful that the Peruvian President will recognize that Lori has already served 5½ years in prison under very harsh circumstances and will pardon her. It is time for Lori to come home.

IN HONOR OF MR. PHILIP PEMPIN

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Philip Pempin in recognition of his valor in saving a young boy's life.

Mr. Pempin has been the dutiful principal of the Riverside Elementary School in Cleveland for the past three years. Mr. Pempin is a luminary of the Cleveland school system. It is because of his guidance and ambition that the Riverside Elementary School stands out in our district. His individualized and scrupulous attention toward each and every pupil in the school has helped the school rise high in terms of performance. Mr. Pempin exemplifies the ambition and diligence that we all strive for. Working without an assistant, Mr. Pempin strove to help his fourth graders pass all five parts of the Ohio proficiency test last year, soaring above the state average. Although Mr. Pempin's feats at work are unprecedented, the quality and beneficence of his person by far overshadow his already tremendous achievements in Cleveland's education system.

Mr. Pempin is also a proud and dedicated father. However, not only is he father to his own children, but also to each and every pupil in the Riverside Elementary School, as demonstrated by his heroic feat on Thursday, June 14, 2001. At 12:30 p.m. in Riverside's cafeteria, six-year-old Cody Boytek was visibly in trouble. Mr. Pempin saw that the child was choking and getting weaker by the minute. Taking quick action, Mr. Pempin successfully

performed the Heimlich Maneuver on little Cody, dislodging the obstruction that almost took Cody's life. Mr. Pempin proceeded to carry the fragile child to his office where he waited for emergency medical workers to arrive. Forever at the service of his children, Mr. Pempin was cradling Cody in his arms as his mother arrived. It is due to Mr. Pempin's sincere love and devotion that little Cody was back at school the next day, alive and well.

Mr. Speaker, please join me in honoring Mr. Pempin, an outstanding father, principal and human being. Mr. Pempin exemplifies the service and honor that our city and nation stand for.

PERSONAL EXPLANATION

**HON. BOB RILEY**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 177, on agreeing to the amendment to increase funding (by transfer) for the National Endowment for the Humanities by \$3 million; the Institute of Museums and Library Services by \$2 million; and NEA Challenge America Arts Fund by \$10 million. Had I been present I would have voted "no."

Mr. Speaker, I was unavoidably detained from Rollcall No. 178, on agreeing to the amendment to increase funding for weatherization programs by \$24 million; to increase the account for Payments In Lieu of Taxes by \$12 million; and to increase the account for energy conservation programs by \$24 million. Had I been present I would have voted no. Mr. Speaker, I was unavoidably detained for Rollcall No. 179, on agreeing to the amendment to limit the extension for the Recreational Fee Demonstration Program to one year. Had I been present I would have voted "no."

Mr. Speaker, I was unavoidably detained for Rollcall No. 180, on agreeing to the amendment preventing funds in the bill being expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act or the Outer Continental Shelf Lands Act within the boundaries of a National Monument. Had I been present I would have voted "no."

Mr. Speaker, I was unavoidably detained for Rollcall No. 181, on agreeing to the amendment to prevent use of funds to execute a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as Lease Sale 181 prior to April 1, 2002. Had I been present I would have voted "no."

Mr. Speaker, I was unavoidably detained for Rollcall No. 182, on agreeing to the amendment to require that none of the funds in the bill may be used to suspend or revise the final regulations published in the Federal Register on November 21, 2000, that amended environmental mining rules. Had I been present I would have voted "no."

Mr. Speaker, I was unavoidably detained for Rollcall No. 183, on agreeing to the amendment to prevent use of funds in the bill for the purpose of paying salaries and expenses of personal of the Department of the Interior to extend leases, any standstill agreement, or the terms of the settlement agreement that took effect March 30, 2001, concerning the holders

of interests in seven campsite leases in Biscayne National Park, Florida, identified as campsite leases collectively known as "Stiltsville". Had I been present I would have voted "no."

Mr. Speaker, I was unavoidably detained for Rollcall No. 184, on agreeing to the amendment to reduce the amount for National Endowment for the Arts by \$10,000,000. Had I been present I would have voted "yea."

Mr. Speaker, I was unavoidably detained for Rollcall No. 185, on passage of the FY 2002 Department of Interior and Related Agencies Appropriations Act. Had I been present I would have voted "yea."

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A POINT OF LIGHT FOR ALL  
AMERICANS: MR. NIGEL O. PILE

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**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Nigel O. Pile as a Point of Light for all Americans.

Nigel O. Pile hails from Guyana. He was born on December 22, 1950. He held various leadership positions while growing up in Guyana, including Chairman of the St. James The Less Anglican Church Organization. He also represented the Diocesan Youth Association at International Conferences, through various Youth Exchange Programs. Athletics continues to gain tremendous support from Nigel.

Nigel Pile came to the United States in 1977. He holds an Associate Degree in Banking and Finance from Borough of Manhattan Community College and furthered his discipline in finance at Baruch College. He has worked in the New York financial district as an Account Administrator where he was responsible for the investing of cash from various Pension Funds, such as the New York State Pension Fund.

In 1983, he started a small Travel Agency on Fulton Street in the Bedford Stuyvesant area. National Pride, as it is known, has become a household name to the Guyanese family. From a one-desk, one-phone and one-staff agency, National Pride is now one of the most successful enterprises in New York and Guyana. Nigel Pile has expanded this operation to two offices in New York and five in Guyana. Through this expansion, he has created opportunities of entrepreneurship and employment for the residents of the Flatbush and Queens communities. The establishment of National Pride has created channels through which Guyanese Americans can initiate and maintain contact with relatives and friends in Guyana.

In the spirit of fostering unity among Guyanese, Nigel Pile maintains his sponsorship of the Ms. Guyana New York Pageant, and continues to support social programs for youth as well as the elderly.

Mr. Speaker, I am proud to salute Mr. Nigel O. Pile as a Point of Light for all Americans.

2001 SUPPLEMENTAL  
APPROPRIATIONS ACT

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 20, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I would like to add additional comments to the previous statement I gave regarding my good friend from New York, Mr. CROWLEY's amendment to the Supplemental Appropriations bill.

A few weeks ago this body voted on the President's education bill, showing support for our students. Nothing is more important to our children's future than a sound education.

We all agree on that matter, but our schools cannot meet the needs of our children if they are underfunded.

This amendment would strike 25 million dollars under the Operations and Maintenance account of the Army that has been requested for Recruiting and Advertising for this branch.

These much needed funds would be transferred to the Department of Education for their Magnet School Assistance Program.

Many of the students in my district benefit from Magnet Schools. Specifically Community School District 30 which serves a diverse student population in Queens, New York. Magnet Schools are important places of learning because these are specialized theme schools focusing on areas such as math and science. These schools often provide innovative educational programs. And perhaps most importantly because these schools are public, they provide parents a choice within the public school system.

This amendment would provide additional funding to increase assistance to Magnet Schools and other Local Education Agencies to create or expand Magnet schools in needed communities.

CSD 30 has created an interactive learning community employing the teachers, parents, students, and local universities of Queens, New York, and its mission would greatly be supported by additional funding.

I join with my dear friend from New York, in that it is my hope that this body will find the additional 25 million dollars for the Magnet School Assistance Program at the U.S. Department of Education as this bill works its way through the process.

HONORING JOSE MARIANO  
CASTILLO

**HON. XAVIER BECERRA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. BECERRA. Mr. Speaker, it is with utmost pleasure and privilege that I rise today to recognize a wonderful American, Mr. Jose Mariano Castillo, for his admission into the Order of Queen Isabella the Catholic with the

rank of Officer's Cross by His Majesty the King of Spain. Through his selfless work in providing valuable assistance, counseling and legal services for the protection of citizens of Spain residing in Los Angeles, Jose Mariano Castillo has earned this distinction.

Achievement and accolade have followed Jose throughout his life. Born in San Jose de Colinas, San Barbara, Honduras he graduated high school Suma Cum Laude and received the National First Place Honor gold medal presented by the President of the Republic of Honduras. Jose continued his studies in the United States at Los Angeles City College, learning the language of his newly adopted home. The next stop on his educational journey was the University of California, Los Angeles (UCLA), where he pursued general undergraduate studies in Political Science and Public Administration. Jose interrupted his studies to serve in the United States Army for two years. He continued his military service in the ready active U.S. Army Reserves Control Group for four years, all the while completing both his undergraduate and law degrees.

Following graduation from Southwestern University School of Law and passage of the California Bar Exam, Jose embarked on an impressive law career. He counts among his major clients the governments of several countries and numerous national and international companies. In addition to a thriving law practice, Jose has been involved in many professional associations and community service activities including service for two separate terms as the President of the Los Angeles County Parks and Recreation Commission.

Rightfully, Jose has earned a multitude of special honors and acclaim for his many accomplishments. He has been honored by the City of Los Angeles, the Los Angeles County Board of Supervisors and by the countries of Argentina Ecuador, Guatemala and Honduras. Of course, for Jose being husband to Nancy and father to Yvonne are the most cherished honors ever bestowed upon him.

Mr. Speaker, as family and friends gather in Los Angeles to witness the presentation of the Order of Queen Isabella the Catholic to Jose Mariano Castillo by the Consul General of Spain, it is with great honor that I ask my colleagues to join me today in saluting this exceptional American and cherished friend.

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A POINT OF LIGHT FOR ALL  
AMERICANS: MR. ED AHMAD

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**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Ed Ahmad, as a Point of Light for all Americans.

Ed Ahmad is a successful entrepreneur who owns and operates many businesses. He is currently the broker/owner of Century 21 Ahmad Realty, Inc. and Ace Mortgages, Inc. He is also the CEO/President of the Chateau Royale, Inc.

A Guyanese immigrant, Mr. Ahmad arrived in the United States in 1983. He came in search of prosperity for himself and his family. He worked hard and obtained a Bachelor of



Science Degree from The City College of New York in 1988. he is a licensed real estate broker, mortgage banker, and insurance broker.

Mr. Ahmad is very versatile; he is knowledgeable in all office, data based and modern business products. He is experienced in all facets of business, from training to budgeting and advertising.

His personal awards include a Gold Medalion, and Certificates of Achievement for exceptional sales in real estate. Century 21 Ahmad won first place in Queens County and was ranked third in real estate in the Northeast Division. The Chateau Royale won first place for best in design and architecture from the Queens Chamber of Commerce in 1997.

Mr. Ahmad is an active participant in community and political affairs. He is the founder of the New Concept Democratic Club. He supports and donates to many community organizations.

Mr. Speaker, I am proud to salute Mr. Ed Ahmad as a point of Light for all Americans.

## 2001 SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

**HON. RICK LARSEN**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 21, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes:

Mr. LARSEN of Washington. Mr. Chairman, I rise today in strong support of the Slaughter/Dicks Amendment and to highlight the importance of NEA and IMLS funding for the small towns in my own district.

Last year's NEA funding increase created the Challenge America program, to help smaller communities gain access to the arts. The Arts Council of Snohomish County in my home district was one of the first organizations to receive this grant. This organization offers weekly art classes to juvenile offenders, many of which have no adult role models in their lives, and provides them with opportunities to express creativity and interact in a forum outside of a detention center. Without this grant, the program would have had to cut back drastically or even be eliminated. That would be truly unfortunate, Mr. Chairman, because it is programs like these where the arts can provide hope and opportunity for troubled youth. Challenge America is doing great things for youth in my district, yet this program would not exist if the NEA did not receive increased funding last Congress.

I would also like to offer my support for IMLS, which also funds key services in my district. The Museum of Northwest Art in La Conner—a town of 900—received a key grant from the IMLS to help attract more tourists to the Skagit Valley region in my district. Because of the IMLS grant, La Conner brings in many more visitors who come to experience the Skagit Valley, thereby boosting their econ-

omy. Unfortunately, other museums in my district do not receive funding because of the lack of IMLS funding. The executive director of the Whatcom Museum contacted me earlier this year to share his frustration that the Whatcom Museum and Bellingham Library were denied important funding, not because of their qualifications, but because of the lack of funding for the IMLS. The Slaughter/Dicks amendment will provide key funding increases for the IMLS, and help small libraries and museums in districts like mine continue to flourish and reach out to the community.

Mr. Chairman, let's continue to show our support for the arts, the humanities and our museums and libraries by supporting the Slaughter/Dicks amendment.

TRIBUTE TO PEGGY RABIDEAU,  
BRAD OTT, NOELLE CANNON  
AND BETH BESAW

**HON. JOHN M. McHUGH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. MCHUGH. Mr. Speaker, it is with great pleasure that I rise today to recognize the contributions of Peggy Rabideau, Brad Ott, Noelle Cannon, and Beth Besaw—teacher, principal, reading specialist, and school nurse, respectively—at Morrisonville Elementary School in my New York 24th Congressional District.

On June 29, Peggy, Brad, Noelle, and Beth will be honored at the Time Capsule 2000 Dedication Ceremony taking place at Red Cross Square here in Washington.

For the last five years, under Peggy, Brad, Noelle and Beth's supervision and leadership, students at Morrisonville Elementary School have been involved in a Junior Red Cross program. Morrisonville is the only school in the area involved in such a program.

In 1996, the group was presented with an award by the New York State Red Cross for holding a fundraiser to help families impacted by the flood in Morrisonville. The group had hoped to raise \$10,000, but, in fact, raised \$22,000 to help the victims of the flood.

That same year, the group designated January as Community Contributor month. In the second year of this program, the group made "comfort packs" containing books and stuffed animals, among other items, and contributed them to the local hospital.

The group has also worked with the Humane Society and, in 2000, sent 12 cartons to Nicaragua containing food and other supplies.

The group's contribution to the time capsule will include a "comfort pack," a copy of the 1996 award the group received, T-shirts designed by two of the students, a button that was made for the ice storm volunteers, and the names of 22 children and their social security numbers so that they can be contacted in 50 years when the time capsule is opened.

Mr. Speaker, I am honored today to recognize the contributions Peggy, Brad, Noelle, Beth, and their students have made to their community. Theirs is truly a tremendous accomplishment, and, on behalf of the community which they serve, I offer them my congratulations and thanks.

A POINT OF LIGHT FOR ALL  
AMERICANS: DR. STEPHEN  
CARRYL

**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Dr. Stephen Carryl, as a Point of Light for all Americans.

Dr. Stephen Carryl is the Director of Surgery at the Brooklyn Hospital-Caledonian Campus and also an Attending Physician at the Brookdale University Medical Center in Brooklyn. He specializes in Laparoscopic Surgery. He received his Bachelor's Degree at Oakwood College in Alabama and subsequently earned his MD Degree from Loma Linda University in California. He has been in private practice for 8 years and is the President of OMAT (Overseas Medical Assistance Team). OMAT consists of a team of volunteer Nurses and Doctors who provide medical care to the underprivileged in 3rd world countries and the Caribbean. Treatment that is not readily available in those respective countries are rendered here in the United States through funds donated by OMAT. OMAT has gone on missionary trips to Haiti and Guyana.

Mr. Speaker, I am proud to salute Dr. Stephen Carryl as a Point of Light for all Americans.

## 21ST CENTURY MONTGOMERY GI BILL ENHANCEMENT ACT

SPEECH OF

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 19, 2001*

Mr. RANGEL. Madam Speaker, I rise today in support of the passage of H.R. 1291 that amended the Montgomery GI Bill which would greatly increase the appropriations for our veterans who are seeking higher education. Under the GI Bill veterans would receive \$800 a month—a \$150 a month increase—during fiscal year 2002; \$950 in 2003; and \$1,100 in 2004. These funds are essential in order to keep up with soaring education costs.

One of the biggest reasons why I'm such a staunch supporter and believer in the Montgomery GI Bill is because I was a beneficiary. Following my service in the Korean War, the subsidy provided under the program allowed me to attend and graduate from New York University and St. Johns Law School.

Madam Speaker, fellow congressman, even though I would have liked more Democratic input in the bill, I am satisfied with the final product. H.R. 1291 is a piece of legislation that veterans and all Americans can be proud of.

A POINT OF LIGHT FOR ALL  
AMERICANS: REV. DR. EVELYN  
R. JOHN

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Rev. Dr. Evelyn R. John as a Point of Light for all Americans.

Rev. Dr. Evelyn John was born and raised in Georgetown Guyana. All through her childhood she was exposed to a Christian upbringing, and in her adulthood she joined the Guyana Unity Church. After several years as a Truth Teacher, she was ordained a Minister in 1980.

Rev. Dr. Evelyn John migrated to the United States in 1983 and on February 12, 1984, she founded the New Life Center of Truth in the Flatbush Brooklyn Community, with an initial membership of about sixty members. Today the "New Life Center for Truth" serves over five hundred active members and approximately three hundred non-registrants.

She also caters to a cross section of youths in the Youth Group and Sunday School, in the form of guidance counseling and self development which provides incentives for the pursuance of higher learning. Over the past several years, she has traveled to seminars overseas, namely India, Antigua and Peru where she made vocal presentations.

It has always been her desire to serve. Hers is evident in her untiring devotion to people and their spiritual needs.

Mr. Speaker, I am proud to salute Rev. Dr. Evelyn R. John as a Point of Light for all Americans.

### HONORING EAGLE SCOUT RECIPIENTS

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize three of New York's outstanding young students, Bruce Russo, Paul Lapreziosa, and Gregory Smith. These young men have received the Eagle Scout honor from their peers in recognition of their achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor

skills; they must earn a minimum of 23 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Bruce, Paul, and Gregory and bring the attention of Congress to these successful young men on their respective days of recognition. Congratulations to you and your families.

### PATENT REEXAMINATION EN- HANCEMENT ACT OF 2001—H.R. 2231

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Ms. LOFGREN. Mr. Speaker, the high-technology industries based in Silicon Valley need effective patent protection for their inventions. Patents, in particular, are integral components of the valuation and structure of many companies, whether they are startups trying to attract venture capital or other funding, or established companies.

The value of these rights, however, is dependent on the patents being valid and enforceable. What we recognize is that an invalid patent—a patent that either should never have been issued or which confers protection beyond what is entitled—can cause significant damage not only to individual companies but to competitors. Those individuals who rely on their patent and discover a defect, or those who face the threat of litigation on the basis of a patent that is invalid each have a substantial interest in having a mechanism to "fix" the problem with the patent.

This is why I am calling for an enhancement of our patent reexamination system. The patent reexamination system was designed to be an efficient and fair procedure for reviewing the validity of patents when there is a substantial reason to call that validity into question. It was set up originally as an "ex parte" process that only the patent office and the patent owner could use. Congress tried to expand that system to allow more participation for third parties in 1999 in the American Inventors Protection Act. Unfortunately, these efforts fell short in making reexamination the system it should be.

I believe a modest set of changes to the law will further our goal of providing a cost-effective and fair procedure for reviewing patent validity. Some of the changes have already been addressed in legislation introduced by Chairman Howard Coble and supported unanimously by the Subcommittee on Courts, the Internet and Intellectual Property. Those bills, H.R. 1866 and H.R. 1886 address specific concerns with the AIPA inter partes system.

The additional changes that I believe must be made address two general concerns.

First, I am proposing to expand the grounds upon which one may initiate a patent reexamination. Under current law, reexaminations may be based only on patents or printed publications. In a number of fast-moving technologies, such as business methods and software, there is often a substantial body of information that is not formally published or found in patents, so that other information is not considered when making the determination to issue a patent. The Patent and Trademark Office has demonstrated its competence when evaluating other aspects of patentability beyond defects based on prior patents or printed publications available for review. I am proposing that we allow parties to start a reexamination proceeding on the basis of evidence, for example, an

Second, I believe the original sanctions that would apply to parties who initiate reexamination procedures were too onerous. The instant the Patent Office issues its order to consider the matter, under the present system, the party requesting the reexamination is barred from going to court. For this reason, I am proposing to adjust the bar, the estoppel as it's called, until there is a final determination and that final determination would bar those parties who unsuccessfully participate in this reexamination procedure. Thus, a third party who participates in a reexamination procedure would, under my bill, at the conclusion of that proceeding be barred (estopped) from challenging the patent in any other judicial or PTO proceeding. Any issue actually raised or that could have been raised based on the evidence presented by that party and before the Patent Office will still be barred under my amendments. Thus, the adjustments to the law are fairly minor but, I think, fairly important as to the timing of the estoppel. These changes make the process fair and also perceived as fair.

Let me emphasize that the legislation I am offering is not designed to preclude or substitute for the possibility of litigation over important and valuable patents. It also will not make reexamination a substitute for situations where complex factual or legal issues must be resolved to reach a conclusion on validity of the patent. Instead, the legislation makes important but carefully measured enhancements to the system without undermining either the current structure of the process or its balance.

Indeed, this bill would ensure that the reexamination procedure retains important safeguards to prevent third parties from using the procedure to harass patent owners who hold valid patents. First, as noted, the estoppel imposed on unsuccessful challengers should prevent frivolous challenges. Those who challenge the patent in the PTO will not be able to challenge the patent later in a court on validity issues. Second, the PTO will still be required in every proceeding to first make an independent finding that there is a substantial question of patentability before it will start the proceeding. This is an essential component of the structure of the current law and any future system. Third, under the proposed system, no discovery or hearings will be allowed—meaning that a third party will not be able to conduct proceedings that will place the patent owner in a compromised situation.

In short, the legislation removes some of the shortcomings of the current inter partes system, and should present a viable and beneficial option for addressing the validity of some patents without the necessity of costly and complex litigation in a court.

Finally, I am honored that Chairman Howard Coble has agreed to be the principle co-sponsor of this legislation.

TRIBUTE TO CHIEF MASTER  
SERGEANT DALE E. BUCKINGHAM

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to Chief Master Sergeant Dale E. Buckingham upon his retirement from the United States Air Force.

Chief Master Sergeant Buckingham has served our nation with honor and distinction for over 30 years, and his performance throughout his career has been characterized by the highest standards of professional ethics and commitment to the military. He grew up in Lowville, New York, and graduated from Lowville Academy and Central School in 1970. He entered the Air Force in 1971 and attended basic training at Lackland Air Force Base, Texas. Chief Master Sergeant Buckingham was assigned to the 4642 Air Defense Squadron (SAGE) at Malmstrom Air Force Base, Montana, in 1972.

Chief Master Sergeant Buckingham's record of service is outstanding. In 1976, he was selected to be a recruiter with the 2543rd USAF Recruiting Squadron where he was named rookie recruiter of the year. In the following year he received the gold bald eagle signifying top recruiter and recruiting excellence. In 1983, Chief Master Sergeant Buckingham was assigned to Strategic Air Command Headquarters at Offutt AFB, Nebraska. While there, he served with the 1st Combat Evaluation Squadron and Strategic Air Command Bombing and Navigation Division.

Chief Master Sergeant Buckingham, in 1987, was selected for the Defense Attache System being posted at the American Consulate in Hong Kong. Two years later he was reassigned to the American Embassy, Ankara, Turkey, as the Operations Coordinator. Following the completion of his tour in Ankara, Turkey, he was then assigned to Whiteman AFB, Missouri, and the 509th Bomb Wing. At Whiteman, he served as the base's chief of information management responsible for over 100 information managers. Chief Master Sergeant Buckingham was then assigned as the superintendent of the information systems flight in the Communications Squadron. In March 1998, he developed and established the First Term Airmen Center to help ease the transition for young airmen moving to Whiteman. He became the Command Chief Master Sergeant in March of 1999.

Chief Master Sergeant Buckingham's awards include the Defense Meritorious Service Medal with one oak leaf cluster, Meritorious Service Medal, Air Force Commendation Medal with four oak leaf clusters and the Southwest Asia Service Medal.

Chief Master Sergeant Buckingham is married to the former Christina Kay Rocky of

Hiawatha, Kansas, and they have two daughters.

Mr. Speaker, I am certain that my colleagues will join me in wishing Chief Master Sergeant Buckingham and his wife, Christina, all the best. We thank them for over 30 years of service to the United States of America.

A POINT OF LIGHT FOR ALL  
AMERICANS: REV. DR. HENRY A.  
CHAN

**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Rev. Dr. Henry A. Chan as a Point of Light for all Americans.

The Rev. Dr. Henry A. Chan was born in Guyana in 1946 at Golden Grove, East Bank Demera to Ruby and Clarence Chan. While growing up at Pin Schoon Ord, he attended primary schools on the West Bank of Demerara and obtained his secondary education at Queen's College in Georgetown, Guyana.

At the age of thirteen, Dr. Chan felt the call to the Priesthood in the Anglican Church and was tutored in his teenage years by then Archbishop of the West Indies and Bishop of Guyana, the Most Reverence Dr. Alan John Knight.

On completion of his studies at Queen's College in 1964, Dr. Chan was directed by Archbishop Knight to work for some years in order to obtain experience in the world before going on to Codrington College in Barbados and afterwards, to Durham University in England.

In 1967, instead, Dr. Chan came to the United States of America to further his studies in Engineering and Computer Science. He felt that the priestly vocation might have been a boyhood fantasy. But God had endowed Dr. Chan with many gifts and a broad knowledge during his Queens College years. He enrolled initially as a student in the Electronics Technology program at RCA Institutes.

During the ensuing years, Dr. Chan discovered that he had a hobby—collecting academic degrees. His degrees include Bachelor of Science in Computer and Information Science (State University of New York, 1978); Master of Business Administration in Management (Dowling College, 1980); Doctor of Public Administration (Nova Southeastern University, 1981); Doctor of Ministry (University of the South, 1987); Master of Sacred Theology in Spiritual Direction (General Theological Seminary, 1990) and Doctor of Philosophy in Pastoral Psychology (Graduate Theological Foundation, 1994). He is also a 1982 graduate of the Mercer School of Theology in the Episcopal Diocese of Long Island, New York.

During the years 1969–1982, Dr. Chan held many positions in data processing, including systems analysis, project management, and long-range planning.

Dr. Chan is married to Jean Flora Chan, and they have three children, Anthony, Andre and Natasha. Dr. and Mrs. Chan became proud grandparents for the first time when Anthony and his wife Gloria, were blessed with a son, Justin on May 24, 2001.

Events in his life led Dr. Chan to test his vocation to the ordained ministry in the Episcopal (Anglican) Church. He was ordained to the diaconate in 1982 and to the Priesthood in 1983 in the Diocese of Long Island, where he has served up to this day. Dr. Chan has been at St. Peter's Church, Rosedale from January 1, 1988 to the present. He came to St. Peter's Church at a time when one of the considerations for the future of this Church was to close its doors because of the small size of the membership and financial giving. Under his pastoral leadership, however, St. Peter's is a thriving Church today with a membership of about 150 families from all parts of the Caribbean, Central and South America, and the United States of America. Furthermore, the Church is debt-free. During the past thirteen years, the buildings and ground have been restored and the people can tell from this that God is present in Rosedale and surrounding communities.

Each year in January and August when Dr. Chan has a break from his parish duties at St. Peter's Church, he travels to Guyana at his own expense, to render assistance to the Diocese of Guyana where there is an acute shortage of clergy. Dr. Chan eagerly looks forward to serving the Church in Guyana on these occasions, pastorally and spiritually, for Guyanese are hungry for growth in their relationship with God. But in parishes where there are no full-time priests, they are like sheep without a shepherd.

In addition to the demands on his time as priest and pastor at St. Peter's Church, Dr. Chan serves as a volunteer mediator with the Queens Mediation Network, Community Mediation Services, from which he received his training.

Dr. Chan feels blessed by God in his ministry as a priest and pastor and he has only one burning desire, that is, that in whatever he does, to God be the glory.

Mr. Speaker, I am proud to salute Rev. Dr. Henry A. Chan as a Point of Light for all Americans.

MIDLAND HIGH SCHOOL BASEBALL  
TEAM WINS STATE TITLE CHAMPIONSHIP

**HON. LARRY COMBEST**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. COMBEST. Mr. Speaker, I rise to join Midland and West Texas in congratulating the Midland High School baseball team in their great victory in the Class 5A state championship title. Their June 9th victory over Austin High is an accomplishment that is truly deserving of recognition and praise.

The Midland High baseball program has been built upon a solid foundation of hard work, dedication and sportsmanship. The Bulldogs have shown what today's youth can accomplish when teamwork and determination are applied. They will forever hold a place of honor in the pages of Texas athletics.

It is with great pride that I recognize the members of the Midland High School baseball team and their coach Barry Russell for this accomplishment. I would also like to recognize the administration and fans that carried them through victory's final inning. Thanks to their

tremendous efforts, Midland, Texas is now home to the 2000-2001 Class 5A State Champions. I sincerely wish to congratulate the Midland High Bulldogs for bringing home a state baseball title.

#### PERSONAL EXPLANATION

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Ms. ROYBAL-ALLARD. Mr. Speaker, due to an unavoidable meeting on Thursday June 21, I was not present for rollcall vote No. 177, on Representative SLAUGHTER's amendment to increase funding for the NEA and the NEH. I am a strong supporter of both the National Endowment for the Arts and the National Endowment for the Humanities, and had I been present, I would have voted yea on this important amendment.

#### URGING RATIFICATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Ms. KAPTUR. Mr. Speaker, on June 20, 2001 the House passed H. Res. 124 recognizing the importance of children in the United States and supporting the goals and ideals of American Youth. This piece of legislation was adopted by a unanimous vote of 424-0. I commend the U.S. House of Representatives on passing the resolution and believe that we all share the desire to secure the safety and well being of all children in our great nation and abroad.

More than a decade ago, the largest group of world leaders ever convened for the World Summit for Children to discuss their responsibility to children. At the end of the World Summit, 71 heads of state and other world leaders signed the World Declaration on Survival, Protection and Development of Children. The standards and obligations adopted place children center stage in the quest for a just, respectful and peaceful society.

The leaders attending the summit also adopted a Plan of Action to achieve a set of precise, time-bound goals, including: Improving living conditions for children and their chances for survival by increasing access to health services; reducing the spread of preventable diseases; creating more opportunities for education; providing better sanitation and greater food supply; and protecting children in danger.

To date, 192 states have ratified or signed the convention. The convention was ratified more quickly and by more countries than any previous human rights agreement. Unfortunately, the United States is not among the 192 nations that have joined in this historical convention, and no other industrialized nation has failed to make this legal commitment to children.

As a Member of the United States Congress I am saddened and embarrassed that our great nation has not ratified this historical con-

vention. Our nation's children are our future. The Convention on the Rights of the Child embodies the very principles our country was founded upon and only enforces the rights afforded to all children born in our great nation of life, liberty and pursuit of happiness.

Ratification clearly signals a state's commitment to uphold standards of the convention and to respect, protect and fulfill the rights of children around the world. The House of Representatives commitment to the well being of our nation's children is exemplified through the unanimous passage of H. Res. 124. I urge the United States Senate, which has the sole power to ratify treaties, to act soon on this important matter and stand up for the rights of children worldwide.

#### TRIBUTE TO DONNA BLITZER

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. FARR of California. Mr. Speaker, I rise today to offer tribute to one of those persons who toil endlessly, without complaint, and generally in the background, but who make some of the largest and most important contributions to our lives: our staff. In particular, I rise today to congratulate and thank my long-time staffer, Donna Blitzer, who, after nearly 20 (I'm sure in her eyes) I-o-n-g years, has decided to explore other career opportunities. Ms. Blitzer is now the Director of Government and Community Relations for the University of California, Santa Cruz.

Donna began in my office when I was in the State Legislature, serving as one of my support staff. As I grew in elected office, she grew as staff and together we served as partners in many initiatives to improve and protect the quality of life on California's Central Coast which I represented then and continue to do so today. Throughout it all, Donna was my constant advisor and supporter, my advance and back up, my most loyal and trustworthy counsel. She was always there to put me back on track when my ideas de-railed, and to bring form to my vision. Most important, she protected my ethical and moral compass from ever going astray.

Mr. Speaker, we all have good staff. They are the heart and soul of our public selves as we reach out to our constituents. But sometimes there is one who just gives so much to so many that it deserves our special acknowledgment and praise. Donna Blitzer is such a person.

I will miss having her on my staff and at my side as I have for 20 years. But I wish her well in her new job and know that her contribution to the public will still be appreciated, no matter where she finds herself.

#### MAYOR REMEMBERED

### HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. COMBEST. Mr. Speaker, I rise to extend my deepest sympathy to the people of West Texas for the loss of Odessa Mayor Bill Hext.

Bill was a selfless leader, a visionary, and a faithful statesman. Bill personified service and will be remembered for his relentless pursuit of improving the lives of the people of Odessa. Prior to being elected mayor in 2000, Hext had served as a City Council member since 1998, and continued his work in public service as a member of many civic and charitable organizations. Bill's commitment to serving his community and his influence on Odessans will be an inspiration for generations to come.

It is with great empathy that I salute Bill Hext as an outstanding individual and faithful mayor to the city of Odessa. He will forever hold a place of honor and respect in the pages of community service.

#### PERSONAL EXPLANATION

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mrs. ROUKEMA. Mr. Speaker, I was unable to be present for rollcall votes: 182-185, during the consideration of the Interior Appropriations Act. Please let the record show that had I been present I would have voted "aye" for rollcall vote 182, the Inslee amendment to uphold current regulations on hardrock mining; "no" for rollcall vote 183, the Deutsch amendment regarding historic campsites in Stiltville, Florida; "no" for rollcall vote 184, the Stearns amendment to reduce funding for the National Endowment for the Arts; and "yes" for rollcall vote 185, final passage.

I strongly support the final passage of H.R. 2217, the Interior and Related Agencies Appropriations Act FY 2002. I am extremely pleased that this bill honors our commitment to the environment. The expansion of funding for land acquisition, wildlife protection, and other preservation and conservation programs is a victory for the country.

#### A SALUTE TO DR. EDWARD TYSON HONORING HIS YEARS OF SERVICE TO NORTH CAROLINA'S STUDENTS

### HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. HAYES. Mr. Speaker, I rise today to honor Dr. Edward Tyson of Kannapolis, North Carolina for his years of service to the parents, students and educators of Cabarrus County, North Carolina.

Dr. Tyson has been the Superintendent for Kannapolis City School since 1992. He has also served as a teacher, principal, and associate superintendent in the Cabarrus County School System.

Dr. Tyson has made a positive and profound impact on the students and faculty of Kannapolis City and Cabarrus County Schools. He has worked hard to improve the opportunities for all students throughout Cabarrus and Rowan Counties.

Dr. Tyson has been a tremendous leader in our community, serving on the Board of Directors for Cabarrus Bank, the Salvation Army, Cannon Memorial YMCA, and Cabarrus College of Health Sciences. He has also represented North Carolina on education issues

as a member of the American Association of School Administrators, the North Carolina Association of School Administrators, and the North Carolina Committee of the Southern Association of College and Schools.

Dr. Tyson's accomplishments in education have been recognized. He has received numerous awards including: 1995–1996 Southwest North Carolina Superintendent of the Year, 1999–2000 Professional Educator of the Year by the University of North Carolina at Charlotte, and the 2000 Time-Warner Distinguished Educator.

Mr. Speaker, while I have only touched on a fraction of Dr. Ed Tyson's many accomplishments and the impact he has made on his community and profession, I proudly join his friends and colleagues in thanking and saluting him for his years of service and commitment to education and wishing him well in his retirement.

CELEBRATING THE CAREER OF  
PASADENA MAYOR JOHNNY  
ISBELL

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. GREEN of Texas. Mr. Speaker, as the end of his current term quickly approaches, I rise to celebrate the career of Johnny Isbell, Mayor of the City of Pasadena, Texas. Mayor Isbell has been a central figure on the Pasadena City Council, serving, in various capacities for more than 24 years.

As a dedicated and committed public servant, Johnny Isbell has earned the respect and admiration of the citizens of Pasadena for the many years he has given to local government. He served with distinction on the Pasadena City Council from 1969 to 1978 and again from 1989 to 1993. He first served as Mayor from 1981 to 1985. He was again elected Mayor in 1993 and again in 1997.

Mayor Isbell was born in San Antonio in 1938 and has been a Pasadena resident for more than 50 years. He attended Lee Junior College and received a bachelor of science from the University of Houston in 1968. Johnny also served in the U.S. Army National Guard and the Air Force Reserves.

Johnny has been a presence in all aspects of life in Pasadena, Texas. He is the founder and president of the Apache Oil Company. He is also the former director of the YMCA and served on the board of directors of the Houston Area Transportation Safety Council. He is a past president of the South Pasadena Rotary, a past president of the San Jacinto Day Foundation, an honorary life director of the Pasadena Rodeo Association and a former member of the Harris County Civil Service commission.

Mr. Speaker, I am sure that I speak for many when I say that his tireless work will not soon be forgotten, and we are all thankful to him. I ask my colleagues in the House of Representatives to join me in celebrating the career of Pasadena Mayor Johnny Isbell and wishing him well in his future endeavors.

HONORING THE UNITED STATES  
SERVICEMEN WHO PERISHED IN  
THE KHOBAR TOWERS BOMBING

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. GEKAS. Mr. Speaker, today I rise to honor the individuals killed in the Khobar Towers bombing that took place five years ago. On June 25, 1996, terrorists cut nineteen United States servicemen's lives drastically short when they set off a bomb in the allied forces camp in Dhahran, Saudi Arabia. The allied forces contained many members of the U.S. armed forces who revealed their undying loyalty to America through their bravery in the ongoing struggle to prevent Saddam Hussein from ever again threatening his neighbors.

On that fatal day, courageous Americans were continuing their efforts to control the US air operation over Iraq. Pilots, ground crews, communications specialists, and anti-missile operators all worked out of the Khobar Towers for the noble cause of fighting against the Allies' enemy.

With one deafening blast, terrorists sent the entire camp into chaos. The earth shook. To the sound of splitting window panes and crumbling walls, the allied forces ran for their lives. As they struggled to find cover from flying debris, nineteen innocent, patriotic individuals breathed for the last time.

This horrific incident was particularly shocking to those of us from Pennsylvania. A short five years before, 28 servicemen and women died when an Iraqi Scud missile plummeted from the sky into a US Army barracks in Saudi Arabia. The attack left 27 Pennsylvanians assigned to the 14th Quartermaster Unit from Greensburg, PA, dead. The attack was the single worst catastrophe suffered by the Allies during the Persian Gulf War.

Like the Scud attack of February 25th, 1991, the attack on Khobar towers was a jolting reminder of the cost of defending freedom. The mission of the 19 heroes of Khobar was the same as their comrades in the Gulf War—to protect our national security by defending our allies against despotism. The risk was the same, and the price paid—an ultimate sacrifice for their country—the same.

These servicemen deserve America's utmost respect for fighting for our country with little regard for their own personal safety. In light of America's approaching birthday, we should honor all of the individuals who sacrificed their lives to preserve this nation for us and our children. Along with these nineteen servicemen, I ask you to join me in honoring all of the members of the armed forces who may no longer be with us, but whose lives we shall remember forever as the great protectors of this wonderful nation. And, to those who continue to fight for the American cause in the Middle East and elsewhere, you have our profound and complete admiration and respect. Our thoughts are always with you.

INTRODUCTION OF A BILL TO  
AMEND THE FEDERAL WATER  
POLLUTION CONTROL ACT TO IN-  
CREASE THE FEDERAL SHARE  
OF THE COST OF CONSTRUCTING  
TREATMENT WORKS IN THE DIS-  
TRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Ms. NORTON. Mr. Speaker, today we introduce a bill to make permanent an 80–20 match for the District of Columbia Water and Sewer Authority (WASA), which serves jurisdictions in Virginia, Maryland, and the District of Columbia through its facility at Blue Plains. In fiscal years 1998 and 2000, the 80–20 match was included in appropriations bills. Because the Fiscal Year 2001 provision expires at the end of Fiscal Year 2001, this legislation to make the 80–20 match permanent is necessary.

The Blue Plains facility operated by WASA is the largest advanced waste water treatment plant in the world, serving two million users in the Maryland and Virginia suburbs as well as the District of Columbia. The financial and operational health of this facility is vital to the efforts to clean up the Chesapeake Bay as well as waters that serve the City of Vienna, and the counties of Fairfax, Loudoun, Montgomery, and Prince Georges. Blue Plains is responsible for the largest reductions of nitrogen into the Bay of any facility in the entire Bay Watershed.

WASA has only been able to undertake major facility improvements—including biosolids digestion and handling facilities, major renovations to preliminary treatment facilities, new chemical feed operations, and additional electrical system enhancements—because of the 80–20 formula.

We also seek this change as a matter of fairness. In enacting the National Capital Revitalization and Self-Government Improvement Act of 1997 (Act), Congress recognized that the District, a city without a state, shoulders an unfair financial obligation in programs in which municipalities normally have state financial assistance. The Act provided for federal support for the state share of several such programs. The region has been unable to take advantage of the usual combination of state and city matches only because this facility, which serves regional partners, happens to be located in the District of Columbia.

A permanent 80–20 federal-local match would place the District on a par with other municipalities and states in the United States. The 20% that the District would continue to assume is equivalent to the burden borne by many other cities in the country. Of course, local rate payers in the region would continue to bear their share.

We urge our colleagues to join us in supporting this important provision that would provide tangible benefits to regional residents and to the Potomac and Anacostia rivers, as well as the Chesapeake Bay, a national treasure.

IN RECOGNITION OF GERALD A.  
BOWLES

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 25, 2001*

Mr. HOYER. Mr. Speaker, I rise today to give recognition to Gerald A. Bowles for his 30 years of exemplary service to the House of Representatives. Each of us here in the House have benefited from Jerry's talent, professionalism and congenial manner. In the 30 years that Jerry has served with the office supply service, he has seen many changes. From the limited scope of office equipment in the early seventies to the high tech demands

of today, Jerry has managed to assure that each member's office has all of their supply needs ready and at hand.

Jerry started working for the office supply service on August 1, 1971, as a stock clerk. He was promoted to special orders clerk then to inventory control specialist, sales floor supervisor, assistant chief and then director of office supply service. Jerry will be retiring from office supply service on August 31, 2001.

Jerry was born on May 26, 1951, to John Ignatius Alberta Ellis Bowles of Compton, Maryland. Jerry is the fifteenth child out of sixteen children, having nine sisters and six brothers. Growing up in a family of this size, Jerry learned the importance of working hard, getting along with everyone and being able to figure things out. These skills have helped him

to be an effective manager—well liked, yet able to get the job done. There never was any problem which didn't have a solution in Jerry's mind. He has always been able to find an available resource, offer an alternative fix and make the customer happy.

Staff from all around the Hill and particularly his colleagues from the office supply service will miss his smile, his willingness to listen and his "can do" attitude. Jerry has served the House well. His loyalty, determination and professionalism will long be remembered.

As Jerry retires to enjoy his home in St. Mary's County where he will fill his days with fishing and crabbing in the Patuxent River as well as working at the Drift Inn Crab House, we wish him well and a long happy retirement.



## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 26, 2001 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

JUNE 27

9:30 a.m.

## Armed Services

To hold hearings on the nomination of Dionel M. Aviles, of Maryland, to be Assistant Secretary of the Navy for Financial Management and Comptroller, the nomination of Reginald Jude Brown, of Virginia, to be Assistant Secretary of the Army for Manpower and Reserve Affairs, the nomination of Stephen A. Cambone, of Virginia, to be Deputy Under Secretary for Policy, the nomination of Michael Montelongo, of Georgia, to be Assistant Secretary of the Air Force for Financial Management and Comptroller, and the nomination of John J. Young, Jr., of Virginia, to be Assistant Secretary of the Navy for Research, Development and Acquisition, all of the Department of Defense.

SD-106

## Energy and Natural Resources

Business meeting to consider pending calendar business, to be followed immediately by a hearing on the nomination of Vicky A. Bailey, of Indiana, to be Assistant Secretary of Energy for International Affairs and Domestic Policy; and the nomination of Frances P. Mainella, of Florida, to be Director of the National Park Service, and the nomination of John Walton Keep, III, to be Commissioner of the Bureau of Reclamation (pending receipt by the Senate), both of the Department of the Interior.

SD-366

9:45 a.m.

## Foreign Relations

To hold hearings on the nomination of Clark T. Randt, Jr., of Connecticut, to be Ambassador to the People's Republic of China; and the nomination of Douglas Alan Hartwick, of Washington, to be Ambassador to the Lao People's Democratic Republic.

SD-419

10 a.m.

## Judiciary

To hold hearings to examine the protection of the innocent, focusing on competent counsel in death penalty cases.

SD-226

## Finance

To hold hearings to examine prescription fraud, focusing on consultants selling doctors bad billing advice.

SD-215

## Budget

To hold hearings to examine the outlook of the U.S. economy.

SD-608

## Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the federal governments role in retaining nurses for the delivery of federally funded health care services, focusing on the effects nursing shortages have on health care and long-term care programs, including Medicare, Medicaid, Veteran's and defense health.

SD-342

10:30 a.m.

## Rules and Administration

To hold hearings to examine a report from the U.S. Commission on Civil Rights regarding the November 2000 election and election reform in general.

SR-301

11:15 a.m.

## Foreign Relations

To hold hearings on the nomination of Pierre-Richard Prosper, of California, to be Ambassador at Large for War Crimes Issues, the nomination of William A. Eaton, of Virginia, to be Assistant Secretary for Administration, the nomination of Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, and the nomination of Clark Kent Ervin, of Texas, to be Inspector General, all of the Department of State.

SD-419

2 p.m.

## Appropriations

## District of Columbia Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the government of the District of Columbia.

SD-138

## Banking, Housing, and Urban Affairs

## Economic Policy Subcommittee

To hold hearings on proposed legislation authorizing funding for the Defense Production Act.

SD-538

2:30 p.m.

## Intelligence

To hold closed hearings on intelligence matters.

SH-219

JUNE 28

9 a.m.

## Agriculture, Nutrition, and Forestry

To hold hearings to examine the new Federal Farm Bill.

SD-106

9:30 a.m.

## Banking, Housing, and Urban Affairs

To hold hearings on proposed legislation authorizing funds for the Iran and Libya Sanctions Act.

SD-538

## Energy and Natural Resources

To hold hearings to examine climate change issues, focusing on science and technology studies.

SD-366

## Governmental Affairs

To hold hearings to examine the impact of electric industries restructuring on system reliability.

SD-342

10 a.m.

## Rules and Administration

To hold hearings to examine election reform issues.

SR-301

## Aging

To hold hearings to examine long term care, focusing on preparation for the aging baby boom generation.

SD-226

## Indian Affairs

To hold hearings to examine the goals and priorities of the member tribes of the Montana Wyoming Tribal Leadership Council for the 107th Congress.

SR-485

## Appropriations

## Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Communications Commission and Securities and Exchange Commission.

SD-192

## Veterans' Affairs

To hold hearings on proposed legislation providing for certain veterans' benefits.

SR-418

## Budget

To hold hearings to examine the status of the budget surplus.

SD-608

## Appropriations

## Transportation Subcommittee

To hold hearings to examine the status of intercity transportation, focusing on airways and railways.

SD-138

2 p.m.

## Appropriations

## Foreign Operations Subcommittee

To hold hearings to examine international democracy programs.

SD-138

## Foreign Relations

## African Affairs Subcommittee

To hold hearings to examine Zimbabwe's political and economic crisis.

SD-419

2:30 p.m.

## Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense program, focusing on the 2002 budget amendment.

SD-106

## Commerce, Science, and Transportation

## Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine the Surface Transportation Board rail merger rules.

SR-253

JULY 10

2:30 p.m.

Foreign Relations

To hold hearings on the nomination of Lori A. Forman, of Virginia, to be Assistant Administrator for Asia and the Near East, United States Agency for International Development.

SD-419

JULY 11

9:30 a.m.

Governmental Affairs

To hold hearings on S.803, to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by estab-

lishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services.

SD-342

# Daily Digest

## HIGHLIGHTS

House Committee ordered reported the Energy and Water Development appropriations for fiscal year 2002.

## Senate

### Chamber Action

*Routine Proceedings, pages S6835–S6867*

**Measures Introduced:** Three bills and one resolution were introduced, as follows: S. 1095–1097, and S. Res. 116. **Page S6862**

#### Measures Passed:

***Congratulating People of Peru:*** Committee on Foreign Relations was discharged from further consideration of S. Res. 107, congratulating the people of Peru on the occasion of their democratic elections on June 3, 2001, and the resolution was then agreed to. **Pages S6865–66**

***Congratulating Republic of Slovenia:*** Senate agreed to S. Res. 116, congratulating the Republic of Slovenia on its tenth anniversary of independence. **Page S6866**

**Patients' Bill of Rights:** Senate continued consideration of S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage, taking action on the following amendments proposed thereto:

**Pages S6835–44, S6845–60**

#### Pending:

Frist (for Grassley) Motion to Commit to the Committee on Finance and the Committee on Health, Education, Labor and Pensions with instructions to report back not later than that date that is 14 days after the date on which this motion is adopted. **Page S6835**

Gramm Amendment No. 810, to exempt employers from certain causes of action. **Pages S6835, S6845–56**

Edwards (for McCain/Edwards) Amendment No. 812, to express the Sense of the Senate with regard to the selection of independent review organizations. **Pages S6856–60**

By prior unanimous-consent, Senate will continue consideration of the bill at 9:30 a.m., on Tuesday, June 26, 2001, and that there be 2 hours for debate in relation to the Frist (for Grassley) Motion to Commit and the Gramm Amendment No. 810 (both listed above), with a vote to occur on or in relation to the Frist (for Grassley) Motion to Commit at 11:30 a.m., followed by a vote on or in relation to Gramm Amendment No. 810.

**Nominations Received—Correction:** Received on Friday, June 22, 2001 (This list should replace the list that incorrectly appeared as Nominations Confirmed on page D618):

Peter R. Chaveas, of Pennsylvania, to be Ambassador to the Republic of Sierra Leone.

Richard Henry Jones, of Nebraska, to be Ambassador to the State of Kuwait.

Nancy J. Powell, of Iowa, to be Ambassador to the Republic of Ghana.

Richard R. Clifton, of Hawaii, to be United States Circuit Judge for the Ninth Circuit.

Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit.

A routine list in the Army. **Page S6831 (6/22/01)**

**Statements on Introduced Bills: Pages S6863–64**

**Additional Cosponsors: Pages S6862–63**

**Amendments Submitted: Page S6865**

**Additional Statements: Pages S6861–62**

**Notices of Hearings: Page S6865**

**Adjournment:** Senate met at 2 p.m., and adjourned at 6:27 p.m., until 9:30 a.m., on Tuesday, June 26, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S6866–67.)

### Committee Meetings

No committee meetings were held.

# House of Representatives

## Chamber Action

**Bills Introduced:** 9 public bills, H.R. 2300–2308; and 2 resolutions, H. Con. Res. 172 and H. Res. 178, were introduced. **Pages H3518–19**

**Reports Filed:** Reports were filed as follows:

Filed on Friday, June 22, H.R. 1954, to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, amended (H. Rept. 107–107, Pt. 1);

Filed on Friday, June 22, H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002 (H. Rept. 107–108);

H.R. 645, to reauthorize the Rhinoceros and Tiger Conservation Act of 1994, amended (H. Rept. 107–109); and

H. Res. 178, providing for consideration of H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002 (H. Rept. 107–110).

**Page H3518**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Ballenger to act as Speaker pro tempore for today.

**Page H3469**

**Guest Chaplain:** The prayer was offered by the guest Chaplain, Col. Edward T. Brogan, USAF, Senior Chaplain, Arlington National Cemetery.

**Page H3470**

**Recess:** The House recessed at 12:38 p.m. and reconvened at 2 p.m.

**Page H3470**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**Rhinoceros and Tiger Conservation Reauthorization:** H.R. 645, amended, to reauthorize the Rhinoceros and Tiger Conservation Act of 1994;

**Pages H3470–72**

**Memorial Honoring President John Adams and His Family:** H.R. 1668, amended, to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his family;

**Pages H3472–79, H3491**

**National 4–H Program Centennial Initiative:** S. 657, to authorize funding for the National 4–H Program Centennial Initiative—clearing the measure for the President;

**Pages H3479–81**

**Release of Li Shaomin and All Other American Scholars Held in Detention by the People's Repub-**

**lic of China:** H. Res. 160, amended, calling on the Government of the People's Republic of China to immediately and unconditionally release Li Shaomin and all other American scholars of Chinese ancestry being held in detention and calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release (agreed to by a ye-a-and-nay vote of 379 yeas with none voting "nay," Roll No. 186). Agreed to amend the title;

**Pages H3481–87, H3491–92**

**Urging International Red Cross Access to Israelis Held Captive by Hezbollah:** H. Res. 99, expressing the sense of the House of Representatives that Lebanon, Syria, and Iran should call upon Hezbollah to allow representatives of the International Committee of the Red Cross to visit four abducted Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon (agreed to by a ye-a-and-nay vote of 379 yeas with none voting "nay," Roll No. 187); and

**Pages H3487–88, H3492–93**

H. Con. Res. 161, honoring the 19 United States servicemen who died in the terrorist bombing of the Khobar Towers in Saudi Arabia on June 25, 1996 (agreed to by a ye-a-and-nay vote of 379 yeas with none voting "nay," Roll No. 188). Agreed to amend the title.

**Pages H3488–91, H3493**

**Recess:** The House recessed at 4:16 p.m. and reconvened at 6 p.m.

**Page H3491**

**Senate Messages:** Message received from the Senate today appears on page H3470.

**Referral:** S. Con. Res. 54, was referred to the Committee on House Administration.

**Page H3514**

**Amendments:** Amendments ordered printed pursuant to the rule appear on page H3520.

**Quorum Calls—Votes:** Three ye-a-and-nay votes developed during the proceedings of the House today and appears on pages H3491–92, H3492–93, and H3493. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 9:50 p.m.

## Committee Meetings

### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

**Committee on Appropriations:** Ordered reported the Energy and Water Development appropriations for fiscal year 2002.

## TRANSPORTATION APPROPRIATIONS

*Committee on Rules:* Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered for amendment by paragraph. The rule waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) against provisions in the bill except as otherwise specified in the rule. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Rogers of Kentucky, Sabo, Obey, Moran of Virginia and Borski.

## COMMITTEE MEETINGS FOR TUESDAY, JUNE 26, 2001

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Appropriations:* Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2002 for the Architect of the Capitol, 11 a.m., SD-124.

*Committee on Armed Services:* Subcommittee on Strategic, to hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on the Department of Energy's Office of Environmental Management, 10 a.m., SR-222.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings on the nomination of Donald E. Powell, of Texas, to be a Member and Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* to hold hearings on the nomination of Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of Commerce; and the nomination of Allan Rutter, of Texas, to be Administrator of the Federal Railroad Administration; the nomination of Kirk Van Tine, of Virginia, to be General Counsel, and the nomination of Ellen G. Engleman, of Indiana, to be Administrator of the Research and Special Programs Administration, all of the Department of Transportation, 9:30 a.m., SR-253.

*Committee on Energy and Natural Resources:* to hold hearings to examine certain provisions relating to S. 472, to ensure that nuclear energy continues to contribute to the supply of electricity in the United States; S. 597, to provide for a comprehensive and balanced national energy policy; and S. 388, to protect the energy and security of the United States and decrease America's dependency on

foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly, 9:30 a.m., SD-366.

*Committee on Finance:* to hold hearings to examine the United States-Vietnam Bilateral Trade Agreement, 2:30 p.m., SD-215.

*Committee on Foreign Relations:* to hold hearings on the nomination of C. David Welch, of Virginia, to be Ambassador to the Arab Republic of Egypt; the nomination of Robert D. Blackwill, of Kansas, to be Ambassador to India; the nomination of Daniel C. Kurtzer, of Maryland, to be Ambassador to Israel; the nomination of Margaret DeBardeleben Tutwiler, of Alabama, to be Ambassador to the Kingdom of Morocco; and the nomination of Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Islamic Republic of Pakistan, 2:30 p.m., SD-419.

*Committee on Governmental Affairs:* Permanent Subcommittee on Investigations, to hold hearings to examine federal funding allocated to fight diabetes, the impact of the disease on society and current research opportunities to find a cure, 9:30 a.m., SH-216.

*Committee on Indian Affairs:* to hold oversight hearings to receive the goals and priorities of the Great Plains Tribes for the 107th Congress, 10:30 a.m., SR-485.

*Committee on the Judiciary:* Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine concerns of ideology relative to the judicial nominations of 2001, 10 a.m., SD-226.

### House

*Committee on Agriculture,* Subcommittee on Conservation, Credit, Rural Development and Research, hearing to review on rural development, 1 p.m., 1300 Longworth.

*Committee on Appropriations,* Subcommittee on Legislative, on the Library of Congress, 10 a.m., on the GPO, 11 a.m., on the GAO, 11:30 a.m., and on the CBO, 12 p.m., H-140 Capitol.

*Committee on Armed Services,* Special Oversight Panel on Department of Energy Reorganization, hearing on the management of the National Nuclear Security Administration, 1:30 p.m., 2216 Rayburn.

Subcommittee on Military Readiness, hearing on the readiness posture of the military service, 3 p.m., 2212 Rayburn.

Subcommittee on Military Research and Development, hearing on the Defense Science and Technology Program, 9:30 a.m., 2118 Rayburn.

*Committee on Financial Services,* Subcommittee on International Monetary Policy and Trade, hearing entitled "Trade in Financial Services—Current Issues and Future Developments," 2 p.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "The SEC's Role in Capital Formation: Help or Hindrance?" 9:30 a.m., 2128 Rayburn.

*Committee on Government Reform*, Subcommittee on the District of Columbia, hearing on the Reform of the Family Division of the District of Columbia Superior Court—Improving Services to Families and Children, 12 p.m., 2154 Rayburn.

*Committee on the Judiciary*, to mark up the following bills: H.R. 2137, Criminal Law Technical Amendments Act of 2001; and H.R. 1892, Family Sponsor Immigration Act of 2001, 10 a.m., 2141 Rayburn.

Subcommittee on Commercial and Administrative Law, hearing on the following bills: H.R. 1552, Internet Tax Nondiscrimination Act; and H.R. 1675, Internet Tax Nondiscrimination Act, 2:30 p.m., 2141 Rayburn.

*Committee on Resources*, Subcommittee on Energy and Mineral Resources, hearing on H.R. 2187, to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves, 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, to mark up the following bills: H.R. 271, to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada; H.R. 695, Oil Region National

Heritage Area Act; H.R. 1491, Utah Public Lands Artifact Preservation Act of 2001; and H.R. 1628, El Camino Real de los Tejas National Historic Trail Act of 2001, 10 a.m., 1334 Longworth.

*Committee on Rules*, to consider a measure making appropriations for the Department of Agriculture, Rural Development, Food and Drug Administration and Related Agencies for the fiscal year ending September 30, 2002, 5 p.m., H-313 Capitol.

*Committee on Science*, Subcommittee on Research, hearing on Reinventing the Internet: Promoting Innovation in IT, 10 a.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on Space Tourism, 2:30 p.m., 2318 Rayburn.

*Committee on Small Business*, briefing on the Administration's Trade Agenda: How Does Small Business Fit In? 10 a.m., 2360 Rayburn.

Subcommittee on Tax, Finance and Exports and the Subcommittee on Workforce, Empowerment and Government Programs, joint hearing on access to capital, 2 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Aviation, hearing on Runway Incursions, Focusing on the Technology to Prevent Collisions, 2 p.m., 2167 Rayburn.



*Next Meeting of the SENATE*

9:30 a.m., Tuesday, June 26

## Senate Chamber

**Program for Tuesday:** Senate will continue consideration of S. 1052, Patients' Bill of Rights, with a vote to occur on or in relation to the Frist (for Grassley) Motion to Commit at 11:30 a.m., followed by a vote on or in relation to Gramm Amendment No. 810; following which, Senate will be in a period of morning business where two Senators will be recognized for speeches; following which, Senate will recess until 2:15 p.m. for their respective party conferences.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Tuesday, June 26

## House Chamber

**Program for Tuesday:** Consideration of Suspensions:

(1) H. Res. 166, recognizing the disaster relief assistance provided to the people of Houston, Texas, and surrounding areas during tropical storm Allison; and

(2) H.R. 2213, 2001 Crop Year Economic Assistance; and

Consideration of H.R. 2299, Transportation Appropriations Act for Fiscal Year 2002 (open rule, one hour of debate).

## Extensions of Remarks, as inserted in this issue

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