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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 27, 2001.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

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

PRAYER

Bishop Michael Tyrone Cushman, General Overseer, National Association of the Church of God, West Middlesex, Pennsylvania, offered the following prayer:

Dear Kind and Gracious Heavenly Father, it is with praise and adoration we bow before You on this wonderful day. It is with awe and honor we worship Your holy presence and invite You to dwell in the midst of these men and women who were made by Your hands and fashioned for this very moment.

We acknowledge that all wisdom comes from You. We confess this morning that You are our eternal Father and You are the very essence of love itself, and that we are created in Your loving just and merciful image, and that Your ultimate will is that we love each other unconditionally as we are loved by You.

Please, Kind Sir, bless us this day with the spirit of reconciliation. Endow us with a fresh anointing of grace and tolerance. Empower us to deliberate through the dilemmas and conflicts of purpose and opinion. Equip us to accept what we cannot change. Embolden us to change the unacceptable and enlighten us with uncanny wisdom to strike the compromises that glorify You and dignify every human being.

Now, My Father, bless this House, O Lord we pray. Keep it safe by night and day. In the strong name of Jesus we trust and pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. BRADY of Texas 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.

WELCOME TO GUEST CHAPLAIN, PASTOR MICHAEL TYRONE CUSHMAN, SR.

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I would like to join you in welcoming today's distinguished guest chaplain, Pastor Michael Tyrone Cushman, Sr., and thank him for leading the House in prayer. As first General Overseer of the National Association of the Church of God, Pastor Cushman is responsible for more than 400 churches in the United States, Caribbean, and Africa.

For 22 years, Reverend Cushman served at the Pasadena Church of God in Pasadena, California, one of the most thriving churches in our region. Pastor Cushman distinguished himself as a force for racial reconciliation and more harmonious human relations in southern California. In his new position, his mission is to unify the black and white branches of the Church of God.

I am proud to say, that although Dr. Cushman will travel the world in his new position, he and his wife, Jacqueline, will maintain a home in Altadena, California, which I am proud to represent. Although we will sorely miss his influence in our community on a daily basis, I am happy to note that he will maintain an advisory role at the Pasadena Church of God.

I am proud to welcome Chaplain Cushman here today as our guest chaplain.

AMERICA'S ENERGY POLICY

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, while California experiences blackouts, and respirating equipment that is needed

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for those critically ill goes silent, Gray Davis is hyperventilating and pointing fingers at Washington.

Let us review the Democratic energy policy over the last 8 years under the past administration. Let me see: Hazel O'Leary, Secretary of Energy, goes to the Taj Mahal and spends $1 million of taxpayer money to beautify it before she arrives.

Let me see: Bill Richardson, while on his watch, loses our Nation's energy secrets, and we become vulnerable to outside influences.

During the last campaign, when energy prices were skyrocketing, the Clinton White House's brilliant idea was to reduce and use the oil from the strategic reserves.

Sound bite politics from their side, sensitive politics from ours. We are working on the energy needs of America. We are seeking a plan that will revolutionize the way we are dependent on oil. We are looking at a conservation model. We are looking at new technology. We are coming up with answers, not rhetoric.

I admonish the Democrats to start participating and stop finger-pointing. And Gray Davis could lead the parade by stop spending $30,000 of taxpayer money a month for political consultants and start working with energy consultants to save his State.

SIGN DISCHARGE PETITION ON COST-BASED ENERGY PRICING

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, last week, in California, three former employees of generators of electricity testified that they turned off their equipment at the demands of their bosses that resulted in driving up electrical prices on the west coast. This House should do something about that.

What I urge my colleagues to do is to come to the well of the House and sign a discharge petition for a bill that will create cost-based pricing for 2 years as a short-circuit to stop the meltdown of the energy market on the west coast. I do that on behalf of the small business people who are losing their businesses today, last week, next week, because of the thousand percent increases in wholesale electrical rates on the west coast, which are unprecedented, wrong, unconscionable, and should be illegal.

The Federal Energy Regulatory Commission, finally, because we dragged them kicking and screaming for the last 4 months, finally did something a few days ago, but it is clear it is not enough. We need to keep their feet to the fire. I urge my colleagues to sign the discharge petition in the well of the House today.

TAX REBATES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I remember energy going up that Texas provided for California because the Environmental Protection Agency charges them fines to run their plants. Ridiculous.

But today, Mr. Speaker, I rise in support of hardworking American taxpayers who will receive a $600 check in the mail this summer courtesy of George W. Bush. That is right. Americans do not want, do not need, and do not deserve higher taxes. That is why President Bush fought hard to make sure to give them back some of their money.

If an individual paid taxes last year, they will receive a $300 check, if they are single; $500 if they are a single parent; or a $600 check if they are a married couple filing together. All this because President Bush knows that Americans can spend their own money better than we can here.

What can a person buy with $600? Well, this is the buy-a-new-washer, a-new-dryer, or buy-a-new-fridge bill. What about that? The beauty of this summer refund is that George W. Bush knows that Americans can spend their money better than the Federal Government. So let us give it back to them.

SEND MARGARET HARGROVE OF FLORIDA TO THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the pit bull is the most ferocious dog in the world, but nobody told that to Margaret Hargrove of Florida. When a pit bull clamped his massive jaws around her small Scot terrier's neck, Margaret ferociously bit the pit bull back.

Now, if that is not enough to sanitize your fire hydrant, folks, the pit bull then turned on Margaret and attacked her. Margaret then attacked the pit bull so ferociously that she drove him away.

Beam me up. Do not take this woman to a drive-in movie. Do not forget to feed her terrier. My colleagues, never bite Margaret Hargrove of Florida.

I yield back the need to hire Margaret Hargrove at the Internal Revenue Service to straighten those people out.

CONGRATULATIONS TO MARTHA DE NORFOLK OF FLORIDA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I congratulate Martha De Norfolk, a single mother from my congressional district who is working to found the Arthrogryposis Foundation to help her disabled son Bryant Amastha, and other local children who suffer from this rare disease.

One in every 3,000 babies is born with this disease, which limits motions in their joints, usually accompanied by muscle weakness. In the classic case, hands, wrists, elbows, shoulders, hips, feet and knees are affected. In some cases, even the central nervous system. Most people with arthrogryposis are of normal intelligence and are able to lead productive lives as adults. However, if not treated through surgery and physical therapy, this disease can become terminal, as the body deforms so that internal organs cannot function properly.

Nine-year-old Bryant recently completed his 36th operation, enabling him to use an electric wheelchair to move about in home and in school. With the help of the foundation that Bryant's mother, Martha De Norfolk, is working to establish, parents of these children will soon have the financial assistance and the support groups on which to depend; and local doctors will have access to education on this debilitating illness and its treatment.

We congratulate Martha and Bryant and many others.

ENERGY

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, with the continuation of rolling blackouts and skyrocketing energy costs, we need to address our country's energy problems now. In the short term, we need a solution that provides much-needed price relief for consumers to outrageously high energy costs, particularly now that we are in the summer.

The Bush administration's energy plan does virtually nothing to address these issues. The leadership in this Congress has wiped out the raising of the fuel efficiency standards and continues to do nothing in the area of research in renewables and other long-term benefits in improving energy efficiency. The administration has tried to address this in the previous years but was unable to do it with the leadership of this Congress.

We need a plan that does not relax environmental standards, does not propose drilling in sensitive environmental areas of this country, such as the Arctic National Wildlife Reserve and off the coast of Florida's shores. That plan only benefits large oil companies at the risk of all Americans. Our approach to our country's energy problems is a balanced plan that addresses both supply and demand. The plan proposed by Democratic leadership increases refining capacity and helps America use energy more efficiently.

□ 1015

AMERICA IS A NATION IN NEED OF ENERGY SOLUTIONS

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, it is a widely known fact that America is a Nation in need of energy solutions. We have all heard the statistics. Over the next 20 years, U.S. oil consumption is expected to increase by over 30 percent, natural gas consumption by more than 50 percent, and electricity usage will grow by an estimated 45 percent.

Yet these facts are not new. This problem did not drop out of the sky one day. These statistics have been known for years, yet the Clinton administration failed to plan for the future. Now America faces a great energy challenge that can only be met through increased production and conservation.

California's policy of strict conservation without production has not worked. Despite growing energy consumption, not one major power plant was added in the 1990s. Unfortunately, the people of California are suffering because of it.

Mr. Speaker, President Bush has put forth plans emphasizing conservation while meeting production needs. We cannot look away like past administrations have, hoping that the problem will just go away, because it will not.

CALIFORNIA AND THE WEST COAST ELECTRICITY MARKET HAS BEEN ILLEGALLY MANIPULATED

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, evidence continues to mount that California and the west coast electricity market has been illegally manipulated, and consumers are entitled to billions of dollars for illegal overcharges since last summer.

We just heard about the need for production. Let me tell my colleagues what is happening to plants in California. Last week in sworn testimony to the State senate, three employees of the Duke energy plant in my district in Chula Vista, California, testified that they took the plant out of production for economic reasons. That is to boost the price of electricity at times, including the worst emergencies that were declared in California. At stage 3 alerts, the generators were taken down. They were told to throw away spare parts, so it would take longer to correct any problems that did appear. The manipulation of the market is clear. The illegal manipulation of the market is clear.

Mr. Speaker, all my colleagues should sign the discharge petition at the well this morning to make sure that we get a vote on restoring equanimity to the electrical markets of California, and consumers get refunds for illegal prices.

PRICE CAPS ARE A BAD IDEA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, even though they violate every principle of free market economics, every principle of common sense, even though they would not produce one drop of oil or one watt of electricity, some Members keep calling for price caps.

Many of us have been trying to explain to the government-has-all-of-the-answers crowd why price caps are a bad idea. But, Mr. Speaker, some Members would rather score political points by claiming to have an easy answer, even though they will really be harming the consumers they pretend to be defending.

The Department of Energy released a study that showed that price controls would cause the California blackouts to get worse. There is no easy fix to this energy crunch, and we should not trust anyone who tells us there is. Only through boosting production and greater conservation will we have more supply and lower prices. There is no other way.

PATIENTS' BILL OF RIGHTS WILL NOT GENERATE LAWSUITS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is interesting to hear this controversy being expressed as we cannot do this and we cannot do that. Although I am here to talk about the Patients' Bill of Rights, I believe that the industry recognizes that something must be done to help Americans with the energy crisis, and I believe cooler heads would welcome the opportunity to put a moratorium on pricing.

But, Mr. Speaker, I want to talk about the misrepresentation of the Patients' Bill of Rights by its opponents, and I want to say there is no evidence that the insured will sue employers recklessly. There is no evidence that there will be frivolous lawsuits by those who are insured. I know because I come from the State of Texas that has had a Patients' Bill of Rights for almost 5 years.

There is evidence that the Patients' Bill of Rights, the Ganske-Dingell bill, will provide every American the right to choose their own doctors and restore the patient and physician relationship, that it will cover all Americans with employer-based health care insurance, that it features all external reviews of medical decisions conducted by independent and qualified physicians and not HMO bureaucrats, that it will hold HMOs accountable. That is the evidence. We need to pass a real Patients' Bill of Rights.

RULE OF LAW PROHIBITS HARVESTING OF STEM CELLS FROM HUMAN EMBRYOS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise today as a strong advocate of the rule of law and the right to life. That is why I urge the administration to faithfully execute the 1996 law adopted by this Congress prohibiting the use of taxpayer dollars to finance the harvesting of stem cells from human embryos. Just because the last administration tried to trample this law through regulations is no excuse for this administration to fail in its oath to faithfully execute the laws adopted in this Congress. The clear language of the 1996 law, the high principle of the sanctity of human life and the enormous promise of adult stem cell research all argue that this President and this administration should choose life.

PUT MEDICAL DECISIONS BACK IN THE HANDS OF DOCTORS AND PATIENTS

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCOLLUM. Mr. Speaker, let us put medical decisions back in the hands of doctors and patients and ahead of special interests and their slick TV commercials. Let us pass a strong Patients' Bill of Rights.

In my home State of Minnesota, I worked very hard, and in Minnesota, like many other States, we have strong patient protection laws. Those who are covered under Minnesota law have access to specialists when they need them. Every American deserves that right. No one should have to jump through hoops or swim a sea of red tape to get the doctor they need when they need to see one. A patient's doctor knows when they need to see a specialist, and Americans should not have to wait for approval by some profit-driven bureaucrats.

Mr. Speaker, I urge my colleagues to support the bipartisan Ganske-Dingell bill. It is time for sound, responsible managed care reforms and meaningful patient protection.

THE RIGHT APPROACH TO ENERGY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, today Californians are experiencing rolling blackouts, rising energy costs and out-of-control gasoline prices. I fear that

this will happen in the other States if we are not careful. The solution to our current energy crisis is simple, choice and competition, not more regulation and price controls like the discharge petition that the Democrats are talking about.

Governor Davis, with the support of environmentalists and government control advocates, raised barriers and actively sought to prohibit the construction of new power plants. Now the Democrats in Washington want to make the Gray Davis approach to energy the national approach to our energy here in Washington.

Mr. Speaker, it is clear what the results will be if they achieve their goal. What is happening in California will happen in the rest of the country. Blackouts will roll from California all of the way to the eastern seaboard. From family to farmer, all Americans will be affected. We do not want this to happen.

We need to have choice and competition. Let there not be a reoccurrence. Let us take the right approach to energy, and work to increase production, reduce regulation and encourage conservation.

IT IS TIME TO PASS A REAL PATIENTS' BILL OF RIGHTS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, emergency room nurses are in town, and I commend and congratulate them for the outstanding work they do. This is also a great time to pass a real Patients' Bill of Rights, one like the Ganske-Dingell bill that ensures that medical decisions come before business decisions, one that ensures that doctors and patients and nurses have the opportunity to decide what kind of treatment there ought to be. It ensures that external review of individuals who do not have a self-interest are the ones making the decisions and recommendations.

Mr. Speaker, it is not like the bill that was introduced yesterday, that allows HMOs to do their own reviewing, to have their own internal reviews to determine whether or not what they are doing is good and right. That is like having the fox guard the chicken house.

Mr. Speaker, if we want to be real, we will pass the Ganske-Dingell bill for real patients' rights.

AMERICA HAS RESPONSIBILITY TO MEET MORE OF OUR OWN ENERGY NEEDS

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY of Texas. Mr. Speaker, even though President Bush inherited the energy problem, I appreciate that he is shooting straight with the American people about what it will take to have reliable, affordable and environmentally clean energy for our country.

America, we do have the responsibility to meet more of our own energy needs. Common sense tells us we will need a balanced game plan based on conservation, on new technology and new supply. There are no shortcuts, no Band-Aids, no steps that we can skip.

The discharge petition Members see today is more Hollywood theatrics, more Band-Aids, and we simply cannot afford it. If we work together, Republican and Democrat, CEO and environmentalist, we are capable, and we can achieve energy independence.

Mr. Speaker, this issue is more than economics, it is one of national security. As long as America relies on OPEC and foreign countries for more than half of our daily energy needs, we are vulnerable. And there is no need why the most prosperous Nation in the world cannot take responsibility for our own energy needs. It is time for America to take responsibility for America's energy.

THE PHARMACEUTICAL INDUSTRY IS AT IT AGAIN

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, the pharmaceutical industry is at it again. This industry which has spent $200 million in the last 3 years to defeat all efforts to lower the cost of prescription drugs, this industry which has 300 paid lobbyists here on Capitol Hill, continues to charge the American people by far the highest prices in the world for the same exact prescription drugs.

Mr. Speaker, American women should not have to go over the Canadian border to buy tamoxifen, a breast cancer drug, for one-tenth the price that it is charged in the United States. Seniors should not have to go to Mexico or Europe to pick up the same drugs for a fraction of the price.

Mr. Speaker, in a globalized economy, prescription drug distributors and pharmacists should be able to purchase and sell FDA safety-approved medicine at the same prices as in other countries. The passage of reimportation will lower the cost of medicine in this country by 30 to 50 percent. Let us pass the Sanders-Crowley-DeLauro amendment in the agriculture appropriations bill, which will allow Americans to get fair prices for their prescription drugs.

AMERICA NEEDS TO BE NET EXPORTER OF POWER, NOT NET IMPORTER

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, to my colleagues out West, I want to remind them the best way to get to a most efficient market is allow the market to work. If this country wants low-cost, reliable electricity, we must have a diverse energy portfolio. We must have coal, nuclear, hydro, renewables, and expand our base load generating capacity. If we want low-cost fuel, we need to drill for it and transport it and refine it. States need to be net exporters, not net importers of power generation. Our country needs to be a net exporter of power, not a net importer of power.

Mr. Speaker, I applaud the State of Illinois and Governor Ryan for passing and signing the Empower Illinois Act, which will incentivize clean coal technology and generation in southern Illinois, and I applaud my colleague, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Kentucky (Mr. WHITFIELD), and support the Need Act which will do the same thing with a national energy policy, that we will push through the Committee on Energy and Commerce on the floor of the House later on this fall.

CONGRESS NEEDS TO TAKE A STAND AGAINST PRICE GOUGING

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, from the other side of the aisle we hear platitudes about choice, which consumers do not want, and competition, which does not exist. For months, the mounting evidence of manipulation in the energy markets has been piling up and piling up while the Bush administration, and their hand-picked appointees to the Federal Energy Regulatory Commission, have taken a hands-off attitude. After all, it is some of their most generous campaign contributors, many of whom are based in Texas, who are making obscene amounts of money by manipulating the energy markets.

Mr. Speaker, we would not want to offend them just to help consumers. A month ago it turned out Reliant Energy of Texas had tied its energy traders to the plant operators and had them shut down the plant to drive up the price.

Duke Energy employees have stated that they were told to sabotage the plant and throw away the repair parts to drive up the price of energy on the west coast.

The reaction on that side of the aisle is, oh, let us not make this a partisan issue. Oh, let us be nice.

Mr. Speaker, consumers are being fleeced. It is time for real action. Sign the discharge petition, and this Congress will take a stand for consumers against the price gouging.

□ 1030

SOLVING ENERGY PROBLEMS

(Mr. HAYWORTH asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, if we could harness some of the wind power this morning, we could solve our energy problem. If we could take the blame game and convert it to Btus, we would have energy to last for a long time.

Mr. Speaker, we ought to bring in a lot of different people and put them under oath in front of the Committee on Resources, in front of our various oversight committees, and get the answer. I do not countenance any misconduct by anyone, but I will tell you what is interesting: when the Governor of California had a chance to put emergency generators online, he said, Oh, no. If those folks are not going to be union employees, I do not want to see those generators.

When the Governor of California had a chance to work out these problems, he took $1 million from the same utility companies my friend from Oregon rails against. When the Governor of California had a chance to step forward and solve this problem, he went on Jay Leno. What is next, a Letterman appearance with stupid gubernatorial tricks?

We have got real problems. Let us solve the problem. We can all yell and scream.

TIME TO SIGN ENERGY DISCHARGE PETITION

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, the last speaker certainly makes a good case for wind power.

There is an opportunity today for Members to sign the discharge petition to return this country to cost-based power, not power determined by gougers in the energy industry. We have seen on the west coast 400 percent profit for Texas companies selling energy. Now, 400 percent profit is a little bit over the top. Most of us who believe in the free enterprise system think that maybe 10 or 20 percent is not too bad. But they want unlimited ability.

Mr. Speaker, the oil dynasty of Cheney and Bush and Evans have selected the people to run the Federal Energy Regulatory Commission. Whenever you hear anybody say FERC, they are talking about people appointed by the Bush people to control and allow the industry to actually not control the energy industry.

Now, you would say it is a west coast problem, that it is always Democrats. New York is doing it now, and they are fearful of what it is going to be without cost-based power. It is time to sign the discharge petition.

CONTROLLING THE ENERGY CRISIS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, no one doubts and no one questions that we need a balanced, comprehensive responsible energy policy in this Nation. By importing nearly 60 percent of our domestic oil from foreign countries, we are leaving our Nation's security vulnerable to the whims of these importing countries.

We must increase the supply of domestic energy and promote conservation as a form of safe and reliable power, while at the same time promoting a clean and healthy environment.

Along with conservation efforts, technological advancements will allow us to meet our energy needs for decades, even centuries to come. New technologies, like gasoline-electric hybrid cars, clean coal, hydrogen fuel, second-generation geothermal, and other such innovations will allow us to avoid problems like those in California, while ensuring a clean environment as our legacy for our children.

Mr. Speaker, California's fast-paced society is not capable of supporting itself through energy shortages and rolling blackouts. Neither is the rest of the country. However, since Governor Gray Davis has been showing more interest in his political consultants rather than his constituents, the crisis in his homeland has begun spreading like a catastrophe and has put the Nation on the brink of engulfing other States. It is time to take action now.

SUPPORT THE BIPARTISAN PATIENTS' BILL OF RIGHTS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, let us get down to basics. Some health plans systematically obstruct, delay and deny care. Some health plans provide excuses instead of coverage. The bipartisan Patients' Bill of Rights has enough teeth in it to deter health plans from cheating their enrollees and enough definition in it to protect health plans and employers from frivolous lawsuits.

Yesterday, my Republican colleagues, the gentleman from Kentucky (Mr. FLETCHER), the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from California (Mr. THOMAS), introduced legislation endorsed by President Bush and written by the largest insurance companies in the country. It does not give enrollees the right to sue. The language is drafted so that the right to sue cannot actually be exercised.

The Republican bill is a sham. I ask President Bush to work with us to put insurance interests aside, to put campaign contributions from insurance interests aside, to work with us in the bipartisan Patients' Bill of Rights. That is the bill that protects patients. That is the bill that restores the patient-physician relationship.

SUPPORT PRESIDENT'S SOUND ENERGY PLAN

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, President Bush has outlined what I think is a sound energy policy that is both forward thinking and sensible, but opponents of his plan sound like a broken record, accusing the President of being anti-environment.

The assertion that we must choose between sound energy policy and healthy environment is simply not true. As an example, we need to look no further than the clean air standards set up in the early nineties. Regulations for fuel resulted in refineries using additives that produced clean air, but polluted the groundwater. That is, until the development of ethanol.

Ethanol is a biofuel that is produced from corn and grain sorghum. It protects our quality of air by reducing tailpipe emissions and greenhouse emissions. And as an added bonus, ethanol can provide help for our economy, especially our American farmers, and not for OPEC. I, for one, would rather depend upon the good graces of a Kansas farmer than foreign oil producers.

Mr. Speaker, I urge my colleagues to support the President's sound energy policy.

REDUCING SUPPLY TO INCREASE PRICES

(Mr. TIERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNEY. Mr. Speaker, people this morning have been talking about the energy situation, and I think it is important to talk calmly for a moment about some of the things that have been happening.

I happen to be a member of the Subcommittee on Energy of the Committee on Government Reform, and we have had hearings with the American Petroleum Institute and others from the industry testifying before us. Also, Senator WYDEN in the Senate has taken testimony on this matter.

It is important for the American people to know that there is strong evidence that the industry acted to make sure that they reduced supply so that they could raise costs. Senator WYDEN had thick documents, which I have just put on record in our committee hearing, showing over the last decade of the nineties there was too much refinery backlog for the companies, so they acted, or at least indicated they were going to act, to make sure that those refineries shrunk. Over 50 of them have closed.

Therefore, we did not have the kind of supply that we needed; and of

course, that drove up demand and drove up price. Now that that is up there, the companies will tell you the reason we do not have enough fuel at reasonable prices is because we do not have enough refineries.

Now they are looking for the triple play. Instead of producing more and getting that in the pipeline and having more refineries, they now want to do away with environmental regulations. This is not something we should allow to happen. We should keep our eye on that industry and make sure we get something done for the consumer.

CALIFORNIA ENERGY CRISIS

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, we have an energy crisis. Eight years of Clinton-Gore no-growth energy and Federal environmental policies have left us facing frequent shortages.

In my home State of California, the population has grown by 4 million people over 10 years. The economy has doubled in half that time. Sadly, the radical environmentalists have prevented the construction of new power plants.

The equation is simple: more people and no power plants equal blackouts. Rather than place blame, President Bush has proposed a responsible solution that seeks to address our dire situation, increase supply while offering incentives to reduce demand.

While California is already the most energy efficient State in the country, the President's comprehensive policy will promote new power plant construction. It is not necessarily political, but it recognizes that there are no quick fixes to the years of policies that forced us deep into the dark.

SUPPORT BIPARTISAN PATIENT PROTECTION ACT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, Americans need a Patients' Bill of Rights. Every single day we hear stories of patients whose health has been seriously jeopardized because their health plan has denied coverage. Each day 35,000 patients experience a delay in needed care and 7,000 patients per day are denied referral to a medical specialist.

Doctors are unable to make the best medical decisions for their patients because their hands are tied by the insurance companies. What we need to do is to return those medical decisions back to doctors and patients and out of the hands of insurance companies. We need a Patients' Bill of Rights that grants access to specialists, allows patients to choose their own doctors, lifts physician gags that prohibit doctors from talking about medical options, allows for access to emergency rooms, and, yes, holds HMOs accountable for negligent actions.

These patient protections are long overdue. The Republican leadership has watered down meaningful bipartisan legislation to protect another special interest, the managed care organizations. They want to give HMOs special protection from lawsuits, while weakening patients' ability to hold health plans accountable.

Vote for Dingell-Norwood. Support the bipartisan Patient Protection Act. In the long run, it will help the American people.

BECOMING ENERGY SELF-RELIANT

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, let us put all the political posturing and gamesmanship aside and be honest: the major causes of high energy prices this summer will be the lack of domestic energy production and the absence of new investments in the electricity generation facilities needed to meet the growth experienced over the last decade.

That is why becoming more energy self-reliant is so important. If we want an uninterrupted supply of energy, then we need more American oil, American gas, and clean coal. In Montana alone, we have several hundred years' worth of natural gas and coal deposits. Current estimates place coal resources for eastern Montana at about 50 billion tons, two-thirds of which is low-sulfur, clean-burning coal.

In developing these resources, it is important that we keep in mind that America has some of the highest environmental standards and most advanced technology in the world. Our strict laws do a good job of ensuring our environment is protected.

The bottom line is this: relying upon our own energy resources is cleaner and safer than importing energy from countries with inferior technology and scant environmental oversight.

SUPPORT A REAL PATIENTS' BILL OF RIGHTS

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, as many of you know, when I was elected to the United States Congress, prior to being sworn in, I had to walk into a hospital in Indianapolis, Indiana, and announce that I believed I was on the verge of a heart attack. Because I was an elected Member of Congress, I did not have to get permission from anybody to get the best medical services that Indianapolis, Indiana, had to offer. That is why I stand before you today on behalf of all of the people who seek the services from HMOs who do not happen to be a Member of the United States Congress.

The President of the United States claims credit for the HMO reform bill that passed in Texas when he was Governor. You would think that a person who claims credit for an issue would work hard to put it into practice at his new job.

It is not right for the HMOs to take money from people they are supposed to serve and then deny them the service when those same people need help.

We need to pass the Patients' Bill of Rights bill that would hold health plans accountable when they harm a patient, protect patients from paying out of pocket for emergency room services, provide an independent appeal process, and guarantee that treatment decisions are based on medical, and not financial, concerns. Those were included in the Texas law.

The President needs to stop trying to negotiate away from his own law, and support the same bill he said he supported in Texas, the Dingell-Ganske-Norwood Patients' Bill of Rights.

A BALANCED APPROACH TO ENERGY

(Mrs. WILSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WILSON. Mr. Speaker, it costs $1.60 cents a gallon when I filled up my tank on the corner of Alameda and 4th Street this weekend. Anybody in this country that pays a utility bill or put gas in the tank within the last month knows we have an energy crunch in this country. It is worse in the West, but it affects everybody.

I think everybody, most everybody, knows that Band-aids are not answers, and there are not any quick fixes that are going to solve the problems of energy in this country. We need a balanced, long-term approach, no Band-aids, no quick fixes, to give us stability in our energy markets.

I think it is too important to do anything but the right thing. That is going to require all of us to work together to do the right thing. We need to start with conservation. We made tremendous progress in this country with conservation in the last 20 years; and we are not going back, and nobody wants to. But we also have to increase the supplies of energy in this country, responsibly explore for energy in nonpark land, and give ourselves a mix of supply. It is only the balanced approach that will give us the energy that we need.

BAN DRILLING FOR OIL AND GAS UNDER GREAT LAKES

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, I rise today to remind my colleagues that

today as we do the energy and water bill there will be an amendment by the gentleman from Michigan (Mr. BONIOR), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Ohio (Mr. LATOURETTE), and myself to ban the practice of drilling for gas and oil underneath the Great Lakes.

Now, there is a proposal that Michigan is currently moving forward which would allow directional drilling under the Great Lakes.

□ 1045

Why Michigan would do this to the 18 percent of the world's freshest waters found in the Great Lakes; 90, 95 percent of all of the fresh water in the United States is found at the Great Lakes, and it serves the homes of over 34 million people. Why we would threaten the vitality of the Great Lakes for a few drops of gas and oil, even during these energy needs, is unconscionable.

If we take a look, the reserves are there. Even if we tap with 30 new wells, they propose 30 new wells, we would have enough oil for only 3 weeks, and we would have enough natural gas for 5 weeks. Only Michigan seeks to do this. The Governor of Ohio recently said, no oil and gas drilling. The Wisconsin State Senate has passed resolutions in the past saying no oil and gas drilling underneath our Great Lakes.

So I am asking my colleagues today as we do the energy and water bill to please take a look at what we are doing. We have to conserve, we have to be resourceful, but let us not drill for oil and gas in the Great Lakes. Join this bipartisan amendment.

IT IS TIME FOR ENERGY SOLUTIONS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, it is very unfortunate that Californians have to go through these blackouts, and it is unfair to the people in California. But what is really unfair is that Californians have a Governor who refuses to take leadership and responsibility for this problem.

California politicians have done a disservice to the Californians. Gray Davis has been asleep at the switch. It is time to stop pointing fingers and start solving problems. Instead of spending $30,000 a month on political consultants and polls, and instead of pointing fingers, Gray Davis needs to find solutions to increasing electricity in his State to stop blackouts. Governor Davis should put people before politics.

Mr. Speaker, blackouts in California leave the State's economy dead. When California dies, America's economy becomes seriously ill. What we need is answers and solutions, not partisan, attack-style politics. We all need to work together, both Democrats and Republicans, to solve California's problems. Creating a balanced, fair and comprehensive energy plan for the future that utilizes our coal and our natural gas will safeguard our national economy and secure an adequate livelihood for all Americans.

AS GOES CALIFORNIA GOES THE COUNTRY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, with two oilmen in the White House, it is no surprise that this administration has turned its back on consumers and sided with big oil special interests, but that certainly does not make it acceptable.

What is acceptable is this: recognizing that we need to increase renewable energy sources while reducing demand for electricity. We can do this by promoting and using more efficient energy technologies. These are the policies that will protect our environment, will guarantee a better future for our children.

Since passing the National Energy Policy Act in 1992, Congress has generally ignored energy issues, but power problems in California and higher prices for natural gas and oil are going to impact our entire country. These changes have brought energy back to the top of our Nation's agenda.

The energy shortage we are experiencing in California is a signal to the rest of our Nation. As goes California goes the country.

COMPREHENSIVE ENERGY POLICY

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, when politicians talk about needing a comprehensive energy policy instead of price controls, I bet a lot of Americans wonder what we are talking about.

Well, consider this fact: ninety-seven percent of the power plants currently under construction are natural gas-fired power plants needed to meet the increased demand for electricity. Natural gas that is typically produced during the summer for storage and later used during the winter is, instead, being used for electricity generation. Basically, we use natural gas to keep our electricity rates lower in the summer, but in the end we pay higher rates on our natural gas use in the summer. Not a very comprehensive policy, is it?

President Bush has proposed the first comprehensive energy plan in a decade that will increase efficiency, improve how our energy is delivered, diversify our energy sources, protect the environment, and assist low-income Americans through these current price increases.

Americans want affordable energy and a clean, safe environment.

WORKING TO SOLVE CALIFORNIA'S ENERGY CRISIS

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, I would just like to let our colleagues know that today in the State of California, one of our newest generators just went online. Governor Gray Davis has done a tremendous job in trying to make sure that the energy and our lights do not go out in the State of California. He visited with us last week and met with the Senate Committee on Energy Oversight and talked about all the earnest effort that he has made, and Californians, to conserve energy.

Now, we deserve more attention and support by FERC and this administration. We should provide more energy funding for renewable energy, for conservation, and obviously provide relief for those ratepayers, the people that pay the bills. We expect to see a refund. Maybe it will not be the $9 billion that Gray Davis is asking for, but surely the people of California and the Western States that are suffering from this energy crisis deserve the very best attention. They are grappling with this problem. They need to have our support.

Mr. Speaker, I ask all Members today to sign the discharge petition, because it is necessary for us to send a message to all citizens of the United States that we are with them on the energy conservation measures.

THE JOURNAL

The SPEAKER pro tempore (Mr. SHAW). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 49, answered ''present'' 1, not voting 15, as follows:

[Roll No. 195]

YEAS—368

Abercrombie	Barr	Bishop
Ackerman	Barrett	Blagojevich
Akin	Bartlett	Blumenauer
Allen	Barton	Blunt
Andrews	Bass	Boehlert
Armey	Becerra	Boehner
Baca	Bentsen	Bonilla
Bachus	Bereuter	Bono
Baker	Berkley	Boswell
Baldacci	Berman	Boucher
Baldwin	Berry	Boyd
Ballenger	Biggert	Brady (TX)
Barcia	Bilirakis	Brown (FL)

Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clement
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Radanovich
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)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NAYS—49

Aderholt
Baird
Bonior
Borski
Brady (PA)
Capuano
Carson (OK)
Clyburn
Costello
Crane
DeFazio
English
Filner
Ford
Gephardt
Gutknecht
Hastings (FL)
Hefley
Hilleary
Hilliard
Hooley
Hulshof
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
Lewis (GA)
LoBiondo
McNulty
Menendez
Miller, George
Moore
Oberstar
Pallone
Peterson (MN)
Ramstad
Sabo
Schaffer
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—15

Burton
Clayton
Emerson
Fattah
Hutchinson
Millender-McDonald
Platts
Putnam
Quinn
Rahall
Rangel
Scarborough
Slaughter
Whitfield
Young (AK)

□ 1113

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW). Pursuant to clause 8 of rule XX, the Chair announces that he 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 recorded vote on postponed questions will be taken later today.

HONORING JOHN J. DOWNING, BRIAN FAHEY, AND HARRY FORD, WHO LOST THEIR LIVES IN DUTIES AS FIREFIGHTERS

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 172) honoring John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters.

The Clerk read as follows:

H. RES. 172

Whereas on June 17, 2001, 350 firefighters and numerous police officers responded to a 911 call that sent them to Long Island General Supply Company in Queens, New York;

Whereas a fire and an explosion in a two-story building had turned the 128-year-old, family-owned store into a heap of broken bricks, twisted metal, and shattered glass;

Whereas all those who responded to the scene served without reservation and with their personal safety on the line;

Whereas two civilians and dozens of firefighters were injured by the blaze, including firefighters Joseph Vosilla and Brendan Manning who were severely injured;

Whereas John J. Downing of Ladder Company 163, an 11-year veteran of the department and resident of Port Jefferson Station, and a husband and father of two, lost his life in the fire;

Whereas Brian Fahey of Rescue Company 4, a 14-year veteran of the department and resident of East Rockaway, and a husband and father of three, lost his life in the fire; and

Whereas Harry Ford of Rescue Company 4, a 27-year veteran of the department from Long Beach, and a husband and father of three, lost his life in the fire: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters, and recognizes them for their bravery and sacrifice;

(2) extends its deepest sympathies to the families of these three brave heroes; and

(3) pledges its support and to continue to work on behalf of all of the Nation's firefighters who risk their lives every day to ensure the safety of all Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 172.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 172, and I commend its sponsor, the distinguished gentleman from New York (Mr. GRUCCI) for introducing it.

This resolution honors three fighters, John J. Downing, Brian Fahey, and Harry Ford, who lost their lives fighting a fire in Queens, New York, earlier this month.

The resolution also expresses the deepest sympathies of this House for their families. Finally, Mr. Speaker, it pledges that the House will continue to support and work for all American firefighters who risk their lives every day to keep us all safe.

On June 17, Mr. Speaker, these three men were among the 350 firefighters and numerous police officers who responded to a fire and explosion at the Long Island General Supply Company. As the resolution notes, this disaster reduced a 128-year-old two-story building to a heap of broken bricks, twisted metal, and shattered glass.

Two civilians and dozens of firefighters were injured by the blaze, including two firefighters who were severely injured.

The three firefighters who died were veteran firefighters. Mr. Downing had

served for 11 years; Mr. Fahey for 14 years; Mr. Ford for 27. They left behind grieving families. Mr. Downing was a husband and father of two.

□ 1115

Mr. Fahey is survived by his wife and three children. Mr. Ford was a husband and father of three. Nothing this House can say or do, Mr. Speaker, will lessen the losses these families have experienced. At best, we can hope that they will be somewhat comforted by our recognition and appreciation for their loved ones' bravery.

As the House considers this resolution, I also ask my colleagues to remember the dangers and risks that firefighters voluntarily assume every day across the country. By honoring these firefighters, we will also honor the sacrifices of all those firefighters who lay their lives on the line day in and day out to protect their neighbors.

On a personal note, Mr. Speaker, I will add that I am the wife of a retired city fire chief. I am personally acquainted with the dangers and challenges that firefighters encounter and extend my sympathies to these families that have lost their fathers and husbands. Those of us whose family members have served as firefighters without suffering serious injuries can count our blessings and can empathize with the loss they must feel. I encourage all Members to support this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

On Father's Day, three brave firefighters died when a massive explosion suddenly ripped through a Queens hardware store, burying them under an avalanche of rubble.

John J. Downing, Brian Fahey, and Harry Ford lost their lives when what seemed like a routine fire turned into a five-alarm blaze. The devastation marked the deadliest day for the New York Fire Department since three firefighters were killed in a pre-Christmas 1998 high-rise blaze in Canarsie, Brooklyn.

The names of Downey, Fahey, and Ford will one day be added to the Fallen Fire Fighter Memorial Wall in Memorial Park in Colorado Springs, Colorado. In front of the memorial wall is a statue called, ''Somewhere Everyday.'' Somewhere every day firefighters are engaged in acts of heroism and saving lives, as these firefighters were doing on Father's Day. The ''Somewhere Everyday'' statue depicts a firefighter descending a ladder and taking the last step of a successful rescue while clutching a child safely within his arms. The rubble from the fire forms the base of the tribute.

In the rubble of the Long Island General Supply Company building are the shattered lives of three wives, eight children, and other family, friends, and colleagues. The memorial is dedicated to them and all that they have lost.

I would only hope that they find comfort in knowing that Downey, Fahey, and Ford died doing what they loved and fulfilling their promise to keep their communities safe and the lives and homes of the people they served secure.

Mr. Speaker, I urge support for this resolution.

Mr. Speaker, I ask unanimous consent that I be allowed to yield the rest of my time to the gentlewoman from New York (Mrs. MALONEY) to manage.

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

There was no objection.

The SPEAKER pro tempore. The gentlewoman from New York (Mrs. MALONEY) may control the time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. GRUCCI).

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

Mr. Speaker, first of all, I would like to take this moment to thank my fellow colleagues in the New York delegation, Governor George Pataki, the Committee on Government Reform, and the Congressional Fire Services Caucus for joining me in honoring these brave men today.

House Resolution 172 honors the memory of these heroes who lost their lives in the line of duty on Sunday, June 17, 2001. It was a sad Father's Day, where eight children lost their dads and three wives became widows. These men, Harry Ford, 50, of Long Beach; Brian Fahey, 46, of East Rockaway; and John J. Downing, 40, a resident of Port Jefferson Station in my congressional district gave their lives fighting a fire in an effort to save the lives and properties of the people of New York. On that day, as on every other day in their careers, they lived up to the motto of the New York City Fire Department, ''New York's Bravest.''

Along with their fellow firefighters from Rescue Company 4 and Ladder Company 13, Harry Ford, John Downing, and Brian Fahey responded to what they believed was an ordinary five-alarm commercial fire at 2:20 p.m. at a hardware store in Astoria, Queens. As they were battling the blaze, though, an explosion ripped through the building, trapping firefighters Downing and Ford beneath the rubble of the building's facade and firefighter Fahey beneath the basement stairwell.

Their fellow firefighters valiantly worked to save them, some waving off the medical attention they themselves needed for injuries sustained in the explosion, as they desperately removed the rubble with their hands. Sadly, these three men had perished.

John Downing, a resident of New York's First Congressional District, was a loving father of two children, Joanne, 7, and Michael, 3, and the husband of Anne, who he married 11 years ago. He was one of seven children in the Downing family, growing up in Woodside, Queens. John was one of four Downing children who went on to pursue public service as a career, joining his brother Dennis as a firefighter, while his brothers James and Joseph became police officers.

Everyone who knew John called him a hero in every sense of the word. Every day he was on the job for the past 11 years as a firefighter, John always gave his all and did his best, whether it was fighting fires or helping young firefighters to learn their jobs better. Everyone in the firehouse knew they could count on John. Knowing this, it was no surprise when firefighter Downing was on the front page of the New York Daily News 3 years ago. He was pictured on that front page as a hero once again, rescuing passengers from a commercial jet that had gone off the runway at LaGuardia Airport into the chilling waters of Flushing Bay.

Firefighting was not John's entire life, though. He was a family man, doting over his two children and devoted to his wife. In recent weeks, he had been working a second job to bring his family on their first real summer vacation to Ireland, to visit the relatives of his family and his wife. Sadly, when the alarm for his last fire came in, John was just 2 hours away from ending his shift and beginning that vacation. As the alarm went off, John put down the study book he had been reading, preparing to take the exam to become a lieutenant in the fire department, grabbed his gear and answered his last call.

Like other firefighters, these brave men risked their lives every day that they went to work, all in the name of protecting their fellow man. We all sleep a little easier each night, go to work with an easier mind every day, and entrust our children in our schools because we know that men and women like John Downing, Harry Ford, and Brian Fahey stand ready to protect our lives, our families, and our homes.

Colleagues, please join me in supporting this resolution that recognizes the heroism and sacrifice of all firefighters, and particularly of these three brave men.

Mr. Speaker, I will submit for the RECORD the full letter from Governor George Pataki, but the letter simply says: ''The five-alarm blaze that engulfed the Long Island General Supply Company presented a tremendous hazard to Astoria, Queens, neighbors. More than 350 firefighters responded to the scene to ensure the safety of these citizens and their community. In the ensuing battle to extinguish the fire, 50 firefighters were injured, and sadly these three firefighters gave the ultimate sacrifice. Their efforts prevented the fire from spreading; and as a result, no civilians were injured. This tragedy serves as a reminder to all of us that, each day, New York State's bravest

perform their duty with the highest degree of distinction and valor by forsaking their own lives to the benefit of others.

Thank you for offering this resolution and providing the House of Representatives the opportunity of honoring not only these men but all firefighters who readily risk their lives throughout the Nation.'' Signed in the signature of Governor George E. Pataki.

STATE OF NEW YORK,
Albany, NY, June 25, 2001.

Hon. FELIX GRUCCI,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GRUCCI: I want to commend you for your efforts in honoring John J. Downing, Brian Fahey and Harry Ford, the courageous firefighters who tragically lost their lives in the line of duty on June 17, 2001. We all continue to mourn for the family and friends of our fallen heros.

The five-alarm blaze that engulfed the Long Island General Supply Company presented a tremendous hazard to its Astoria, Queens neighbors. More than 350 firefighters responded to the scene to ensure the safety of these citizens and their community. In the ensuing battle to extinguish the fire, 50 firefighters were injured, and sadly these three firefighters gave the ultimate sacrifice. Their efforts prevented the fire from spreading and as a result, no civilians were injured. This tragedy serves as a reminder to us all that, each day, New York State's bravest perform their duties with the highest degree of distinction and valor by forsaking their own lives for the benefit of others.

Thank you for offering this resolution that provides the U.S. House of Representatives the opportunity of honoring not only these men, but all firefighters who readily risk their lives throughout the nation.

Very truly yours,

GEORGE E. PATAKI,
Governor.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume; and I first want to compliment my friend and colleague, the gentleman from New York (Mr. GRUCCI), for offering this important resolution. I am extremely proud to join him as the lead Democrat, and I congratulate the leadership on both sides of the aisle for bringing this important resolution to the floor so swiftly. It not only recognizes their valor and their sacrifice but extends the condolences of this body to their family; and it pledges our support to continue to work on behalf of all of our Nation's firefighters, who risk their leaves every day to ensure the safety of all Americans.

While addressing the friends and family of Brian Fahey, one of the New York City firefighters who was killed on Sunday, June 17, the Reverend Anthony Pascual of St. Raymond Church said, ''How do you measure the quality of a man's life? Not by the number of years he lived, but by his deeds.'' Three brave men, Brian Fahey, Harry Ford, and John Downing made the ultimate sacrifice in the line of duty.

Like all of our brave firefighters and officers, every day that they worked they risked their lives. Every time they entered a burning building, they knew that they were putting their lives on the line. But they placed the safety of others above their own well-being. They died trying to make our city and our country a safer place.

June 17th was also Father's Day. These three men were not only firefighters but fathers, and among them they had eight children. New York City Fire Commissioner Thomas Von Essen referred to Brian Fahey as a firefighter to the core. He was a 14-year veteran of the department who was loved and respected by his colleagues and his family. In addition to coaching a little league team, one of his greatest passions was training volunteer firefighters at the Nassau County Fire Service Academy.

□ 1130

He is survived by his wife Mary, and was a father of 3-year-old twin boys, and an 8-year-old son.

Harry Ford was a 27-year veteran of the fire department who has been cited nine times for his bravery. He was renowned among his colleagues for his bravery and loyalty. He was also passionate about his family. He leaves behind his wife Denise and 3 children, a daughter age 24, and two sons, ages 10 and 12.

John Downing from Woodside, Queens, the third man killed in the blaze, was an 11-year veteran beloved by his colleagues and respected as a hardworking and dedicated fire fighter. Mr. Downing was also a passionate family man, so much so that he had worked two jobs to be able to take his family on a month-long vacation to Northern Ireland. He leaves behind his wife Anne, a 7-year old daughter, and a 3-year old son.

More than 10,000 firefighters from all over the country, some from California, Florida, and Canada, came to New York to mourn with the family and friends of these historic, heroic men.

The men and women who fight fires every day have a strong bond between them. The deaths of these fine men touched the lives of firefighters everywhere. In remembering these brave men and their great deeds, we must not only honor their memory, but act now to ensure that a preventable tragedy such as this one never happens again.

Fire Commissioner Von Essen has said that if the building had been equipped with a fire sprinkler system, the lives of these three brave men might have been spared. The fire in the Long Island supply store that killed these three men and injured many more raged for 12 hours. Stored in the basement of the building were flammable materials such as paint thinners and various other chemicals which caused the violent explosion that took the lives of these men. Because the building was 128 years old, it predated the New York City ordinance that requires a sprinkler system.

Mr. Speaker, I strongly support the efforts of my colleagues in city government who, in learning about this terrible tragedy, are working to enact legislation requiring sprinkler systems in all buildings that store flammable materials. We must ensure that such a tragedy does not reoccur so that the selfless sacrifices of these three men, heroes to all New Yorkers, were not in vain.

One of my colleagues is the author of the Fire Safety Act, and I yield to the gentleman before he returns to his committee.

Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL) to place into the record his comments.

(Mr. PASCRELL asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. PASCRELL. Mr. Speaker, we are here to salute brothers Downing, Fahey, and Ford. Too many times, my brothers and sisters here in the Congress, we have forgotten the other half of the public safety equation.

Our words are significant and important. I join with the gentlewoman in sympathy, but we need to do something in the House of Representatives that sends a clear message to all 32,000 fire departments across America and all 1 million firefighters that we stand with them; otherwise, their deaths will have been in vain.

Mr. Speaker, I encourage Members to join and fund what we say we are going to fund. God bless these heroic men and their families.

I thank Congresswoman MALONEY and Congressman GRUCCI for allowing me the opportunity to speak on this important resolution.

As a former mayor of a medium-sized city, I know the important role that firefighters play in what I call the Public Safety Equation. And although their role is often forgotten, firefighters risk their lives every day to save ours.

On June 17, 2001, three more firefighters gave their lives in the line of duty. John J. Downing, Brian Fahey, and Harry Ford—all long-time veterans of their respective fire companies and all men with families—made the ultimate sacrifice as they battled a fire in Queens, New York on that fateful day.

It is important to remember these men and those before them, because they truly are heroes.

And it is important that we put our money where our mouths are, and not just sing the praises of firefighters at local parades and in small town meetings. Instead, we need to make sure that we are providing adequate support for fire departments around the country to supplement local responsibilities.

Next month, the VA–HUD Appropriations bill will be marked up. This bill will include, hopefully continued funding for the Firefighter Assistance Grant Program that was authorized last year.

This bill will provide competitive grants directly to the over 32,000 paid, part-paid and volunteer fire departments across America.

As a result of the unity and commitment of firefighting community and its supporters, the President has returned funding for this program to his budget.

In order for this program to really help fighfighters, it must be funded appropriately—and that is $300 million.

And let's provide this funding with the same bipartisan zeal that we have displayed throughout the process. That is only appropriate. When firefighters run into a burning building, they don't as the people they are saving if they are Democrats or Republicans—and we owe them the same commitment.

Let's not just speak our thanks on the House Floor. Let's demonstrate our support and provide firefighters with the resources they need to do their job.

Let's do it for John J. Downing, Brian Fahey, and Harry Ford and their families. Let's do it for every firefighter in every department in every state. It's the least we can do.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I commend our colleague, the gentleman from New York (Mr. GRUCCI) for his continued dedication to our Nation's firefighters and for the work he has done, along with Members on both sides of the aisle in bringing this resolution before the House today.

Each year, thousands of men and women risk their lives to protect the lives and property of all of American communities. Sadly on June 17, Father's Day, three firefighters died in their line of duty fighting fire in Astoria, Queens: Brian Fahey and Harry Ford, from Rescue Company 4, and John Downing, from Ladder Company 163, were not only firefighters and fathers, they were prime examples of experienced men that our New York communities have to offer. Brian Fahey was a 14-year veteran, a skilled instructor, who left behind a wife and three children.

John Downing had three children and was planning a trip to Ireland; and Harry Ford, who was a father of three, was cited nine different times for his outstanding acts of bravery. All three were Irish Americans whose lives will not be forgotten by their families or their communities.

Mr. Speaker, we are here today honoring their lives and giving thanks for their service, promoting the virtue of their profound and unending sacrifices, and most importantly, to join in consoling their families for their loss of lives.

At the same time, let us take advantage of this opportunity to again pledge our support for all of the dedicated brave men who go to work each day risking their lives protecting both the lives and property of our citizens. It is unfortunate that it takes a tragic event such as this to initiate a dialogue of the profound sentiment we all feel about our brave firefighters, our police officers, our soldiers, and all of the men and women who ask them to risk their lives for the sake of others. Every town, community, and nation is founded on the sacrifices of those men and women willing to risk their lives for the betterment of others. I urge my colleagues to join in fully supporting this measure, H. Res. 172.

Mrs. MALONEY of New York. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Mr. Speaker, I am honored to join with my colleagues today in saluting and paying tribute to John Downing, Brian Fahey, and Harry Ford and expressing our condolences to their families.

What happened on Father's Day this year is a very sad reminder of what happens all too often in this country. It reminded me specifically of that sad day a couple of years ago when we lost six of our firefighters in that tragic fire in Worcester, Massachusetts.

Mr. Speaker, I have spent a lot of time with firefighters during the course of my career. I had the tremendous honor of serving as the mayor of my hometown, as my father did before me and as he does to this very day at the age of 90. In the course of our careers, we had the opportunity to work with a great many outstanding firefighters. Today I spend some of my leisure time with my firefighter friends at Engine 1 in Troy, New York, named for the late Harry Dahl, who gave 44 years of his life in the fire service in the city of Troy, New York. I have seen firsthand the dangers that firefighters face every single day of their lives.

Also a few years back, from the neighboring city of Watervilet, responding to a mutual alarm in Troy, New York, our fire chief, Tommy McCormack, lost his life in the line of duty.

Mr. Speaker, nothing can bring back John or Brian or Harry, but I suggest that there is something that we can do. We can express our gratitude to all of the firefighters who are serving us today. And so today I suggest to all of those who are within the sound of my voice, what I did on the day of the burial of those six heroes in Worcester, the next time when taking a stroll in the neighborhood when walking past a fire house, stop by, say hello and say thank you to the firefighters. Look them in the eye and say thank you for putting their lives on the line for us and our families 365 days a year.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. Mr. Speaker, I commend my friend from Long Island, the gentleman from New York (Mr. GRUCCI) for bringing this resolution to the floor.

Mr. Speaker, for those of us who honored our fathers on Father's Day, it was pouring rain that day. The whole morning looked like the day was going to be ruined. About 2:00 the sun came out in Staten Island and worked its way eastward. There was a call in Queens about that time, and it seemed to be a routine fire. It did not look like it was a big deal until we discovered the news which has been echoed here, that three brave firemen lost their lives.

The purpose here today is to take a moment to honor those men who bravely gave their lives; and to say to the other firemen that their brothers did not die in vain. Their families who survived, the children, our hearts and prayers go out to them; and I hope through their faith they are able to come through this tragedy with the knowledge that others share their grief.

Mr. Speaker, the New York Fire Department in particular is a wonderful resource. In Staten Island, we have lost too many firefighters: Captain John Drennan, Scott Lapedera, George Lenner, Chris Sidenberg. These are young heroes who died way before their time.

Mr. Speaker, so to the families especially, know that Members of Congress, Democrats and Republicans, really honor what those brave men did; and we will miss them.

Mrs. MALONEY of New York. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

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

Mr. CROWLEY. Mr. Speaker, I rise today in support of my colleagues, the gentleman from New York (Mr. GRUCCI) and the gentlewoman from New York (Mrs. MALONEY), and thank them for offering this resolution to memorialize John Downing, Brian Fahey, and Harry Ford, three of New York's bravest.

They were members of the New York City Fire Department who were killed in the line of duty on Father's Day, Sunday, June 17. Each of these men was a decorated veteran of the fire department. Harry Ford was a 27-year veteran; Brian Fahey had served for 14 years; and John Downing had served for 11 years. Words alone cannot express the sadness that we all feel about the deaths of these men. I can only begin to express my sympathy for their families, especially the eight children now left behind.

All of these men worked in my district in the Seventh Congressional District in Queens. Harry Ford and Brian Fahey worked at the elite Rescue 4 Unit just up the block from where I grew up, and John Downing of Engine Company 163 also stationed in Woodside, although lived on the Island, grew up in Woodside, was schooled in St. Sebastian School, and was buried out of St. Sebastian's Church on Friday.

Mr. Speaker, last Friday I had the opportunity to attend the funeral of John Downing, and I sat with his family and the families of the other firefighters that were killed, the Ford and Fahey families. I sat with his colleagues, including my first cousin, Battalion Chief John Moran, who was injured in that fire and spent 2 days in the hospital himself after smoke inhalation trying to recover Mr. Fahey's body.

Mr. Speaker, I was reminded by this experience that the New York City firefighters were the bravest men and women in the United States. Heroic action taken by the men and women of

the New York Fire Department is something that occurs on a daily basis. To those who worked alongside them, I want to take the opportunity to say thank you for the job that they do every day. I am heartened to see the outpouring of sympathy and affection that has been expressed throughout New York and in my home district of Woodside for these brave men who fell in the line of duty on Father's Day.

Mr. Speaker, I hope we can let the example of these three heroes serve as an example for all of us. Mr. Speaker, these heroes made the ultimate sacrifice in the line of duty. I know Members join me in paying tribute to their incredible bravery.

Mr. Speaker, last night my cousin was on Dateline, and he recounted a saying that he was taught in the department before he took the job. It goes along the lines of this, the only act of bravery or heroism is the day that they sign up and take the job in the fire department; every other day is just a normal, line-of-duty day. That is the attitude these men and women have.

Mr. Speaker, may God bless them and keep them; and may God bless and keep their families.

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Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KING).

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

Mr. Speaker, I am proud to join with my colleagues today in supporting this resolution. I want to commend the gentleman from New York (Mr. GRUCCI) for the leadership he has shown on this issue, as he has shown on so many since he has come to the United States Congress.

Mr. Speaker, the great bravery of these men has been detailed by the previous speakers today. I have a particular interest in this matter, because Harry Ford and Brian Fahey are both constituents of mine, Harry Ford from Long Beach and Brian Fahey from East Rockaway. Each left behind a wife and three children. They really epitomize what the New York City Fire Department is all about. Of course, as the gentleman from New York (Mr. CROWLEY) said, John Downing grew up in the community of Woodside, where I also grew up, and which is now so ably represented by the gentleman from New York (Mr. CROWLEY).

I say this, I make the personal connection only because I think too often we take for granted that so many of the men and women we know who are firefighters are doing such a courageous job day in and day out, and yet we take it for granted; we assume they are going to do the job.

It is only when something as tragic and momentous as this terrible Father's Day incident occurred, that it drives home to us just how brave they are, just how much they put their lives on the line, day in and day out. I cannot imagine what a dangerous job, I cannot imagine what a tragic death, than what these three firefighters went through.

So I today join with all of my colleagues in expressing not only our condolences, but also our thanks and gratitude for what firefighters in New York City, Long Island, throughout our State and throughout our Nation do.

Every day they put their lives on the line, we are the beneficiaries; and it is unfortunate that it takes something as tragic as this Father's Day disaster to remind us of just how deserving these men and women are of our undying thanks and gratitude.

So, again, I thank the gentleman for introducing the resolution. I am proud to urge its adoption. I certainly send my best wishes and condolences to the wives and children of these three brave firefighters.

Mrs. MALONEY of New York. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from New York (Mr. ISRAEL).

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

Mr. ISRAEL. Mr. Speaker, let me thank my distinguished colleague, the gentlewoman from New York (Mrs. MALONEY), as well as my friend and neighbor, the gentleman from Long Island, New York (Mr. GRUCCI), for bringing this resolution to the floor.

Mr. Speaker, even as a new member of the Congressional Fire Services Caucus, I believe that no Member of Congress' words can adequately describe the loss that we have suffered. So I would like to include in the RECORD today excerpts of a recent Newsday editorial entitled, ''For Firefighters, Risk of Death Is All in a Day's Work.''

The editorial begins, ''The job has not changed that much over the years,'' George Burke of the International Association of Firefighters said yesterday. ''While most people run away from disasters, firefighters are paid to run straight into them. And for all of the recent equipment advances, the guarantees of safety are still precious few. A building filled with working firefighters can suddenly explode like a bomb. Or a flaming roof can collapse. Or a wooden floor can give away without warning. All of this may easily explain why fire fighting is the nation's most dangerous public sector job.

''On Father's Day afternoon three members of the New York Fire Department, Harry Ford, John Downing and Brian Fahey, died as they tried to protect residents of Astoria, Queens, from the dangers of a horrific hardware store fire. All told, the three men leave behind eight children.

''In addition, two other FDNY members were seriously injured in the disaster, Joseph Vosilla and Brendan Manning, and some 50 more were less seriously hurt. This goes with the territory as well. Burke says 40 percent of all firefighters nationally suffer an injury in the line of duty every year.''

''We have lost 3 very brave firefighters,'' Mayor Rudolph Giuliani said on Sunday of Ford, Fahey and Downing. ''This is one the most tragic days that I can remember.''

The mayor is right about that, and I join the rest of the New York delegation and all Members of Congress in offering my condolences to the families and fellow workers of these selfless men.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, as my colleagues know, I would not be in this body, I would not be in politics, were it not for the fire service. I grew up in a firehouse family, and I became president and chief of my fire company, went back and got a degree in fire protection and helped train the firefighters from 80 companies before I came here.

It is tragic that we have to come to talk about the fire service when we have funerals. I have been to hundreds of firefighter funerals in this city, in New York, and around the country.

Each year we lose over 100 firefighters. Many of them are volunteers. Because we have 1.2 million firefighters in the country out of 32,000 departments, each year 100 of them die.

We come today to pay the respects for three more heroes who made the ultimate sacrifice, three ordinary people doing extraordinary things, who left behind children, who had dreams. In fact, John Downing was about to go on his vacation the day after he was killed in that tragic fire. Harry Ford and Brian Fahey were outstanding professionals in every sense of the word.

We come today to honor them, and I want to give my highest respect to their families and to the work they have done.

But that is not enough. We in this body must now recognize that these brave individuals need our support. We fund $300 billion a year for international defenders, our military, and I am in the forefront of that support. We fund $4 billion a year in this body for support of our law enforcement professionals, even paying for half the cost of their police vests.

The total funding for the fire service up until last year was zero, nada, even though we are now asking them to deal with international incidents, like terrorism. The World Trade Center bombing, which I attended, was handled with Fire Department firefighters from New York City.

So I say the highest honor that we can bestow upon these three individuals is to renew our efforts to increase funding to give the proper technology to these heroes nationwide. They deserve thermal-imaging protection. They deserve turnout suits. They deserve the kind of GPS systems to allow

their chiefs to know where they are in the building, so they are not trapped by toxic gasses, so they know what floor they are on.

All of these are within our capability; and as a tribute to these three people, we should renew our efforts to make sure that happens.

In working with my good friend, the gentleman from New York (Mr. GRUCCI), who has been a tireless advocate for the fire service on Long Island, I pledge my continued support to make sure we never forget the legacy of these three brave American heroes.

Mrs. MALONEY of New York. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, tonight as we lay our heads down to sleep, all across this country and in New York City, we will be tucking in our children, telling them good-night stories, knowing that they will be safe until morning.

Well, that is not true for the eight children who lost their fathers in the blaze on June 17. Frankly, as all of us sleep at night, we do so sanguine in the knowledge that all across this country, and particularly in New York City, we have brave men and women who spend that night watching over us, literally. There is probably no other profession in the world where a group of men and women sits by the phone waiting for the worst and most horrific things to happen so they can jump into duty.

Well, today while we take the opportunity to commemorate the lives of Brian Fahey, Harry Ford and John Downing, we recognize, of course, that every day here after and every day so far we have been protected by the men and women of New York's bravest and all those fire officials all around the Nation.

Tonight and every other night we might think in our prayers to say thank you for the firemen and women who protect us, but perhaps this is an opportunity for us to be reminded that we ought to. Very rarely do we wake up in the morning and say I want to thank God there was no fire in my house last night. But we should always remember that, if there ever is, there is going to be a group of very heroic people who are requesting to run to that problem.

We do not know the three men very closely that we memorialize today, but all throughout our country there are others like them. Perhaps this is an opportunity for us the next time we walk by our local firehouse to stick our head in and say thank you.

To those eight children who lost their fathers on Father's Day, there are no words that can comfort you, except that you should know that your fathers were true American heroes and we in the United States House of Representatives pay tribute to them today.

Mrs. MALONEY of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding me time. I thank the sponsor of this legislation, and I come as a friend to the floor of the House.

The last couple of days I have been talking about Houston and the tragedies that we have faced. In facing those tragedies, the key element of helping to recover those people who were in need in Houston were firefighters. So I come today to pay honor to the New York firefighters, John Downing and Brian Fahey and Harry Ford, who lost their lives on Father's Day.

This is simply a statement to say that those of us who have grown up looking at the firefighters as major heroes, tall, now men and women, still continue to admire them for the sacrifice they make every day on our behalf.

Firefighters save lives on a daily basis, whether it is resuscitating a victim; whether it is getting a frightened family out of a burning building; whether it is dealing with hazardous toxic wastes, and maybe even putting a smile on someone's face in the well-renowned effort to save a cat out of a tree. Firefighters are our best friends.

And to those eight children of those wonderful men, might I say to you that your fathers will continue to be American heroes. How sad that they lost their lives on Father's Day; but how important it is for us to never, never forget.

I rise today in support H. Res. 172 which honors New York firefighters John J. Downing, Brian Fahey, and Harry Ford who gave their lives in the service of their community and their country.

On Sunday, June 17, 350 firefighters and numerous police officers responded to an emergency call at the Long Island General Supply Company in Queens, NY. During the course of the battle to put out the blaze, two civilians and dozens of firefighters were injured, two of whom were injured severely. Tragically, three firefighters were killed in the course of their duty as firefighters: John J. Downing of Ladder Company 163, a husband, a father of two, and an 11-year veteran; Brian Fahey of Rescue Company 4, a husband, a father of three, and 14-year veteran; and finally, Harry Ford of Rescue Company 4, a husband, a father of three, and 27-year veteran.

Mr. Speaker, this resolution honors these great heroes of our community who made the ultimate sacrifice of their lives so that we all may sleep better and safer at night.

This resolution expresses our deepest sympathy for their families of these brave heroes, and pledges our support and work on behalf of all of the nation's firefighters.

To all of those who lost in this blaze, the families, and to all the unspoken heroes who fight for us and risk life and limb each and every day, this Congress expresses its sincerest gratitude on behalf of the American people. Your commitment and sacrifice will live on in all of us forever.

Mrs. MALONEY of New York. Mr. Speaker, I include for the RECORD information for the memorial for all of our fallen heroes and our tributes today for our three heroes from New York.

THE MEMORIAL, MEMORIAL PARK, COLORADO SPRINGS, CO

''SOMEWHERE—EVERYDAY''

''Somewhere-Everyday'', is the copyrighted title given to the 17 foot, ''Heroic'' bronze Memorial statute by Artist and Sculptor Mr. Gary Coulter since it is with this frequency that somewhere every day Fire Fighters are engaged in acts of heroism and saving lives. All too often Fire Fighters give the ultimate sacrifice . . . their lives, in the line of duty. Mr. Coulter has captured the last step of a successful rescue while clutching a child safely within sheltering arms. The rubble of fire forms the base of this magnificent tribute of dedication and heroism. Mr. Coulter designed, with purpose, unequal beams of the 17 foot tall ladder. In the ''art'' world, ''unequal, parallel, lines define infinity''. As Gary stated, Fire Fighters acts of heroism does just that . . . it will always be that way!

''Somewhere-Everyday'' weighs 2,600 pounds, it's base extends 40 feet into the ground to bed rock. Somewhere-Everyday, was delivered to the Fallen Fire Fighter Memorial Committee in 1987 after nine months of work and a cost of $60,000. This remarkable sculpture was dedicated October 15th, 1988.

Behind the Memorial sculpture is the Wall-Of-Honor containing names of Fire Fighters that have died in the line of duty since 1976. There have been countless numbers of Fire Fighters prior to this year that have made the ultimate sacrifice. 1976 is however when the United States Congress passed a bill titled the Public Service Officers Benefit and began real recording of deaths in the line of duty of Fire Fighters. This does not take away any feelings the Brotherhood of Fire Fighters. This does not take away any feelings the Brotherhood of Fire Fighting has for those in the past that have died-in-the-line-of-duty. It is further reason to identify, in silent tribute, the immeasurable numbers of devoted, courageous acts of heroism for accurate inscriptions.

Fire Fighters are all: Part kid, adult, husband, father, or even wife or mother. They all are in real life human and have families. A Fire Fighters's family struggles daily as their ''Hero goes off to work without security in knowing if their loved one will be hurt before seeing him/her again. They all know the dangerous profession that has been chosen by their special person. With every wail or siren, uncertainty tugs at heartstrings'' in a way that only a Fire Fighters Wife, Husband, Mother, Father or Family feels. It is to them that this Memorial is dedicated. Special people . . . caring and living in a very special way.

''LAMENTATIONS''

A gallant, noble sacrifice,
a selfless life laid down:
So rare this public servant's worth,
no greater treasure found.
No greater act of decency,
no greater human love,
no greater courage demonstrated
by lives they gave.

This tribute to unselfish hearts
today will testify,
that health and safety have a price,
that firefighters die.
The shadow of this sentinel,
into tomorrow cast,
forever will the gravestones shield
of heroes who have passed.

It bathes their tombs in bravery,
and brands upon our memory
the fight they gave, the cancelled debt,
let town and peoples not forget

the price they paid to keep us safe,
our lives and homes secure.
We honor these who gave their all
their memories here endure.

—Firehouse Poetry by Lt. Aaron Espy, L.A.F.F. #2819.

The SPEAKER pro tempore (Mr. FOSSELLA). The time of the gentlewoman from New York (Mrs. MALONEY) has expired.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Mr. GRUCCI) for introducing this resolution. I also thank the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform; the gentleman from Florida (Mr. SCARBOROUGH), the chairman of the Subcommittee on Civil Service and Agency Organization; as well as the ranking members of the full committee and subcommittee, the gentleman from California (Mr. WAXMAN) and the gentleman from Illinois (Mr. DAVIS), for expediting consideration for this resolution.

I urge all Members to support this resolution.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

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

Mr. Speaker, we are here to pass this resolution honoring John Downing, Brian Fahey and Harry Ford, who lost their lives on Father's Day in the course of a tragic fire in New York; but really we are honoring all firefighters, because there are hundreds of thousands of firefighters throughout this land, in New York and every other State, who daily risk their lives; and it is only by accident of fate that these three people, unfortunately, were killed.

Every firefighter risks his or her life every day of the year for the safety of all of us, and certainly we ought to honor them and their sacrifices and their potential sacrifices. We all sleep soundly, and we take for granted the heroism of these people whose services we might need at any day. They are not paid as well as they should be, they live probably in conditions not as well as they ought to, but we all depend on them for our lives and property; and we ought to honor them and express our sorrow and our condolences at this loss.

Mr. Speaker, I join in supporting this resolution.

Mr. HOYER. Mr. Speaker, I rise today in support of honoring New York City firefighters John Downing, Brian Fahey, and Harry Ford.

Mr. Speaker, these three brave men made the ultimate sacrifice on June 17th when they responded to a fire at a hardware store in Queens in the early afternoon.

Some might have called it a routine call. All three men were veterans of the department and had between 11 and 27 years of experience in one of the busiest departments in the country. Undoubtedly they had all been on this type of call hundreds of times before.

Unfortunately, no call in the fire service is ever really routine. Every 82 seconds in this country the call for help goes out to America's fire service. And when that alarm bell rings, the men and women of the fire service know all too well that the call could be their last.

Every year in this country we lose about 100 firefighters in the line of duty. A number that I consider appallingly high. An additional 45,000 firefighters suffer injuries—some of them permanently debilitating. When you factor in training accidents and injuries sustained responding to calls, the number tops 88,000.

I did not know firefighters Downing, Fahey, or Ford. But they say that the measure of a man's character is his service to others. By this standard these men were giants for the sacrifice they made. I urge all of my colleagues to support this resolution.

Mr. WALSH. Mr. Speaker, I also rise in support of House Resolution 172 to honor fallen New York City Firefighters John J. Downing of Ladder Company 163, Brian Fahey, and Harry Ford both of Rescue Company 4. These men made the ultimate sacrifice in carrying out their sacred duties this past Father's Day, June 17th fighting a terrible blaze. In that tragic fire at the Long Island General Supply Company in Queens, New York our state lost three brave heroes, three dedicated fathers, and three devoted husbands. Words can not describe the debt of gratitude we as a nation owe these fine men. I join my Colleagues in expressing my deepest sympathies to their families.

At 2:20 p.m. that Sunday the alarm came in. As they had done so many times in the past, for so many years, Firefighters Downing, Fahey and Ford responded to the call without hesitation. At first, the blaze appeared to be small and routine. Then as the fire built inside, a massive explosion erupted turning the 128-year-old store into a heap of rubble. In the wake of the blast, these three brave men had answered their final alarm trying to enter the building to do a job they had accomplished so many times before.

Much like the 1.7 million firefighters across the nation including the volunteers and paid professionals in my own district in Central New York, these men and their families knew and accepted the risks associated with the nature of their work. Each and every day, whenever the fire whistle blows, fire bell rings, or fire pager sounds, the firefighters in our country respond in an instant, working to protect and secure the lives and property of others and ready to make the same sacrifices that were made in Queens this past Father's Day.

As we honor our fallen heroes from New York City, we must also remember the brave men and women who fight fires on a daily basis in our country. From fighting structure fires to rescuing entrapped victims at motor vehicle accidents, our nation's firefighters are fearless in practicing the laws of God, as they are brave in protecting the lives and property of their fellowmen. Firefighters Downing, Fahey, and Ford took this spirit to the ultimate limit. We are fortunate to have so many firefighters like these men, firefighters who believe in what they are doing, and who will fight to the very end for what they believe. For this, I pay tribute to them as well as to all the brave firefighters across our nation.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to talk about issues of public safety. H. Res. 172, honoring the fallen firefighters from the Father's Day blaze in New York City, was on the floor this afternoon commemorating the heroic efforts of those firefighters. John Downing, Brian Fahey, and Harry Ford were dedicated and experienced firefighters whose service to the city they loved was truly inspirational.

It strikes me that being a firefighter is one of the most physically challenging and dangerous professions possible. The men and women who undertake firefighting as a career are at risk every day trying to keep their fellow citizens safe from fires but also are responsible for an ever-growing number of tasks. Today's firefighters are responsible for hazardous material clean up, response to terrorist threats and emergencies, and providing information to citizens on fire safety techniques.

America's colleges let out for the summer recently but not without some loss of innocence for our children. Fire can affect our kids as much as it affects the lives of firefighters. I have introduced H.R. 2145, the Campus Fire Prevention Act, in an effort to address the safety of college students. My legislation will provide funds for the installation of fire sprinklers and other fire suppression devices in college dormitories, fraternities and sororities.

Even one death is too many; one injury is too many when it comes to the safety of our children. The tragedy at Seton Hall University in 1998 opened the eyes of parents and students to the risks of living in dormitories that had not been outfitted with sprinklers or other fire suppression. My bill will provide matching funds to a university or organization that applies given approval by the Department of Education and the Fire Administration.

This past school year in Ohio there were four students killed in campus fires. A December fire at the University of Dayton killed one male student in a house fire in a building owned by the university. In May 2001, two fires killed students at John Carroll University and Ohio University. Both students were scheduled to graduate this year. Unfortunately this is not unique to Ohio, there were fire related injuries and fatalities throughout America's universities.

I encourage my colleagues to join me in enacting H.R. 2145, it is a common sense measure that has already gained 43 cosponsors. Data has demonstrated fire sprinklers work in protecting property and preventing injury. In buildings with functional fire sprinklers there has not been a fire resulting in more than two fatalities.

We should honor the fallen firefighters from New York by helping to prevent future tragedies for firefighters and other innocent Americans.

TALKING POINTS

How often do fires occur in school, college, and university dormitories and fraternity and sorority houses?

In 1997, the latest year for which national fire statistics are available, an estimated 1,500 structure fires occurred in school, college, and university dormitories and fraternity and sorority housing. These fires resulted in no deaths, 47 injuries, and $7 million in direct property damage. Between 1993 and 1997, an estimated average of 1,600 structure fires occurred each year, resulting in eight fatal fires known to NPFA, representing a total of 16 deaths over the five years of 1993–1997, 66 injuries, and $8.9 million in direct property damage per year.

How many fires occur specifically in fraternity and sorority housing?

Between 1993 and 1997, an annual average of 154 structure fires occurred in fraternity and sorority houses, resulting in 18 injuries, and $2.9 million in direct property damage per year.

What are the most common causes of fires at school, college, and university dormitories and fraternity and sorority housing?

The leading cause of fire in these types of occupancies is incendiary or suspicious causes. The second and third causes of these on- and off-campus housing fires are cooking and smoking, respectively.

How often are smoke or fire alarms and fire sprinklers present in dormitory fires?

In 1997, smoke or fire alarms were present in 93% of all dormitory fires, but sprinklers were present in only 28% of these fires. These figures apply only to properties where fires occurred; the overall fraction of properties with these active systems is probably higher. On average, direct property damage per fire is 36% lower in dormitory fires where sprinklers are present compare to those where sprinklers are not present.

H.R. 2145—the Campus Fire Prevention Act is identical to legislation introduced in the Senate by Senator JOHN EDWARDS of North Carolina and designated S. 399.

The bill is intended to supply money for colleges to retrofit sprinklers in dorms and allows fraternities and sororities to access the $100,000,000 in money each year over 5 years.

The bill provides money in the form of federal matching grants for the installation of fire sprinkler systems and other fire suppression or prevention technologies in college living situations (including sororities and fraternities).

Priority would be given to any organization applying for the money from the bill with an inability to fund the fire suppression without accessing the funds under the bill.

Grants would be administered through the Department of Education in consultation with the U.S. Fire Administration.

The bill does not mandate using fire sprinkler systems in dorms, only provides funds for those who would like to make their residents safer.

Currently there are 43 cosponsors to H.R. 2145 and it has received endorsements from many campus organizations like the College Parents of America and the National Association of Student Personnel Administrators.

Mrs. MCCARTHY of New York. Mr. Speaker, I extend my deepest condolences to the families of John J. Downing, Brian Fahon, and Harry Ford. Each of them will be sorely missed. We are forever in your debt and can never repay your loss. More than just firefighters, these men were husbands, fathers, and upstanding members of their communities. They paid the ultimate sacrifice and taught us a powerful lesson about honor, bravery, and sacrifice. These are traits that all firefighters possess. It is a shame that only through such tragedies we recognize this fact.

They were great firefighters, husbands, and fathers. Since the tragic June 17 event, America learned of the vibrant and rich lives of these three men. In the process, we developed a love for them and cried with their families as they mourned their losses. John J. Downing, an 11-year veteran, husband and father of two; Brian Fahey, a 14-year veteran, husband and father of three; Harry Ford, a 27-year veteran, husband and father of three will not be forgotten. Mr. Downing became famous for his bravery in the 1992 USAir plane crash into Flushing Bay. Mr. Fahey was considered one of the fire department's elite, he worked in the rescue department. Mr. Ford was cited for bravery ten times during the course of his career, including rescuing a baby from a burning building. It is clear to everyone they were exceptional at their job.

These men did not die in vain. Today, as we recognize their bravery, let us pledge our support to work on behalf of all of the nation's firefighters who risk their lives every day to ensure the safety of all Americans.

Mr. ACKERMAN. Mr. Speaker, I rise today with mixed emotions as we pay tribute to firefighters John J. Downing, Brian Fahey and Harry Ford. As I stand here I cannot help but feel both sadness and admiration, both respect and grief. While this tragedy is unfortunately close-to-home for New Yorkers, people the world over are paying homage to these three men today.

Sadness, Mr. Speaker; that these brave men's lives were tragically taken from their families, friends and communities on June 17, 2001 when they dutifully responded to the call to put out a deadly fire that was destroying the Long Island General Supply Company in Astoria, New York.

Admiration, Mr. Speaker; for these three firefighters who exemplified the word: Heroes. These three heroes woke-up every morning, ready and willing to fight any fire that threatened our community. These three heroes who worked so that the rest of us could enjoy our lives free from worry or concern of a deadly fire.

Respect, Mr. Speaker; for these three heroes who were dedicated to a career as firefighters that required them to work to protect individuals that they may never have known. When they were called on to rescue these people from fires, these three heroes did so with the same commitment that they would feel for protecting their own families.

And grief, Mr. Speaker; for the devoted wives, loving children and proud communities that are without these three heroes as a result of this horrific tragedy.

Mr. Speaker, I rise today in unity with the entire NY Congressional delegation and ask our colleagues in the House of Representatives today to join us in honoring the memory of firefighters John J. Downing, Brian Fahey and Harry Ford.

□ 1200

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, House Resolution 172.

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. MALONEY of New York. Mr. 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.

BROWN V. BOARD OF EDUCATION 50TH ANNIVERSARY COMMISSION

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2133) to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education, as amended.

The Clerk read as follows:

H.R. 2133

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

SECTION 1. FINDINGS.

The Congress finds that as the Nation approaches May 17, 2004, marking the 50th anniversary of the Supreme Court decision in Oliver L. Brown et al. v. Board of Education of Topeka, Kansas et al., it is appropriate to establish a national commission to plan and coordinate the commemoration of that anniversary.

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the ''Brown v. Board of Education 50th Anniversary Commission'' (referred to in this Act as the ''Commission'').

SEC. 3. DUTIES.

In order to commemorate the 50th anniversary of the Brown decision, the Commission shall—

(1) in conjunction with the Department of Education, plan and coordinate public education activities and initiatives, including public lectures, writing contests, and public awareness campaigns, through the Department of Education's ten regional offices; and

(2) in cooperation with the Brown Foundation for Educational Equity, Excellence, and Research in Topeka, Kansas (referred to in this Act as the ''Brown Foundation''), and such other public or private entities as the Commission considers appropriate, encourage, plan, develop, and coordinate observances of the anniversary of the Brown decision.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed as follows:

(1) Two representatives of the Department of Education appointed by the Secretary of Education, one of whom shall serve as Chair of the Commission.

(2) Eleven individuals appointed by the President after receiving recommendations as follows:

(A) Members of the Senate from each of the States in which the lawsuits decided by the Brown decision were originally filed, Delaware, Kansas, South Carolina, and Virginia, and from the State of the first legal challenge, Massachusetts, shall jointly recommend to the President one individual from their respective States.

(B) Members of the House of Representatives from each of the States referred to in subparagraph (A) shall jointly recommend to the President one individual from their respective States.

(C) The Delegate to the House of Representatives from the District of Columbia shall recommend to the President one individual from the District of Columbia.

(3) Two representatives of the judicial branch of the Federal Government appointed by the Chief Justice of the United States Supreme Court.

(4) Two representatives of the Brown Foundation.

(5) Two representatives of the NAACP Legal Defense and Education Fund.

(6) One representative of the Brown v. Board of Education National Historic Site.

(b) TERMS.—Members of the Commission shall be appointed for the life of the Commission.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) COMPENSATION.—

(1) IN GENERAL.— Members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(e) QUORUM.—A majority of members of the Commission shall constitute a quorum.

(f) MEETINGS.—The Commission shall hold its first meeting not later than 6 months after the date of enactment of this Act. The Commission shall subsequently meet at the call of the Chair or a majority of its members.

(g) EXECUTIVE DIRECTOR AND STAFF.— The Commission may secure the services of an executive director and staff personnel as it considers appropriate.

SEC. 5. POWERS.

(a) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take under this Act.

(b) GIFTS AND DONATIONS.—

(1) AUTHORITY TO ACCEPT.—The Commission may accept and use gifts or donations of money, property, or personal services.

(2) DISPOSITION OF PROPERTY.—Any books, manuscripts, miscellaneous printed matter, memorabilia, relics, or other materials donated to the Commission which relate to the Brown decision, shall, upon termination of the Commission—

(A) be deposited for preservation in the Brown Foundation Collection at the Spencer Research Library at the University of Kansas in Lawrence, Kansas; or

(B) be disposed of by the Commission in consultation with the Librarian of Congress, and with the express consent of the Brown Foundation and the Brown v. Board of Education National Historic Site.

(c) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 6. REPORTS.

(a) INTERIM REPORTS.—The Commission shall transmit interim reports to the President and the Congress not later than December 31 of each year. Each such report shall include a description of the activities of the Commission during the year covered by the report, an accounting of any funds received or expended by the Commission during such year, and recommendations for any legislation or administrative action which the Commission considers appropriate.

(b) FINAL REPORT.—The Commission shall transmit a final report to the President and the Congress not later than December 31, 2004. Such report shall include an accounting of any funds received or expended, and the disposition of any other properties, not previously reported.

SEC. 7. TERMINATION.

(a) DATE.—The Commission shall terminate on such date as the Commission may determine, but not later than February 1, 2005.

(b) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date the Commission terminates shall be deposited in the general fund of the Treasury.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $250,000 for the period encompassing fiscal years 2003 and 2004 to carry out this Act, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2133.

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

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2133. It is important legislation introduced by the gentleman from Kansas (Mr. RYUN).

Mr. Speaker, May 17, 2004, will mark the 50th anniversary of the Supreme Court's landmark decision in Brown v. Board of Education in Topeka, Kansas. In recognition of the importance of that decision, this bill will establish the Brown v. Board of Education 50th Anniversary Commission to plan and coordinate the commemoration of that anniversary.

Mr. Speaker, of all the landmark decisions handed down by the Supreme Court, few are as well-known as Brown v. Board of Education, and few have been as important.

In Brown, a unanimous Supreme Court effectively ended the separate but equal doctrine in education, ruling that racially segregated schools violated the equal protection clause of the 14th amendment. Despite the court's ruling, dual school systems were not abolished quickly or smoothly, but in the end, Mr. Speaker, they were abolished, further buttressing our Constitution's promise of equality under the law.

In order to commemorate the 50th anniversary of the Brown decision, the Commission shall hold public education activities and initiatives, including public lectures, writing contests and public awareness campaigns. The Commission will be comprised of representatives from the judicial branch, the Department of Education, the NAACP Legal Defense and Education Fund, and the Brown Foundation, as well as individuals from States in which the cases leading to the Brown decision were filed and the District of Columbia. These States were, incidentally, Delaware, Kansas, South Carolina, and Virginia. There will also be representatives from Massachusetts in recognition that the first legal challenge to segregated schools was filed there in 1849.

The Commission will terminate when its work is done, but not later than February 5, 2005.

Mr. Speaker, the Court's opinion in Brown v. Board of Education has touched the lives of all of us, and I urge all Members to support this important legislation.

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of this resolution, and I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

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

Today, Mr. Speaker, I rise in support of H.R. 2133 to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the life-changing Supreme Court decision of Brown v. Board of Education.

In Brown v. Board of Education, the Supreme Court Justices called for racial integration of public schools. Public schools were, with struggle, desegregated and, subsequently, African American youth made enormous progress in various areas, such as high school completion, better test scores, greater college enrollment and obtaining college degrees.

As a result of this important decision, African Americans greatly increased our numbers in many occupational fields which, before Brown, had a scarcity of African Americans.

This monumental decision led to gains in equal education opportunities for minority children that were not provided for nor even considered under the Plessy v. Ferguson decision. This cemented African American community leaders' actions against the tragedy of segregation in America's schools.

Chief Justice Warren delivered the Court's opinion on May 17, 1954, stating that ''segregated schools are not equal and cannot be made equal, and, hence, they are deprived of the equal protection of the laws.'' Originally taught using dull strategies and rote learning tools, minority students are now able to gain the tools necessary for future success in college and in the workplace.

While African American educational attainment has improved, the amount of education needed to have a real chance in life has grown even more. Yes, Brown v. Board of Education altered the economic, political and social structure of this great Nation and helped change the face of America. It is for this reason that I strongly urge my colleagues to vote in favor of this very important resolution commemorating this significant decision.

However, I also urge my colleagues to remain committed to the principles of equality in education. As we consider our budget and legislative measures that focus on education, we must be ever mindful of the critical importance of ensuring that all of this Nation's youth be well prepared to face the challenges and become productive members of this great society.

As we reflect on Brown v. Board of Education, let us remember that a priority focus on education is key, but equity and parity in education is critical.

Mrs. MORELLA. Mr. Speaker, it is my pleasure to yield 7 minutes to the gentleman from Kansas (Mr. RYUN), the introducer of this very important resolution.

Mr. RYUN of Kansas. Mr. Speaker, today we speak of ''no child left behind'' in our education system, and providing our children with the highest quality education is a value that we all hold very dear. Unfortunately, for years African American children remained in substandard facilities without updated textbooks and insufficient supplies. These children were denied admission to all-white schools based on the ''separate but equal'' doctrine entrenched in public education.

Fortunately, the landmark Supreme Court decision of Oliver L. Brown v. Board of Education of Topeka would forever change this inequity. On May 17, 1954, the U.S. Supreme Court issued a definitive interpretation of the 14th amendment that would unequivocally change the landscape of American public education. The High Court stated that the discriminatory nature of racial segregation violates the 14th amendment to the U.S. Constitution, which guarantees all citizens equal protection of the laws. This decision effectively ended the long-held ''separate but equal'' doctrine in U.S. education.

Prior to the Brown v. Board of Education decision, numerous school integration cases were taken to courts between 1849 and 1949. In Kansas alone there were 11 cases filed between 1881 and 1949. In response to these unsuccessful attempts to ensure equal opportunities for all children, African American community leaders and organizations across the country stepped up their efforts to change the education system. In the 1940s and 1950s, local NAACP leaders spearheaded plans to end the doctrine of ''separate but equal.'' Public schools became the means to that end.

In the fall of 1950, members of the Topeka, Kansas, chapter of the NAACP agreed to again challenge the ''separate but equal'' doctrine governing public schools. Their plan involved enlisting the support of fellow NAACP members, personal family and friends as plaintiffs in what would be a class action suit filed against the Board of Education of Topeka Public Schools. A group of 13 parents agreed to participate on behalf of their children. Each plaintiff was to watch the paper for enrollment dates and take their child to the school that was nearest to their home. Once the attempt to enroll was denied, they were to report back to the NAACP. This would provide the attorneys with the documentation necessary to file a lawsuit against the Topeka school board.

As we all know, 4 years later, on May 17, 1954, Topeka parents and children received a final victory before the U.S. Supreme Court.

Brown v. Board of Education inspired and galvanized human rights struggles in this country and around the world. The national importance of the Brown decision had a profound impact on American culture. It has affected families and communities and governments by outlawing racial segregation. Legal scholars and historians agree that this case is among the three most significant judiciary turning points in the development of our country, yet it is largely misunderstood.

For example, many students never learned that the Brown v. Board of Education was a combination of cases originally filed in Delaware, South Carolina, Virginia, the District of Columbia, in addition to Kansas, and that the final legal challenge occurred in Massachusetts. None of these original cases succeeded in the district court, and all were appealed to the U.S. Supreme Court. At this juncture, they were combined and became known jointly as the Oliver L. Brown, et al., v. The Board of Education of Topeka Kansas, et al. The High Court decided to combine the cases because each sought the same relief from segregated schools for African Americans.

We should also remember that Thurgood Marshall served as a legal strategist and counsel for the school segregation cases. Marshall later became the first African American to serve on the U.S. Supreme Court.

Brown v. Board of Education is undoubtedly the most revolutionary case striking down segregation, and as we approach the 50th anniversary of Brown v. The Board on May 17, 2004, it is only fitting that we commemorate this decision by ensuring that our Nation fully understands the case and the responding effects that it has had on our Nation.

Mr. Speaker, H.R. 2133 will establish a commission to help education Americans on the history and ramifications of this landmark cases in preparation for the 50th anniversary of the Brown decision.

The Commission will work in conjunction with the Department of Education to disseminate print resources to schools, plan and coordinate public education events, including public lectures, writing contests and public awareness campaigns.

Working in cooperation with both the public and private sector, the Commission will be comprised of representatives from the Committee on the Judiciary, the Department of Education, as well as the NAACP Legal Defense and Education Fund, and the Brown Foundation. In addition, individuals chosen from the States in which the lawsuits were originally filed, which were Delaware, Kansas, South Carolina, Virginia, and the District of Columbia, and from the first State that had the first legal challenge, Massachusetts, will also serve on this Commission.

Equal opportunity is granted by our Constitution, but making equality a reality for all Americans requires real struggle and sacrifice. We must not forget the sacrifices made in order to give equality to all Americans.

The U.S. Supreme Court offered us this reflection in the opinion rendered in the Brown case, and I quote: ''It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity for an education.'' Education is the metal that holds the framework of our democratic society together. Brown v. Board of Education guarantees this opportunity.

Mr. Speaker, I ask my colleague to join me in honoring this historic and far-reaching Supreme Court decision and support H.R. 2133.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me commend and congratulate the gentleman from Kansas for introducing this very important bill. As a matter of fact, I rise in support of this legislation to establish the Brown v. Board of Education 50th Anniversary Commission.

The Commission, in conjunction with the Department of Education, is charged with planning and coordinating public education activities and initiatives, writing contests and public awareness campaigns. In cooperation with the Brown Foundation for Educational Equity, Excellence and Research, the Commission must submit recommendations to Congress to encourage, plan, develop observances of the anniversary of the Brown decision.

The 50th anniversary of the Brown decision will take place on May 17, 2004. This Commission is going to need every second of the next 3 years to commemorate the Brown decision in a meaningful way.

Brown v. Board of Education is to be commemorated for what it did to address the disparities in the American education system 47 years ago, and to help us address the disparities that we struggle with today. Like in the 1930s and 1950s, the best hope for racial, social and economic equality lay in education. That is why in 1951, Oliver Brown and the parents of 12 other black children filed a lawsuit against the Topeka Board of Education protesting the city's segregation of black and white students.

□ 1215

That is also why, Mr. Speaker, today parents all across America, particularly parents of children of color, are demanding that elected officials improve the American educational system.

In 1997, 93 percent of whites aged 25 to 29 had attained a high school diploma or equivalency degree compared to 87 percent of African Americans and just 62 percent of Hispanics.

Among those with high school degrees, 35 percent of whites had completed a bachelor's degree or higher, compared to just 16 percent of African Americans and 18 percent of Hispanics.

Given the increasing importance of skill in our labor market, these gaps in educational attainment translate into large differences by race and ethnicity in eventual labor market outcomes, such as wages and employment.

American schools are integrated, but they still are not equal. They are not equal because we still do not understand in many places what it takes to make schools effective.

How do we prepare all of our children to meet the challenges of tomorrow? For some people, charter and private schools are the answer. For others, it is school vouchers and class size reduction. One thing is for sure, if we do not break down the disparities in the educational system, the cycle of poverty will continue among children who attend poor and inner-city schools. A good, solid public education system is basic for all Americans.

The historic Brown v. Board of Education was announced on May 7, 1954 by Chief Justice Warren. Justice Warren's words are timeless. He stressed the fact that public education was a right which must be made available to all on equal terms.

I trust that the commission will remember these words when planning for observances of the 50th anniversary of the Brown decision. And even as we discuss this resolution today and prepare for its passage, there is still not equal funding for school districts even in my own State, the land of Lincoln, the State of Illinois, where some school districts receive as much as three times the funding of other districts; and if that is not separate but equal, unequal, then I do not know how to define it.

Mr. Speaker, I hope that we all will remember this as we seek to improve the American educational system. I urge all of my colleagues to join in supporting this resolution.

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

Mrs. MORELLA. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me the time.

Mr. Speaker, I rise today in strong support of H.R. 2133. We are soon coming upon the anniversary of the landmark Supreme Court decision. On May 17, 1954, the United States Supreme Court eradicated the separate but equal doctrine and integrated our public school system.

Most Americans have heard about Brown v. Board of Education trial, but few completely understand this very important case.

I commend the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Kansas (Mr. RYUN) for introducing this legislation to establish a commission to help educate Americans on the history and ramifications of Brown v. Board of Education in preparation for the 50th anniversary of this case.

Education is, perhaps, the most important tool for fulfilling one's dreams. The American dream, the wonderful belief that any child in America, any child, regardless of color or economic background, has the ability to make his dream a reality. In order to help children, our children, in the pursuits of their dreams, we need to make sure they have a good education.

Last month, we showed our commitment to this goal by voting on an education plan to Leave No Child Behind. Unfortunately, in 1954, African Americans were denied the chance to have equal access to our public school system.

Their parents, realizing the importance of education, did everything possible they could to properly educate their children while at the same time fighting the segregated system.

They also realized that beyond the 3 R's, it was important for all children to learn respect for all people.

The Brown decision was more than just an end to the practice of segregation in our schools; it was also a wonderful beginning. The beginning of a public school system that could more accurately reflect the belief that all men and women are created equal and should be treated as such.

Integrated schools are beneficial to all students and the Nation as a whole. For this reason, we should make sure that Brown v. Board of Education case is properly taught and understood.

I share the belief of the gentleman from Kansas (Mr. RYUN) that for the 50th anniversary of this landmark case we should help make history come alive for our Nation's school children. In doing so, we can help the newest generation of Americans realize the importance of liberty and democracy.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the dynamic gentleman from Lenexa, Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me the time.

Mr. Speaker, I rise today to speak in strong support of a very important piece of legislation, H.R. 2133. On May 17, 1954, in the case of Brown v. Topeka Board of Education, the United States Supreme Court unanimously declared that separate educational facilities are inherently unequal and, as such, violate the 14th amendment to our United States Constitution, a Constitution which guarantees to all citizens equal protection of the laws.

This was a critical point in time, because it began an era of social responsibility, equity, and justice that this country had not seen since the end of the Civil War.

The legacy of the Brown decision is its impact on the whole of American society and its contribution to the civil rights movement. When you think of the civil rights movement, the 1954 Brown decision is clearly a watershed. Would we have had a Rosa Parks in 1955 without a Reverend Oliver L. Brown fighting for equal education in Topeka, Kansas in 1951. Maybe, but without the definitive court ruling of what was right, what was constitutional, we would not have desegregation in Little Rock, Arkansas.

The Brown decision sliced the issue of inequality wide open, putting it in the morning newspaper and on the evening news. Brown is important for four very basic reasons.

Number one, it was the beginning of the end of racial segregation authorized by law in this country.

Number two, it overturned laws permitting segregated public schools in Kansas and 20 other States.

Number three, it overturned a previous United States Supreme Court decision of 1896, Plessy v. Ferguson. The Plessy decision gave us the infamous doctrine of separate but equal, a legal fiction as we know now.

It defended the sovereign power of the people of the United States to protect their natural rights and their human rights from random restrictions and limits imposed by State and local governments.

These rights are recognized in the Declaration of Independence and guaranteed by the Constitution of the United States. Using the Brown decision as an educational vehicle will teach children and communities alike to respect and honor those who fight for what is right. Creating a commission to commemorate the 50th anniversary of the Brown decision will also make sure that an important event in United States history does not become just a simple footnote.

I would like to thank Cheryl Brown Henderson, the daughter of Reverend Oliver L. Brown, for what she has done in creating the Brown Foundation and what she continues to do in helping her representatives in Kansas draft this bill. It is through people like her and her father, and I would add our colleague here in Congress, the gentleman from Georgia (Mr. LEWIS), that the civil rights movement blossomed.

Mr. Speaker, I would also like to thank my esteemed colleague, the gentleman from Kansas (Mr. RYUN), for his hard work in promoting this legislation.

Mrs. MORELLA. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me the time.

Mr. Speaker, I rise today in support of this legislation that would establish a commission to recognize the 50th anniversary of Brown v. Topeka Board of Education. As we approach this 50th anniversary, which will occur on May 17 of 2004, it is appropriate that Congress demonstrate its concern for the rights of all Americans through the establishment of a Federal commission to encourage and provide for the commemoration of this historic ruling.

It is also appropriate today to recognize one of the leaders of the educational effort that has stemmed from

the Brown case. I would like to acknowledge the dedication and hard work of Cheryl Brown Henderson, a Kansan, who brought to my attention the national importance of this 50th anniversary of the court decision.

Ms. Henderson has been mentioned as the daughter of Oliver L. Brown, the lead plaintiff in this case; and I commend her for her dedication. I commend her father for his courage. Her commitment to human rights has led to her travels across America sharing the lessons of this and other landmark civil rights cases.

My own interest in this historic case began as a student at the University of Kansas. One of my professors, Paul Wilson, was the junior Kansas assistant attorney general assigned to defend Topeka Board of Education. Largely through happenstance, Wilson wound up arguing before the Supreme Court in one of his first cases as an attorney.

Each spring for many years, Professor Wilson spoke at a noon forum on his involvement in Brown v. Topeka Board of Education. Each year, the talk grew more and more popular, attracting an ever larger crowd of students. The stories he hold about that experience were fascinating stories of buying his first suit to a trip to Washington, D.C., riding a train for his first time outside the State of Kansas, filling out the paperwork to be admitted to the Supreme Court so he could make his arguments, and how inspiring it felt to watch Thurgood Marshall passionately, yet logically, argue the case, even when Wilson himself was on the other side.

Besides preserving his memories of the facts of the Brown case in his classroom speeches, Professor Wilson had a unique perspective to analyze the issues and the impact of that case. Professor Wilson later wrote a book entitled A Time to Lose about his recollections of those times and the politics of that era. In his memoirs, Wilson offers some lessons about the evolution of race relations since that ruling.

Wilson states, quote, ''this was the first time segregation was publicly acknowledged as a wrong practice. The decision issued in 1954 caused me, Professor Wilson, and caused America to realize that to argue the policy of separate but equal was to defend the indefensible.''

In the Brown case, the Supreme Court was asked to decide one of the important issues facing our country. It was being asked to reverse a trend of law, because up to that point legal decisions had supported the separate but equal policy. Not until Brown were the traditional notions of segregation challenged in a shift toward the public recognition of human equality and the fundamental worth of every person.

The Supreme Court ruling made a monumental impact on human rights struggles worldwide. The laws and policies struck down by this ruling were the products of prejudice and discrimination. Ending the legal practice of these behaviors caused social and ideological implications we continue to feel in our country today.

We are fast approaching the watershed of 2004. This commission could impact how people learn about the case and would carry the decision's message into the 21st century.

Mr. Speaker, I urge its passage.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us remember what the Brown v. Board of Education decision was all about. It was all about blacks exercising their citizenship and rights as a people, one Nation under God. Given our dark history concerning slavery and the citizenship rights of blacks and others in this country, we remember the Dred Scott decision. The question in the Dred Scott v. Sanford case where a black slave from Missouri claimed his freedom on the basis of 7 years of residency in a free State.

On March 6, 1857, nine justices filed in the basement of the U.S. Capitol, led by Chief Justice Taney, and they asked the question then, ''can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, privileges and immunities guaranteed by that instrument to the citizen?''

The Supreme Court decision then did not serve justice to Dred Scott.

Thirty-nine years later, the answer to this question became much more resounding in the Supreme Court case of Plessy v. Ferguson as a sad chapter in the pages of history. In this landmark decision of 1896, the court found that the doctrine of separate but equal concerning segregation of public facilities did not violate the Constitution. Separate schools for whites and blacks became a basic rule in southern society, legitimatized in this doctrine that legalized segregation known as ''Jim Crow.'' For years, this decision affected many black boys and girls and kept them from achieving an equitable education that was entitled to them under the Constitution of the United States.

In the midwest town of Topeka, Kansas, a little girl named Linda Brown had to ride the bus five miles to school each day, although a public school was located only four blocks from her house.

□ 1230

The school was not full, and the little girl met all the requirements to attend, all but one that is. Linda Brown was black, and blacks were not allowed to go to white children's schools.

In an attempt to gain equal educational opportunities for their children, 13 parents with the aid of the local chapter of the NAACP filed a class action suit against the Board of Education of Topeka Schools.

Prior to becoming our first African American Justice of the Supreme Court of the United States, Thurgood Marshall presented a legal argument that resulted in the 1954 Supreme Court decision that separate but equal was unconstitutional because it violated the children's 14th amendment rights by separating them solely on the classification of the color of their skin. This ruling in favor of integration was one of the most significant strides America has taken in favor of civil rights.

So we come today, Mr. Speaker, in support of a resolution to commemorate that day and to commemorate that time and to commemorate the exciting events that took place then as we look forward to events taking place even now.

So I would urge all of my colleagues to join in support of this resolution.

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

Mrs. MORELLA. Mr. Speaker, I associate myself with the remarks of the gentleman from Illinois (Mr. DAVIS).

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. FORBES), our newest Representative over here on this side.

Mr. FORBES. Mr. Speaker, it is an honor and privilege to speak for the first time as a Member of the House of Representatives on an issue of great importance to me and my constituents, a quality public education available to all that leaves no child behind.

The legislation before us today prepares for the commemoration of the historic 1954 Supreme Court decision Brown v. Board of Education. It establishes and funds a commission that will plan and coordinate activities for the 50th anniversary of the case just 3 years away.

Mr. Speaker, children should not have an inferior education because of the color of their skin. But before the Brown decision, textbooks, classrooms and buildings were second-class for black students as compared to the rest of our Nation. This was wrong.

In May 1954, the Supreme Court sided with citizens in Topeka, Kansas, and said that it is not lawful to separate school children because of their race. When the Topeka case made its way to the United States Supreme Court, it was combined with the other cases from Delaware, South Carolina, Washington, D.C., and my home, the Commonwealth of Virginia. This comprehensive case became known as Oliver L. Brown, et al., v. Board of Education of Topeka.

I thank the gentleman from Kansas (Mr. RYUN) for his leadership on this bill as well as the entire Kansas delegation. Let us work tirelessly to strengthen the educational system in our country through ideas and technology with accountability, proper funding, and reform.

From the finest towns in America to the worst neighborhoods in our inner cities, we must never lose sight of the

unconditional commitment to our children. We must never forget that barriers were broken and hurdles were overcome to get to where we are now.

Education is first, last, and always about our children. They need and deserve an equal opportunity to excel, to achieve and be the best they can be. Brown v. Board of Education opened the doors for all of our children to learn on a level playing field. We should be thankful, remember our past, learn from our history, and plan for our future.

I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me this time. I urge passage of the legislation.

Mr. DAVIS of Illinois. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Illinois (Mr. DAVIS) has 5 minutes remaining.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for yielding me this time. I thank the gentlewoman from Maryland (Mrs. MORELLA) for her leadership. I thank the members of the committee and the gentleman from Illinois (Mr. DAVIS), the ranking member, and I thank the authors and cosponsors of this legislation.

This legislation resulted in a different education for many of us who stand on the floor of the House today. To acknowledge and to organize a commission to celebrate the 50th anniversary of the Supreme Court decision in Brown v. Board of Education reminds us of those heroes like Thurgood Marshall and Constance Baker Motley and others who pursued the rights of children to be educated fairly and justly in the courts of the United States. How different our education and our lives would have been had we not had the opportunity to fight against segregated and unequal schools.

The process that was designed in the 1800s that, in fact, you could be educated unequally was finally eliminated by this case to ensure that we would have an equal education. It is our challenge to keep the spirit of this Supreme Court decision alive. It is our challenge to ensure that school districts are not unequally funded and that there is not inequity in the Federal funding that goes to help public schools. It is our challenge to ensure that public schools are at their very best, and that those children who sit in our public schools today, those who are special needs children, those who are at-risk children, can experience the kind of education that Thurgood Marshall intended, and that was, of course, that we take away the unequalness of education and promote equality.

Secondly, I would say that, over the years, we have had an attack on affirmative action. That is affirmatively reaching out to help education and to help promote equality.

The Brown v. Board of Education was a symbol of fighting for equality and affirmatively seeking to create an opportunity for children to be educated together. I think our message now is to thank those who organized and well knew that they had to fight for justice, to thank those youngsters prepared to be the plaintiffs in the case, and to thank those lawyers.

This Commission will be a commission that will be well-respected, giving us the structure and the ability to honor those and celebrate the 50th anniversary of this enormous decision that changed the lives of so many of us as well as changed the life and the values of the American society to believe truly in the equality of education.

Mrs. MORELLA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise today to lend my support to H.R. 2133. This legislation commemorates through the establishment of a commission the 50th anniversary of the Brown v. Board of Education Supreme Court decision, which sparked the end of school segregation based on race in this country.

It goes without saying that school segregation and desegregation were among America's most controversial social issues during the last half of the 20th century. Along with many Americans, I can clearly recall scenes of violence and upheaval that took place in the 1950s, 1960s and 1970s in places as diverse as Boston and Little Rock as our Nation's public schools made the transition to integration.

We have much to be thankful for as a result of the Supreme Court's decision some 50 years ago. Today our children and our children's children find themselves interacting daily in the school setting with other boys and girls of different colors and backgrounds, broadening their perspectives and expanding their horizons in ways that were not experienced by previous generations.

Today we no longer see the blatant and blanket denial of educational opportunities to children based solely on the color of their skin. As a result of the Brown decision, we as a society no longer accept the flawed doctrine outlined in the earlier case of Plessy v. Ferguson that separate meant equal.

These are all things that should be rightly celebrated and commemorated, but before we go patting ourselves on the back while claiming that education segregation is dead, we may first want to take a closer look at our public schools. What we will find is that, while race is no longer the basis for segregation in some States, homelessness is the basis for segregation. Some 47 years after the historic Brown v. Board of Education ruling, Congress may inadvertently be endorsing de facto segregation of homeless children.

Mr. Speaker H.R. 1, passed in May by this body, contains a grandfather clause permitting school districts that currently receive Federal dollars that segregate homeless children in separate schools or classrooms may continue to do so. This is contrary to what the Federal law currently says. It is also contrary to the spirit of Brown v. Board of Education that we commemorate today.

I am hopeful that this body will reconsider this provision in conference before we send it to the President for his signature. Now, that would be a fitting tribute to the decision made by the U.S. Supreme Court on May 17, 1954.

Mr. Speaker, I congratulate the gentleman from Kansas (Mr. RYUN) on this legislation, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I would like to associate myself with the remarks made by the gentlewoman from Illinois (Mrs. BIGGERT) regarding homelessness and homeless children and where they fit in the school systems that we have to today.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, first of all, I would like to commend my colleagues, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Maryland (Mrs. MORELLA) for their work on this particular piece of legislation.

Mr. Speaker, I rise today in support of this bill which would establish a commission to commemorate the 1954 Brown v. Board of Education decision. Back on May 17, 1954, the Supreme Court unanimously declared that separate educational facilities are inherently unequal and, therefore, violate the 14th amendment to the United States Constitution.

Back on May 17, 1954, I was 5 years old, attending the Cleveland Public Schools, which, at that time, was one of the best public school systems in the Nation. I rise in support of this Commission and speak to the issue that, even though we have done a lot since Brown v. Board of Education, many of our school systems are still segregated. That school system that I loved and enjoyed as a child is now a predominantly African American school system; and the funding for schools, public schools is no longer as high or as good as it used to be back when I was in elementary school.

On May 8 in Cleveland, however, we worked and passed a $3.7 million bond issue for school construction. It would raise $335 million, which would be matched by $500 million from the State of Ohio. They are greatly needed in the city of Cleveland, as I am confident they are needed across this country, to bring those crumbling public school systems and buildings back to the level that we wish that all of our children would enjoy in public schools.

I thank my colleagues for giving me the chance to commemorate Brown v. Board of Education.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Court's opinion in Brown v. Board of Education has touched the lives of all of us. I urge all Members to support this legislation.

I just want to comment on the fact that my first teaching assignment in Maryland was during the early transitional years of integration in Poolesville, Maryland.

This year I delivered the high school commencement address at that same place, a caring community which has as its slogan, ''Where everyone knows your name.''

My thanks to the gentleman from Illinois (Mr. DAVIS) for handling the important resolution across the aisle. I also want to thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, the gentleman from Florida (Mr. SCARBOROUGH), Subcommittee on Civil Service chairman, the gentleman from California (Mr. WAXMAN), and the gentleman from Illinois (Mr. DAVIS), the ranking members respectively of the Committee on Government Reform and Oversight and Subcommittee on Civil Service, for expediting the consideration of this measure.

Again, I encourage all Members to support this resolution.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong support for H.R. 2133, which establishes a commission to encourage and provide for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka, Kansas. This unanimous landmark decision marked the beginning of the end for de jure racial segregation in public facilities. On May 17, 1954, the Supreme Court declared that separate educational facilities are inherently unequal and, as such, violate the 14th amendment to the U.S. Constitution, which guarantees all citizens equal protection of the laws.

The Brown v. Board of Education 50th Anniversary Commission will work with the U.S. Department of Education to plan and coordinate public education activities and coordinate observances of the anniversary.

It is important that we revisit our history to see how far our nation has evolved. I am sure that it is hard for young people today to believe that only 50 years ago children were prohibited from attending certain public schools simply because of their race. The blatant racism behind the disingenuous claim of providing ''separate but equal'' facilities for African American children was recognized and repudiated by the Supreme Court.

The Supreme Court decision did not mean the end of segregation, however. Many states and localities continued to fight efforts to integrate the schools for many years. And today, economic inequalities mean that many of our schools remain effectively segregated. Nonetheless, Brown v. Board of Education was a major turning point in eliminating Jim Crow laws and practices that sought to marginalize and isolate minorities.

It is fitting that our nation begin preparations to commemorate this important anniversary in 2004. We need to look back at where we started, celebrate the progress we have made thus far, and rededicate ourselves to creating that more perfect union that will truly deliver on the promise of equal opportunity for all Americans.

Mr. WATTS of Oklahoma. Mr. Speaker, On May 17, 1954, in the landmark case aimed at ending segregation in public schools—Brown versus the Board of Education—the United States Supreme Court issued a unanimous decision that ''separate educational facilities are inherently unequal'', and as such, violate the 14th Amendment to the United States Constitution, which guarantees all citizens, ''equal protection of the laws.'' This decision effectively denied the legal basis for segregation in Kansas and other states with segregated classrooms and would forever change race relations in the United States.

The United States Constitution guarantees liberty and equal opportunity to the people of the United States. Historically, however, these fundamental rights have not always been provided. America's educational system is one such example.

In the early beginnings of U.S. history, education was withheld from people of Africa descent. In some states it was against the law for African Americans to even learn to read and write. Later, throughout America's history, the educational system mandated separate schools for children based solely on race. In many instances, the schools for African American children were substandard facilities with out-of-date textbooks and insufficient supplies.

In an effort to ensure equal opportunities for all children, African American community leaders and organizations across the country utilized the court system in order to change the educational system. The Brown decision initiated educational reform throughout the United States and brought all Americans one step closer to attaining equal educational opportunities.

As the great abolitionist and orator Frederick Douglas once said, some people know the value of an education because they have one, but I know the value of an education because I did not have one. Therefore, we must continue working to make sure that all of America's children receive the very best education imaginable.

I urge all of my colleagues to join me today in supporting the establishment of a commission to encourage and provide for the commemoration of the 50th anniversary of the Brown versus Board of Education Supreme Court Court decision.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2133, 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. MORELLA. Mr. 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.

□ 1245

PROVIDING FOR CONSIDERATION OF H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 180 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 180

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the Bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except section 308. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), our newest member of the Committee on Rules, and I would welcome him to the floor for what I think is his first rule that he will be managing, and I appreciate his being here and working with us on this; pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 180 is an open rule and waives all points of order against consideration of the bill. It provides for 1 hour of general debate divided equally and controlled by the chairman and ranking minority member of the Committee on Appropriations.

It also provides that the amendment printed in the Committee on Rules report accompanying the rule shall be considered as adopted.

The rule waives points of orders against provisions in the bill as amended for failure to comply with clause 2 of rule XXI, which prohibits unauthorized or legislative provisions in an appropriations bill, except as specified in the rule.

The bill shall be considered for amendment by paragraph, and the Chair is authorized to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the legislation before us is an open rule providing for the consideration of H. Res. 2311, the Energy and Water Development Appropriations Bill for 2002. This legislation provides for funding for a wide array of Federal Government programs which address matters such as national security, environmental cleanup, flood control, alternative energy sources, and advanced scientific research.

The bill provides for a total of $23.7 billion in new discretionary spending authority for civil works projects of the Army Corps of Engineers and the Department of the Interior's Bureau of Reclamation, the Department of Energy, and several other independent agencies. The bill is $147.7 million above the fiscal year 2001 funding levels and an increase of $1.18 billion above the President's request.

Mr. Speaker, I would like to take a moment to highlight some provisions in this bill. Included in this legislation is approximately $4.47 billion for the Army Corps of Engineers, which has been involved in such vital missions as flood control, shoreline prevention, and navigation.

In addition, the Bureau of Reclamation, under the Department of the Interior, is funded at $842.9 million, an increase of $26.3 million over last year. Most of the large dams and water diversions in the West were built or with the assistance of the Bureau of Reclamation. The Bureau is the largest supplier of water in the 17 western States and the second largest hydroelectric power producer in the Nation.

Also, this bill provides $18.7 billion for the Department of Energy, an increase of $444.2 million above the fiscal year 2001 level. Funding for the Department of Energy was increased over the President's request primarily in the areas of renewable energy technologies, environmental cleanup, and nuclear nonproliferation.

In March of 2001 this year, the Bush administration issued an outline for this budget. In this it states that solar and renewable energy cannot replace fossil fuels in the near term but will be an important part of this Nation's long-term energy supply. I am pleased that this bill includes $376.8 million for renewable energy programs, an increase of $1 million from last year.

Additionally, biological and environmental research is funded at $445.9 million. I am particularly pleased that the funding in this bill continues the strong record of conservation and preservation by the Republican Congress.

Mr. Speaker, I would also like to commend the chairman of the Subcommittee on Energy and Water Development of the Committee on Appropriations, the gentleman from the First District of Alabama (Mr. CALLAHAN), and the Democrat ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for their hard work in bringing this bill to the floor. Their staffs have done a great job in the crafting of this bill.

Mr. Speaker, this bill is considered noncontroversial. This rule, like the underlying legislation, deserves strong bipartisan support.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Texas for yielding me the time. It is a pleasure to serve on the Committee on Rules with my good friend and colleague, the gentleman from Texas (Mr. SESSIONS), and I thank him for welcoming me as the newest member of the Committee on Rules.

Mr. Speaker, I rise in support of the Energy and Water Appropriations bill for fiscal year 2002 and in support of the rule. I also would associate myself with the remarks made by the gentleman from Texas about the many particulars that are set forth in the bill that are meritorious, in my view, for the entire body.

I want to congratulate the chairman of the subcommittee, the gentleman from Alabama (Mr. CALLAHAN), and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for their work on this bill and for their recognition of the importance to the entire country of the necessary public works projects it funds.

I am especially pleased, from a parochial point of view, that this bill contains nearly $20 million for the continued restoration of the Florida Everglades. Congress and the State of Florida made a historic agreement last year to save this international treasure, and I am thrilled that Congress continues its commitment through this bill.

Additionally, Mr. Speaker, this bill contains a number of significant projects important to my south Florida district, as well as those that are my colleagues that are in that area; and I would like to highlight a few of them for just a moment.

In my home of Broward County this bill funds beach erosion and renourishment projects to the tune of $2.5 million. These funds are critical to protecting and enhancing Florida's pristine beaches and the businesses that thrive because of them.

In northeast Dade County this bill contains funding for a study of flood patterns in the county and remediation of flooding that continually occurs in some of the poorest neighborhoods of this area.

Mr. Speaker, I am pleased that this bill contains projects that would greatly benefit the constituents of myself and those of my colleague, the gentleman from Florida (Mr. FOLEY), in Ft. Pierce, in St. Lucie County, and a number of projects that greatly improve conditions in Palm Beach County that are relevant to my other colleagues, the gentleman from Florida (Mr. SHAW), the gentleman from Florida (Mr. WEXLER), and the gentleman from Florida (Mr. FOLEY), as well as myself.

Mr. Speaker, this is a good bill; and the rule is fine as far as it goes. As the gentleman from Texas (Mr. SESSIONS) noted, the rule does allow for amendments to the dollar amounts contained in the committee-reported bill. The committee Republicans chose not to allow the gentlewoman from Nevada (Ms. BERKLEY) the right to offer an amendment relating to transportation of high-level nuclear waste. This is most unfortunate, in my view, as I believe the Berkley amendment would have made the bill better.

Also, Mr. Speaker, let me add my support for the amendment which will be offered by my friend and colleague, the gentleman from Florida (Mr. DAVIS), which will allow construction of the Gulf Stream pipeline to continue unabated.

Again, Mr. Speaker, I thank the chairman and ranking member for bringing an excellent bill to the House. This is a bipartisan bill that helps millions of Americans from coast to coast, and I urge passage of the bill and adoption of the rule.

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

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS), a member of the Committee on Rules.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my good friend and colleague on the Committee on Rules, the gentleman from Texas (Mr. SESSIONS), for yielding me this time; and I want to congratulate my friend, the newest member of the Committee on Rules, the gentleman from Florida (Mr. HASTINGS), on his first rule.

Mr. Speaker, I rise in strong support of this rule and this underlying legislation. I would like to begin by commending the chairman, the gentleman from Alabama (Mr. CALLAHAN), and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), as well as the chairman of the full Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), on their leadership in

bringing this excellent piece of legislation to the floor. This is the first bill of the gentleman from Alabama as chairman of the Subcommittee on Energy and Water Development, and I commend him on his openness and his support. They have carefully balanced the priorities in a very tight budget year to ensure that the cleanup of former nuclear sites stays on schedule.

As chairman of the Nuclear Cleanup Caucus here in the House, I have been privileged to work closely with the committee this year to ensure that cleanup sites throughout the Nation continue their significant progress, ensuring that the legacy of World War II and the Cold War is cleaned up. While I have been supportive of the President's goal to cap the overall spending increase at 4 percent, I have to admit that I was deeply troubled by the administration's initial request on cleaning up the Nation's former nuclear weapons sites.

Earlier this year, the Committee on the Budget responded to that by including in the congressional budget resolution language directing up to an additional $1 billion in the Environmental Management Account. I am pleased that the Committee on Appropriations has, in the past 2 weeks, included an additional $880 million for cleanup in the supplemental and the legislation we will consider today. This will allow for the Federal Government to keep its legal and moral commitments to the communities that surround these sites.

The Department of Energy has negotiated innovative contracts that mirror commercial practices to transform the cleanup program and ensure that more dollars are spent on cleanup. These negotiated contracts ensure that the American taxpayer receives more cleanup dollars for less by requiring efficiencies to do more with less. Without this additional funding for the Environmental Management program, these aggressive contracts would have had to be re-negotiated, thus eliminating the benefits to the taxpayer.

This legislation will increase funding by nearly $700 million over the administration's request. This will reverse the proposed reductions at the major sites throughout the country. Specifically at Hanford the additional dollars provided in this legislation will provide full funding for the construction of the Waste Treatment Project. This is the home of over 60 percent of the radioactive waste of this country; and yet it is the only facility, Hanford, that lacks a treatment capability. It is essential that this project be fully funded in fiscal year 2002 in order to ensure maximum benefit to the taxpayer and the safety of the Pacific Northwest.

Further, the legislation allows for the River Corridor Initiative to begin at the Richland Operations Office. This innovative approach will allow for the acceleration of cleanup along the River Corridor and will shrink the Hanford site from 560 square miles to 75 square miles by the year 2012.

□ 1300

This is an aggressive schedule which will save American taxpayers hundreds of millions of dollars over this time period.

Mr. Speaker, this legislation provides the first step to what I hope will be the full transformation of this project to a closure contract in fiscal year 2003. Further, the legislation will allow for continued efforts to remove spent nuclear fuel which has been standing 100 yards from the Columbia River for 25 years, and to move it away from the river into safe storage.

I would like to commend the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Florida (Mr. YOUNG) for their excellent work. I would also like to thank my colleagues on the Nuclear Cleanup Caucus, the contractors and the stakeholders that came together in a unified manner to ensure that these increases became a reality.

Mr. Speaker, I support the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I congratulate the gentleman from Florida (Mr. HASTINGS), having been appointed to the prestigious and important Committee on Rules. Florida is proud of his service in the Congress, and we are proud that 3 of 13 Members who serve on the Committee on Rules are from Florida, two Republicans, the gentleman from Florida (Mr. GOSS) and the gentleman from Florida (Mr. DIAZ-BALART). And now the gentleman from Florida (Mr. HASTINGS) joins the Committee on Rules, and my great State is going to benefit by the gentleman's leadership.

Let me also commend this bill of the Subcommittee on Energy and Water. The gentleman from Florida (Mr. HASTINGS) clearly laid out some of the very important projects that are occurring in our mutual districts, such as Port St. Lucie, the inlet maintenance project, some shoreline protection that will occur throughout our counties; but I also want to call attention to an amendment that will be offered by one of our colleagues that will seek to reduce the Federal allocations towards beach renourishment. I believe that has been made in order. What that basically says is that we will reduce the Federal share of beach renourishment projects in places like Florida.

The gentleman from Florida (Mr. HASTINGS) and I clearly want to underscore the need for Federal involvement, and we also want to give a little education here, because some people assume that these beach renourishment projects are folly, that they are a waste of tax dollars, that they are something that the local jurisdictions should do, and we need not concern ourselves with these issues in Congress.

As the gentleman from Florida (Mr. HASTINGS) and I know, many of the areas where the most severe beach erosion is occurring are just south of inlets that were designed and constructed by the Corps of Engineers for some commerce at times, and some were national security issues. So in Palm Beach County, for instance, at the south end of our inlet, we are constantly vigilant because of shoreline that is eroding because of that unnatural cut that occurred.

Mr. Speaker, therein lies the nexus by which we ask and continue to urge Congress to fund these shoreline protection agreements. They are vital to tourism. We are parochial in our approach, and we are concerned about tourism; but it has more to do with ecological factors, such as nesting turtles, reef renourishments. All of these are impacted by a degradation of our beaches.

Mr. Speaker, we stand opposing an amendment that will be offered later, although supporting the fine work in this bill. There are some phenomenal projects that I will call Members' attention to again, whether it is the Department of Energy or other related accounts, the President's initiative on energy conservation, or on strategically positioning ourselves to be more self-reliant on energy needs.

Mr. Speaker, the gentleman from Alabama (Mr. CALLAHAN) has done a masterful job of meeting not only the needs of 50 States, but also the concerns of Members.

Mr. Speaker, as a Member from the Florida delegation, I want to apologize to the gentleman from Alabama (Mr. CALLAHAN) because we were unaware during debate last week on a very contentious issue that the gentleman was out of the Capitol with the President attending some business with the President of the United States in Alabama. We would not have excluded him from debate, so we apologize for that slight. We meant no disrespect. As a delegation, we are absolutely opposed to the drilling question, but never would we have done it as an attempted embarrassment of the fine chairman and the fine job he has done.

Mr. Speaker, I want to commend the rule. I urge Members to support its adoption, the underlying bill; and again, I would ask my colleagues to pay special attention to an amendment that would cut the government's responsibility on shoreline protection and urge the defeat of that same amendment.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida (Mr. FOLEY) for his kind comments regarding my ascension to the Committee on Rules.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule and in general support of the bill. I want to in particular touch on three issues briefly. I want to thank the committee, thank this House for continuing to fund the nuclear facilities closure projects across the country, but in particular the one in my district at Rocky Flats. Rocky Flats is close to the center of my congressional district. It is just a few miles from population centers that exceed 2 million people. This is a very important project to clean up and close this facility.

I also thank the committee for the inclusion in the bill of initial funding for a small flood control project in Arvada, Colorado. There has been an important partnership there along Van Bibber Creek, and these are important moneys that will begin to put this capital project in place.

Finally, I want to emphasize my support for the committee's work in increasing the levels of funding for DOE's renewable energy programs. Initially the administration slashed these important budget items by $138 million, almost 36 percent, and I think this was shortsighted; but we have worked hard over the last 2 years to boost funding for these programs, and I want to acknowledge the gentleman from Tennessee (Mr. WAMP) on the Renewable Energy and Energy Efficiency Caucus for the good work the gentleman has done.

In general, Mr. Speaker, although no bill is perfect, this one is awful close, and I very much appreciate the opportunity to speak today in support of it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, just as it is the first rule for the gentleman from Florida (Mr. HASTINGS) to manage in the Committee on Rules, we also like to thank staff who it is their last rule to be with us.

I would like to thank Gena Bernhardt for her 6 years on the Committee on Rules, and 9 years serving on the Hill, who will be leaving the Hill for opportunities down at the Department of Justice. She served as professional staff and legal counsel, and is a good friend of all of ours. It is a time to say hello; and a time to say good-bye.

Mr. Speaker, this is a fair and open rule supported by my colleagues, and I would ask my colleagues to support this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, following this 15-minute vote on House Resolution 180, the Chair will reduce to 5 minutes the minimum time for electronic voting on the two motions to suspend the rules on which the Chair postponed further proceedings earlier today.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 7, as follows:

[Roll No. 196]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
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
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
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
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—1

Thune

NOT VOTING—7

Burton
Hinchey
Meek (FL)
Platts
Pombo
Putnam
Wu

□ 1334

Mr. THUNE changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the

rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 172, by the yeas and nays; and

H.R. 2133, by the yeas and nays.

Both of these will be 5-minute votes.

HONORING JOHN J. DOWNING, BRIAN FAHEY, AND HARRY FORD, WHO LOST THEIR LIVES IN DUTIES AS FIREFIGHTERS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 172.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, H. Res 172, 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 424, nays 0, not voting 9, as follows:

[Roll No. 197]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
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
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
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
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Andrews
Burton
Kaptur
Meek (FL)
Obey
Platts
Pombo
Putnam
Wu

□ 1342

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.

The motion to reconsider was laid upon the table.

BROWN v. BOARD OF EDUCATION 50TH ANNIVERSARY COMMISSION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2133, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2133, 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 414, nays 2, not voting 17, as follows:

[Roll No. 198]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
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
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee

Isakson	Miller (FL)	Sensenbrenner
Israel	Miller, Gary	Serrano
Issa	Miller, George	Sessions
Istook	Mink	Shadegg
Jackson (IL)	Mollohan	Shaw
Jackson-Lee (TX)	Moore	Shays
	Moran (KS)	Sherman
Jefferson	Moran (VA)	Shimkus
Jenkins	Morella	Shows
John	Murtha	Shuster
Johnson (CT)	Myrick	Simmons
Johnson (IL)	Nadler	Simpson
Johnson, E. B.	Napolitano	Skeen
Jones (NC)	Neal	Skelton
Jones (OH)	Nethercutt	Slaughter
Kanjorski	Ney	Smith (MI)
Kaptur	Northup	Smith (NJ)
Keller	Norwood	Smith (TX)
Kelly	Nussle	Smith (WA)
Kennedy (MN)	Oberstar	Snyder
Kennedy (RI)	Obey	Solis
Kerns	Olver	Souder
Kildee	Ortiz	Spence
Kilpatrick	Osborne	Spratt
Kind (WI)	Ose	Stark
King (NY)	Otter	Stearns
Kingston	Oxley	Stenholm
Kirk	Pallone	Strickland
Kleczka	Pascrell	Stump
Knollenberg	Pastor	Stupak
Kolbe	Payne	Sununu
Kucinich	Pelosi	Sweeney
LaFalce	Pence	Tancredo
LaHood	Peterson (MN)	Tanner
Lampson	Peterson (PA)	Tauscher
Langevin	Petri	Tauzin
Lantos	Phelps	Taylor (MS)
Largent	Pickering	Taylor (NC)
Larsen (WA)	Pitts	Terry
Larson (CT)	Pomeroy	Thomas
Latham	Portman	Thompson (CA)
LaTourette	Price (NC)	Thompson (MS)
Leach	Pryce (OH)	Thornberry
Lee	Quinn	Thune
Levin	Radanovich	Thurman
Lewis (CA)	Rahall	Tiahrt
Lewis (GA)	Ramstad	Tiberi
Lewis (KY)	Rangel	Tierney
Linder	Regula	Toomey
Lipinski	Rehberg	Towns
LoBiondo	Reyes	Traficant
Lofgren	Reynolds	Udall (CO)
Lowey	Riley	Udall (NM)
Lucas (KY)	Rivers	Upton
Lucas (OK)	Rodriguez	Velazquez
Luther	Roemer	Visclosky
Maloney (CT)	Rogers (KY)	Vitter
Maloney (NY)	Rogers (MI)	Walden
Manzullo	Rohrabacher	Walsh
Markey	Ros-Lehtinen	Wamp
Mascara	Ross	Waters
Matheson	Rothman	Watkins (OK)
McCarthy (MO)	Roukema	Watson (CA)
McCarthy (NY)	Roybal-Allard	Watt (NC)
McCollum	Royce	Watts (OK)
McCrery	Rush	Waxman
McDermott	Ryan (WI)	Weiner
McGovern	Ryun (KS)	Weldon (FL)
McHugh	Sabo	Weldon (PA)
McInnis	Sanchez	Weller
McIntyre	Sanders	Wexler
McKeon	Sandlin	Whitfield
McKinney	Sawyer	Wicker
McNulty	Saxton	Wilson
Meehan	Scarborough	Wolf
Meeks (NY)	Schaffer	Woolsey
Menendez	Schakowsky	Wynn
Mica	Schiff	Young (AK)
Millender-McDonald	Schrock	Young (FL)
	Scott	

NAYS—2

Flake	Paul

NOT VOTING—17

Allen	Frank	Pombo
Andrews	Johnson, Sam	Putnam
Boswell	Matsui	Sherwood
Burton	Meek (FL)	Turner
Callahan	Owens	Wu
Doolittle	Platts	

□ 1351

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 2330, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. BONILLA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–116) on the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 1 of rule XXI, all points of order are reserved.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2180

Mrs. BONO. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2180.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, and that I may be permitted to include tabular and extraneous materials.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 180 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2311.

□ 1352

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my privilege to bring before the body today the fiscal year 2002 appropriations bill for energy and water needs facing this country. We have tried desperately to work with all the Members on both sides of the aisle to bring before you today a fair bill, a bill that has addressed most of the concerns of the Members who have contacted us. Mr. Chairman, there have been extensive contacts with us. In our deliberations we have come forward with a bill that I think provides the administration with ample funds for energy and water and reclamation needs in this country.

The bill agrees with President Bush that we should constrain government growth. I am happy to report that this bill constrains government growth because it is only increased about a one-half of 1 percent over the FY year 2001 level of funding.

The total funding in H.R. 2311 is $23.7 billion. This is $147 million, as I said, less than one-half of 1 percent, more than fiscal year 2001, for energy and water development programs.

Title I of the bill provides funding for the civil works program of the Corps of Engineers. The Subcommittee on Energy and Water Development is unanimous in its belief that these programs are among the most valuable within the subcommittee's jurisdiction. The national benefits of projects for flood control, for navigation and shoreline protection substantially exceed project costs. The bill acknowledges the importance of water infrastructure by funding the civil works program at $4.47 billion, an increase of only $568 million over last year's appropriation.

Within the amount appropriated to the Corps of Engineers, $163 million is for general investigations, $1.67 billion is for the construction program, and $1.86 billion is for operations and maintenance. In addition, the bill includes $347 million for the flood control, Mississippi River and Tributaries project. The bill also funds the budget request for the regulatory program and the Formerly Utilized Sites Remedial Action Program.

In title II, which is for the Bureau of Reclamation, we spend $842 million, an increase of only $26 million over fiscal year 2001.

Title III provides $18 billion for the Department of Energy, an increase of $444 million over fiscal year 2001.

So in all three areas of jurisdiction the bill is within the suggested constraints that President Bush has submitted to us, whereby we control excessive government growth spending. We are very pleased to have done that.

We sought to maintain level funding for basic research in science programs;

and we provided $3.17 billion, an increase of $6.5 million over the budget request. Funding of $276.3 million has been provided for construction of the Spallation Neutron Source, the same as the budget request. We have sought to respond to all of the needs, and we visited some of the projects throughout the country in trying to determine where our priorities ought to be.

I think if there is anything, Mr. Chairman, that pleases me, it is the way we have been able to work in a bipartisan fashion with the minority. We have been able to respond, as I said earlier, to most every legitimate need, we feel, that has been brought before us for our consideration. I am happy to have the support of so many Members of Congress in helping us draft this legislation.

Mr. Chairman, I owe a debt of gratitude to the hard work of the dedicated members of the Subcommittee on Energy and Water Development. They have labored under difficult constraints to produce a bill that is balanced and fair. I am especially grateful to the gentleman from Indiana (Mr. VISCLOSKY), our ranking minority member. It is in large part due to his efforts that we present a bill that merits the support of all Members of the House.

Mr. Chairman, I urge all Members to support H.R. 2311 as reported by the Committee on Appropriations.

Mr. Chairman, I include the following charts for the RECORD.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2002 (H.R. 2311)
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations	160,584	130,000	163,260	+2,676	+33,260
Construction, general	1,716,165	1,324,000	1,671,854	-44,311	+347,854
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	350,458	280,000	347,655	-2,803	+67,655
Operation and maintenance, general	1,897,775	1,745,000	1,864,464	-33,311	+119,464
Regulatory program	124,725	128,000	128,000	+3,275	.....
FUSRAP	139,692	140,000	140,000	+308	.....
General expenses	151,666	153,000	153,000	+1,334	.....
Total, title I, Department of Defense - Civil	4,541,065	3,900,000	4,468,233	-72,832	+568,233
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	19,524	24,169	24,169	+4,645	.....
Fish, wildlife, and recreation mitigation and conservation	14,136	10,749	10,749	-3,387	.....
Utah reclamation mitigation and conservation account	4,989	.....	.....	-4,989	.....
Subtotal	38,649	34,918	34,918	-3,731	.....
Program oversight and administration	1,213	1,310	1,310	+97	.....
Total, Central Utah project completion account	39,862	36,228	36,228	-3,634	.....
Bureau of Reclamation					
Water and related resources	678,953	647,997	691,160	+12,207	+43,163
Loan program	9,348	7,495	7,495	-1,853	.....
(Limitation on direct loans)	(26,941)	(26,000)	(26,000)	(-941)	.....
Central Valley project restoration fund	38,360	55,039	55,039	+16,679	.....
California Bay-Delta restoration	.....	20,000	.....	.....	-20,000
Policy and administration	50,114	52,968	52,968	+2,854	.....
Total, Bureau of Reclamation	776,775	783,499	806,662	+29,887	+23,163
Total, title II, Department of the Interior	816,637	819,727	842,890	+26,253	+23,163
TITLE III - DEPARTMENT OF ENERGY					
Energy supply	659,918	544,245	639,317	-20,601	+95,072
Non-defense environmental management	277,200	228,553	227,872	-49,328	-681
Uranium facilities maintenance and remediation	392,502	363,425	393,425	+923	+30,000
Science	3,180,341	3,159,890	3,166,395	-13,946	+6,505
Nuclear Waste Disposal	190,654	134,979	133,000	-57,654	-1,979
Departmental administration	225,942	221,618	209,611	-16,331	-12,007
Miscellaneous revenues	-151,000	-137,810	-137,810	+13,190	.....
Net appropriation	74,942	83,808	71,801	-3,141	-12,007
Office of the Inspector General	31,430	31,430	32,430	+1,000	+1,000
Environmental restoration and waste management:					
Defense function	(6,108,864)	(5,740,783)	(6,410,625)	(+301,761)	(+669,842)
Non-defense function	(669,702)	(591,978)	(621,297)	(-48,405)	(+29,319)
Total	(6,778,566)	(6,332,761)	(7,031,922)	(+253,356)	(+699,161)
Atomic Energy Defense Activities					
National Nuclear Security Administration:					
Weapons activities	5,006,153	5,300,025	5,123,888	+117,735	-176,137
Defense nuclear nonproliferation	872,273	773,700	845,341	-26,932	+71,641
Naval reactors	688,645	688,045	688,045	-600	.....
Office of the Administrator	9,978	15,000	10,000	+22	-5,000
Subtotal, National Nuclear Security Administration	6,577,049	6,776,770	6,667,274	+90,225	-109,496
Defense environmental restoration and waste management	4,963,533	4,548,708	5,174,539	+211,006	+625,831
Defense facilities closure projects	1,080,331	1,050,538	1,092,878	+12,547	+42,340
Defense environmental management privatization	65,000	141,537	143,208	+78,208	+1,671
Subtotal, Defense environmental management	6,108,864	5,740,783	6,410,625	+301,761	+669,842
Other defense activities	582,466	527,614	487,464	-95,002	-40,150
Defense nuclear waste disposal	199,725	310,000	310,000	+110,275	.....
Total, Atomic Energy Defense Activities	13,468,104	13,355,167	13,875,363	+407,259	+520,196
Power Marketing Administrations					
Operation and maintenance, Southeastern Power Administration	3,891	4,891	4,891	+1,000	.....
Operation and maintenance, Southwestern Power Administration	28,038	28,038	28,038	.....	.....
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	165,465	169,465	172,165	+6,700	+2,700
Falcon and Amistad operating and maintenance fund	2,663	2,663	2,663	.....	.....
Total, Power Marketing Administrations	200,057	205,057	207,757	+7,700	+2,700
Federal Energy Regulatory Commission					
Salaries and expenses	175,200	181,155	181,155	+5,955	.....
Revenues applied	-175,200	-181,155	-181,155	-5,955	.....

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2002 (H.R. 2311)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Defense nuclear waste disposal (rescission)	-75,000	.....	.....	+75,000	.....
Defense environmental privatization (rescission)	-97,000	.....	.....	+97,000	.....
Total, title III, Department of Energy	18,303,148	18,106,554	18,747,360	+444,212	+640,806
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	66,254	66,290	71,290	+5,036	+5,000
Defense Nuclear Facilities Safety Board	18,459	18,500	18,500	+41	.....
Delta Regional Authority	19,956	19,992	.....	-19,956	-19,992
Denali Commission	29,934	29,939	.....	-29,934	-29,939
Nuclear Regulatory Commission:					
Salaries and expenses	481,825	506,900	516,900	+35,075	+10,000
Revenues	-447,958	-463,248	-473,520	-25,562	-10,272
Subtotal	33,867	43,652	43,380	+9,513	-272
Office of Inspector General	5,500	6,180	6,180	+680	.....
Revenues	-5,390	-5,932	-5,933	-543	-1
Subtotal	110	248	247	+137	-1
Total	33,977	43,900	43,627	+9,650	-273
Nuclear Waste Technical Review Board	2,894	3,100	3,100	+206	.....
Total, title IV, Independent agencies	171,474	181,721	136,517	-34,957	-45,204
TITLE V - EMERGENCY SUPPLEMENTAL					
DEPARTMENT OF ENERGY					
Atomic Energy Defense Activities					
Cerro Grande fire activities (contingent emergency appropriations)	203,012	.....	.....	-203,012	.....
Appalachian Regional Commission (contingent emergency appropriations)	10,976	.....	.....	-10,976	.....
Total, title V, Emergency Supplemental	213,988	.....	.....	-213,988	.....
Grand total:					
New budget (obligational) authority	24,046,312	23,008,002	24,195,000	+148,688	+1,186,998
Appropriations	(24,004,324)	(23,008,002)	(24,195,000)	(+190,676)	(+1,186,998)
Contingent emergency appropriations	(213,988)	.....	.....	(-213,988)	.....
Rescissions	(-172,000)	.....	.....	(+172,000)	.....

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as may consume.

Mr. Chairman, I would encourage at the outset of my remarks all of the Members of the body to support the energy and water appropriation bill. I would also at the outset note that the long-standing Alabama and Indiana connection, as they call it, that was established many years ago by Mr. Bevill from Alabama and Mr. Myers from Indiana, has now been reestablished on that particular subcommittee.

I want to very sincerely thank the gentleman from Alabama (Chairman CALLAHAN) for his leadership on the subcommittee. He has been a leader. He has been trusting of all of us on this subcommittee. He has been open, he has been fair, and he has been decisive. He has put together a very good work product in a bipartisan fashion, and I strongly support it.

I also do want to thank all of the members of the subcommittee, who have worked so hard also to put this legislation together.

Last, I want to especially thank those who have done the work, the staff: Bob Schmidt, Jeanne Wilson, Kevin Cook, Tracy LaTurner, Paul Tumminello; the personal staff of the gentleman from Alabama (Mr. CALLAHAN), Mike Sharp and Nancy Tippins; and our side of the aisle, David Killian, Richard Kaelin, and Jennifer Watkins, a former staffer. I do appreciate the work that the staff has done.

The President asked for $1 billion worth of cuts for the programs represented by this legislation; and under the leadership of this subcommittee, those cuts have essentially been restored.

□ 1400

We are $187 million over the current year level, that is less than a 1 percent increase, but this bill does meet critical demands faced in the infrastructure and energy arena by our Nation. I am particularly happy that as far as water infrastructure, there is a $591 million plus-up in this bill, and some of the other attributes I would mention is the increase in environmental funding over the administration request. This funding increase is essential to achieving long-planned program milestones, assuring compliance with the law, and avoiding unnecessary stretch-outs that could simply lead to higher costs.

I am also very happy that in the nonproliferation accounts, we have increased the amount over the President's request by $71 million, and the current bill now has $774 million contained therein. I also think it is important for all of my colleagues to understand that the gentleman from Alabama (Mr. CALLAHAN) indicated during markup that he plans to conduct a hearing in July relative to this issue and all of the needs as far as our concern over the proliferation of weapons of mass destruction and the materials thereto. I look forward to joining him to ensure that these critical programs get the scrutiny and the attention that they deserve, and I also wish to commend especially the gentleman from Texas (Mr. EDWARDS) for his leadership on this issue.

The bill also provides $733 million for renewable energy resources, and that, again, is an increase of $100 million over the administration's request.

This is a very good bill, but at the conclusion of my remarks, I would just make a couple of points about our underinvestment in infrastructure in this Nation. I do regret, through no fault of anyone on the subcommittee, that I believe we are still $10 million short as far as the Army Corps of Engineers regulatory budget, as far as making sure that the Corps can efficiently and without delay proceed with their regulatory burden. I regret that we were not fully able to fund that account, but we have included it at the administration's request. Additionally, it should be understood that the Corps asked for $6 billion because they felt that was, in fact, the national need.

As far as water, we have $4.468 billion contained in the bill. At this rate, unfortunately, authorized projects by this Congress will increase, that have not been started, from $38 billion this year to $40 billion in the next fiscal year. We will see the Corps' backlog of critical maintenance increase from $450 million this year to $864 million next year. However, I would point out in the supplemental, the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Florida (Mr. YOUNG) did agree to plus up critical maintenance as far as dams under the Army Corps critical control by $23.7 million last week. They certainly recognized the need.

The Corps last year in testimony before the subcommittee also indicated that to proceed as efficiently as possible and in as economical fashion as possible, they really needed about another $700 million a year for those existing authorized projects that we are already providing funding for, and, clearly, there is a shortfall.

The last category I would touch on is water infrastructure, primarily sewers. This body, the other body and the administration combined over the last several years have authorized 202 sewer programs, only 44 of which are actually funded, 22 percent. The needs and requests are about $2.5 billion, and, again, I do think we have a shortfall in this country. The American Society of Civil Engineers and the U.S. EPA would indicate that to simply bring up existing infrastructure for clean drinking water, we would have to expend an additional $11 billion for wastewater, $12 billion. Clearly, the resources as far as the allocations do not exist.

Mr. Chairman, the chairman has done an exceptional job with the resources we were given. This is a very good bill. However, I do think the administration and the Congress someday, whether it is water or other economic infrastructure, has to face the fact that we need to invest more money.

Mr. Chairman, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee, and the gentleman who is responsible for marshalling all 13 of these appropriation bills through this body and through the conference.

Mr. YOUNG of Florida. Mr. Chairman, I wanted to congratulate the chairman of this subcommittee. He and the ranking member have done an outstanding job in bringing disagreements together to agreements. They have a good bill. There will be some differences that we will be discussing here later this afternoon, but they have done a really good job. They have worked together very well in a good bipartisan fashion, and they have produced a bill of which both the chairman as well as the ranking member can be very proud. The staff of the subcommittee, too, have done yeoman's work.

I take this little extra time, Mr. Chairman, to say that one of the conversations that we will probably have this afternoon will have to do with energy. We have enough problems with energy because of our heavy reliance on foreign sources. We have problems with those foreign sources on occasion. We cannot afford to have any energy wars here at home with each other. So we need to be careful how we approach all of these issues so that we do not get into a battle with ourselves over energy.

A major industrial Nation like the United States, which is a large consumer of energy, must also understand the importance of producing energy, because if we totally rely on energy sources from abroad, we will find ourselves in real tight spots on occasion, which we do on occasion.

So when we get to those issues later today, let us understand that we are all on the same team, and that we are not going to start any energy wars between one section of the country and another; that we are going to work together to work out what is right and best for the people of the United States of America, who are energy consumers.

But again, I wanted to say that the gentleman from Alabama (Mr. CALLAHAN), the chairman of the subcommittee, has done a beautiful job with this bill with the help of the gentleman from Indiana (Mr. VISCLOSKY), and it deserves the support of the Members of the House. I hope that we can do that expeditiously and move on to other matters.

Mr. Chairman, we will be filing the Agriculture Bill this afternoon and hopefully will have it on the floor tomorrow. The subcommittees have marked up two more appropriations

bills this morning, so we really are moving quickly. We got off to a late start because we received our specific numbers and budget justifications late, but we are catching up, and we are catching up pretty effectively.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. ROYBAL-ALLARD), a valued member of the subcommittee.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Alabama (Mr. CALLAHAN) on the subject of security procedures at the Department of Energy headquarters.

Members of this House were appalled when they learned about the incident involving our colleague, the gentleman from Oregon (Mr. WU), at the Department of Energy headquarters a few weeks ago. The gentleman from California had been invited by DOE to be a guest speaker at a celebration honoring the contributions of Asian Pacific Islander Americans to this country. But when he arrived at DOE headquarters, he was refused admittance and asked three different times whether he was an American citizen, even after producing an official card identifying him as a Member of Congress.

An Asian American aide accompanying the gentleman from California (Mr. WU) was also refused admittance, despite producing a congressional identification card.

As the representative of the 33rd Congressional District of California, I am proud to represent an active community of Asian Pacific Islander Americans in Los Angeles. Understandably, we were very upset at this incident and the implication of discrimination by an official government agency.

I, therefore, want to take this opportunity to thank the gentleman from Alabama (Mr. CALLAHAN) for including language in our report expressing the committee's concern about this incident and asking DOE to examine its security procedures in light of it.

Mr. CALLAHAN. Mr. Chairman, will the gentlewoman yield?

Ms. ROYBAL-ALLARD. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I appreciate very much the gentlewoman's interest in this matter, and I know that we are all concerned about this incident. As the gentlewoman has requested, we have directed DOE to reconsider its security procedures and to report back to us.

Ms. ROYBAL-ALLARD. Mr. Chairman, reclaiming my time, I thank the gentleman for providing me with this opportunity to report to our colleagues on how we have responded to this disturbing incident. I very much appreciate the gentleman's willingness to work with me to ensure that DOE's security procedures are not only effective, but that they are also in keeping with our American values against discrimination.

Mr. CALLAHAN. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of our subcommittee, and a very important member of our subcommittee.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of the energy and water appropriations bill for this year. Let me thank first the gentleman from Alabama (Mr. CALLAHAN), the chairman of the subcommittee, for his leadership on our subcommittee's work, and to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for his bipartisan approach to our bill, and my thanks to the subcommittee staff for their tireless efforts in putting this bill together.

The gentleman from Alabama (Mr. CALLAHAN) has produced a bill that ensures our Nation's continued commitment to work in partnership with our States and local communities to address such vital needs as flood control, shore protection, environmental restoration, and improving our Nation's many waterways. By doing so, we are helping meet our critical economic, environmental and public safety needs in virtually every State in the Nation, and we are doing so in keeping with our 302(b) allocation, which means we are working within the confines of a balanced Federal budget.

As the chairman can attest and has attested, there are many more requests for funding than our budget allocation can provide for. The No New Start policy contained in this bill is difficult, but very necessary. We are focusing our limited dollars on ongoing projects that are on schedule and on budget.

The chairman deserves special recognition for rejecting forthright the proposition that we should change in midstream the Federal Government's funding formula commitments to these ongoing projects. For more than 170 years, the Federal Government has worked in partnership with our States and local communities to provide solutions to critical flooding, dredging and environmental problems, as well as beach and shore protection. In my home State of New Jersey, these projects have kept our port of New York and New Jersey open for business, and prepared us for the future of bigger ships.

I want to thank the chairman in particular for his strong support of dredging for our port, and with this bill we are helping to keep 127 miles of our beaches in my State open for visitors from around the country and around the world. This is a $30 billion industry of tourism for our State. It employs over 800,000 people.

Finally, to help protect people, their homes and businesses from the ravages of flooding, we are helping to purchase wetlands for natural storage areas, and we are working alongside local governments in Somerset and Morris Counties and elsewhere to develop long-term solutions to keep people safe and our communities whole in the event that floods reoccur, and they will.

Let me also address part of our bill which provides funding for the Department of Energy. Here we have focused our critical dollars on the central programs where the Federal Government can truly make a difference. I especially want to thank the chairman for his support of $248 billion for the fusion program and $25 million for laser research. In the President's national energy plan, fusion energy was actually highlighted as having the potential to serve as an inexhaustible and an abundant clean source of energy. The President's energy plan suggests that fusion should be developed as a next-generation technology, and I agree.

Finally, let me say a word about funding for the renewable energy resources, since they are a focus of so much public attention. Let us be clear. Everyone supports renewables, and we fund these programs at $376 million. In fact, in the 7 years I have served on this subcommittee, we have invested over $2.2 billion in renewable energy. This year's added funding maintains our commitment to renewables.

Mr. Chairman, I rise in support of this bill, and I urge my colleagues to do the same.

Mr. VISCLOSKY. Mr. Chairman, I would simply follow up on the colloquy that the gentlewoman from California and the gentleman from Alabama had and would note that the committee directs the Secretary to report back by September 1 of this year in anticipation of the conference. So I do appreciate the chairman's cooperation.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Chairman, I thank my colleagues for including in the bill a $4 million increase for transmission reliability and to direct the Department of Energy to initiate field-testing of advanced composite conductors. I just want to clarify that these additional funds will be used explicitly for Aluminum Matrix Composite conductors; is that correct?

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Alabama.

□ 1415

Mr. CALLAHAN. The gentleman from Minnesota (Mr. SABO) is correct.

Mr. SABO. Reclaiming my time, I thank the gentleman from Alabama for his response.

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Chairman, I would like to inquire about a provision in the Committee Report. In title III, describing the Committee's funding priorities for the Department of Energy's Energy, Biomass,

Biofuels and Energy Systems program, the report states ''$1 million to support a cost-shared agricultural waste methane power generation facility in California.''

With regard to this California project, I ask the gentleman from Alabama (Mr. CALLAHAN) is it the same effort proposed by the Inland Empire Utilities Agency in cooperation with the dairies located in the Chino Dairy Preserve?

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. GARY G. MILLER of California. I yield to the gentleman from Alabama.

Mr. CALLAHAN. The gentleman from California is correct.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. EDWARDS), a member of the Subcommittee on Energy and Water Development.

Mr. EDWARDS. Mr. Chairman, I rise in support of this important legislation, and I would like to speak about both its process and its product.

Regarding the process in developing this bill, I want to commend the gentleman from Alabama (Mr. CALLAHAN), who is not new to a position of being chair in this House, he is not new to the subcommittee; but this is his first term as a chairman of this subcommittee. Through his leadership, working with the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, this was truly put together on a fair and bipartisan basis with the intention of what is good for the country in different regions of the country, not what is good for one party or another.

Mr. Chairman, I regret sometimes that the amount of press attention to legislation in Washington is inversely proportional to the importance of that legislation and how well it is handled. There may not be a lot of coverage of this today in many parts of the country, because it was done on a bipartisan basis without squabbling and infighting.

In terms of the product of this bill, I rise to speak about it because many people in this House and throughout the country do not pay a great deal of attention to the work of this subcommittee, especially because much of its work is designed for prevention, flood prevention and nuclear proliferation prevention.

If this committee does its work well, people never know how important the work of the Subcommittee on Energy and Water has actually been to their lives.

Mr. Chairman, let me pay special tribute to the gentleman from Alabama (Chairman CALLAHAN) for his strong leadership efforts supported by the gentleman from Indiana (Mr. VISCLOSKY) in seeing that at a time of great flooding, in the wake of Tropical Storm Allison, we did not cut the funding for the Army Corps of Engineers flood control projects as had been originally proposed.

In an area of which I have great personal interest, the area of nuclear nonproliferation, I think most Americans would be surprised to know that in Russia today, there is enough nuclear grade plutonium and enriched uranium to build 80,000 nuclear bombs.

This subcommittee's work is to try to help Russia to get control of that nuclear material so that, God forbid, we do not wake up some day, weeks or months or years from now and read about a major American city having lost millions of its citizens because of the terrorists getting their hands on some nuclear material from the former Soviet Union, not putting it on the tip of a nuclear missile, but putting it in a backpack and parking it in a pickup truck in a major American city.

The gentleman from Alabama (Chairman CALLAHAN) especially deserves the appreciation of American families for saying that we must make an increased investment to ensure that that nuclear material should not get into the hands of terrorists throughout the world.

We may never know how much of a debt of gratitude we owe the gentleman from Alabama (Chairman CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY), as his partner in fighting to increase that funding. But I thank the gentleman from Alabama personally as a Member of Congress and as a father for the effort in that particular area, as well as the important work of this subcommittee and flood control and energy renewable research.

Mr. Chairman, I rise in strong support of this legislation. It was handled well. The product is a good one.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I also want to thank the gentleman from Alabama (Chairman CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking minority member, for the leadership they have provided in putting this legislation together to fund the important programs of the Department of Energy and the Army Corps of Engineers. I support the fiscal year 2002 energy and water development appropriation measure.

Mr. Chairman, I genuinely appreciate the subcommittee's continued support of the Kentucky Lock Addition and Olmsted Locks, which help transport waterborne commerce to more than 23 States and for reinstating funding for the annual dredge work at Kentucky's only port on the Mississippi River, the Elvis Star Harbor in Hickman, Kentucky.

In particular, I want to thank the subcommittee for agreeing to our request to increase funding for environmental cleanup at the Paducah Gaseous Diffusion Plant. The $10 million increase the subcommittee provided is desperately needed to help combat the myriad of environmental programs and problems stemming from over 50 years of enriched uranium production at that site.

These funds, along with the monies the subcommittee has provided for cylinder maintenance and the construction of an on-site low-level waste disposal cell, will keep us on a steady path towards a safer workplace and a safer community.

Mr. Chairman, the employees at the plant and the citizens living and working in the area adjacent to the plant deserve no less.

On one separate issue, I understand that with the constraint of money, obviously, that the bill recommends a slight reduction in the DOE's Office of Environmental Safety and Health. To the extent that this reduction might impact the very important medical monitoring program at Paducah for current and former workers, I hope that the gentleman from Alabama (Chairman CALLAHAN) might consider restoring those funds, if it is possible, as the bill moves forward.

The monitoring program is a key component of the newly established DOE workers compensation program, which has just now been implemented Nationwide.

Again, I want to thank the gentleman from Alabama (Chairman CALLAHAN), the gentleman from Indiana (Mr. VISCLOSKY), the ranking minority member, for their leadership; and I look forward to the passage of this legislation.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. PASTOR).

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

Mr. PASTOR. Mr. Chairman, first of all, I would like to congratulate the gentleman from Alabama (Mr. CALLAHAN), the Chairman of the Subcommittee on Energy and Water Development, and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member on the subcommittee, for the fine work they have done in bringing this bipartisan bill forward.

I also would like to thank both of the gentleman for the projects which are funded in this bill. The Rio Salado project has been funded for the construction of the Rio Salado, and those of us who live in Mericopa County are very appreciative of it.

We also want to thank the subcommittee for funding the various flood control studies and habitat restoration of the various tributaries of the Salt River. Also, those of us who represent Tucson are very thankful, because, in this bill, we fund many projects that deal with habitat restoration and flood control in southern Arizona.

Mr. Chairman, I look forward to working with the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, to deal with the issue of the Nogales Wash and to see how we can fund that flood control project; but I would urge my colleagues to support this bill, it is bipartisan.

Mr. Chairman, I would also like to thank the staff who have worked very hard on this bill.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I would like to engage in a brief colloquy with the gentleman from Alabama (Chairman CALLAHAN).

Mr. Chairman, I want to commend the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY) for their action to restore over $30 million in funds which were eliminated from the fiscal year 2002 budget for the U.S. Department of Energy's Office of Science and Technology within the Environmental Management program.

The Office of Science and Technology has a very important mission in developing and implementing means to clean up contaminated Federal property around the country, and it deserves the continued and strong support of the Congress.

Mr. Chairman, I am concerned about the continuation of the important work of DOE's Western Environmental Technology Office, or WETO, located in Butte, Montana. At this facility, the National Energy Technology Laboratory provides critical support to DOE's Office of Science and Technology. Their activities help facilitate DOE's demonstration, evaluation, and implementation of technologies that promise to provide much needed solutions to the environmental cleanup challenges at various DOE sites.

DOE's Research and Development contract for the Western Environmental Technology Office, originally awarded in fiscal year 1997, has been extended through the end of fiscal year 2003. That contract extension provided that DOE would fund WETO at the following levels: $6 million in fiscal year 2001, $6 million in fiscal year 2002, and $4 million in fiscal year 2003. Consistent with this contract and schedule, the Energy and Water Development Appropriations Act for fiscal year 2001 provided $6.5 million for WETO to carry out its important functions.

It is critically important to preserve this commitment to WETO and continued funding as scheduled. I would add, Mr. Chairman, that the operations and activities of WETO are very important to the economy in Montana. Many professionals have chosen western Montana as their home while they serve our Nation's challenge to clean contaminated DOE's sites.

I ask the gentleman from Alabama (Mr. CALLAHAN) if he would agree that it is the committee's intent that DOE's agreement with WETO be honored and funded to the maximum extent possible?

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. REHBERG. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Absolutely, I would agree with the gentleman from Montana. If the Department of Energy has signed a contract with the facility, then it should be honored to the maximum extent possible.

Mr. REHBERG. Reclaiming my time, I thank the chairman for his consideration of this very important program.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. CROWLEY).

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

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from Indiana (Mr. VISCLOSKY) for yielding me such time.

Mr. Chairman, I rise in strong support of the energy and water bill before us today. I want to thank and congratulate the gentleman from Alabama (Chairman CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for their great work in crafting a solid bipartisan bill that will meet some of the important energy and infrastructure needs of our Nation over the next year.

In particular, I want to thank the committee for including $4.4 million in this bill for the cleanup of Flushing Bay and Creek in my congressional district in Queens.

This funding will be used for the badly needed dredging of parts of this water body to clean up old sediment and other debris that has built up in the bay and creek which has hampered economic development and the free flow of commerce, as well as trapped pollution and pollutants and other contaminants in that body of water.

The pollution build-up in Flushing Creek Bay and creek has resulted in foul odors and water discoloration, making this body of water a blight on our community, but this investment by the committee in the cleanup will make Flushing Bay and its creek the envy of Queens County.

Mr. Chairman, once again, I want to thank the gentleman from Alabama (Chairman CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for their hard work and support of this project for the people of my district in Queens, New York.

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chairman, I, too, want to commend the gentleman from Alabama (Chairman CALLAHAN) for his work on this bill.

Mr. Chairman, I rise today in strong support of this bill, specifically the language included to prohibit the Corps of Engineers from using funds to implement a spring rise in the Missouri River.

The National Fish and Wildlife Service recommends implementing higher water levels in the spring and lower levels in the fall. While this artificial spring rise may help improve the breeding habitat of three species, lest tern, piping plover, and pallid sturgeon, the higher spring water level increases the risk for flooding in towns and on valuable farmland.

The spring rise would devastate communities in my district and all along the Missouri and Mississippi Rivers. When water is released from upstream dams in the Dakotas and Montana, it takes 12 days to reach St. Louis, where the Missouri meets the Mississippi. Once water is released, it cannot be retrieved. Any rains during that 12-day period would make it impossible to control the amount of flooding that would occur.

As we saw earlier this month, the Missouri and Mississippi Rivers often flood naturally; we do not need any additional government-imposed floods. Unless you have been in one of those communities where a flood has hit, you cannot appreciate how devastating a flood can be.

This is not a new proposal, Mr. Chairman. Similar language has been included in the last five energy and water appropriation bills. I urge my colleagues to put the needs of the people living and working along the river above the needs of the piping plover and/or the lest tern.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today first to commend the gentleman from Alabama (Mr. CALLAHAN), the Chairman of the Subcommittee on Energy and Water Development, and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for their consistent leadership in addressing the Nation's water infrastructure needs.

Mr. Chairman, I support this bill, and I appreciate their support of the request that I submitted. I am pleased that $5.5 million of this year's appropriation bill will go towards the West Basin Municipal Water District located in my district, and these funds will assist in the development of The Harbor/South Bay Water Recycling Project in Los Angeles County. The Harbor/South Bay Water Recycling Project will yield clear and measurable long-term returns from this short-term investment.

□ 1430

This project will result in both economic and environmental benefits to my district and to the region in California. The promise of a reliable water supply even from times of drought helps to build an economic climate that will correctly enhance our ability to attract businesses, create new opportunities, and retain jobs in my district. The project will annually develop up to 48,000 acre-feet of recycled water for municipal, industrial, and environmental purposes in the Los Angeles area.

Beneficiaries of this particular project will include my constituents, businesses and local governments, including the cities of Carson, Culver

City, Torrance and Lomita. Furthermore, the overall West Basin water recycling program will annually develop 70,000 acre-feet of alternative water resources, in addition to reducing the amount of effluent discharge into the Santa Monica Bay, which is a national marine estuary.

I would like to also acknowledge those Members who are California-based on this committee who actively advocated on my behalf, and I thank them very much and thank the ranking member and the chairman.

Mr. CALLAHAN. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of this bill and commend the subcommittee leadership on their very timely and efficient work on this important piece of legislation.

I was especially happy to see the committee's recognition of better preserving and protecting the Mississippi River Basin. As co-chair of the bipartisan Mississippi River Task Force, I was happy to see them increase funding by a few million dollars to the important Environmental Management Program above what the Administration requested in their budget.

This is a five-State collaboration program that also involves USGS, the Army Corps of Engineers, Fish and Wildlife Service, which involves Habitat Restoration Projects along the Mississippi River and a long-term resource monitoring scientific program to better determine what exactly is happening in that very valuable ecosystem within the Mississippi River Basin.

We were hoping as a task force to have the funding increased even more, closer to the full $33 million funding that the program is permanently authorized for right now. We are hoping, as the process moves forward, we will be able to continue to work with the leadership to try to increase the funding to bring the program up to scale where it is needed.

I was, however, disappointed that there was zero funding allocated to the Challenge 21 program of the Corps of Engineers. This is a nonstructural approach to flood mitigation in this country. Obviously, we have had some very terrible floods in the upper Mississippi region. I think there are a lot of things that can be done as far as nonstructural flood mitigation that Challenge 21 would specifically target. We are hoping again that, as more information becomes known about this very important program, we are going to be able to finally get some funding to it.

Finally, I want to commend the committee for recognizing, I feel, the bipartisan support that exists in Congress for the important investments that need to be made in alternative and renewable energy sources. I believe everyone here recognizes that any realistic, comprehensive, long-term energy plan has to involve the important role of alternative and renewable energy sources in order to meet our long-term energy needs and sustain growth in this country.

So I commend the committee for their work. Obviously, I believe that there are some things that we need to stay focused on and continue working hard to try to accomplish.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from Alabama for yielding me this time. I thank him for giving me the opportunity to discuss an issue that is important to people I represent. I also would like to thank him for his commitment to this bill to harbor projects in the New York/New Jersey area.

The dredging of the Port of New York and New Jersey is vital to the continued economic competitiveness of the Port as we begin the 21st century. Dredging is necessary, as we all know, to allow for shipping to continue and allow for new generations of ships to have access to the port. However, I also understand and share the environmental concerns regarding dredging. In short, dredging and the disposal of dredge materials can only be conducted in such a manner that does not adversely impact Staten Island or its surrounding waterways.

Over the past years, I have expressed to the Army Corps of Engineers my serious concerns regarding proposals calling for the establishment of containment islands and borrow pits. I have also met with citizens and groups who have expressed similar concerns.

Containment islands, Mr. Chairman, are not appropriate. In the draft, Dredged Material Management Plan, the Army Corps of Engineers found containment islands to be too costly and claimed they were not going to be considered as a viable option. In fact, according to the Corps, pits located directly off Coney Island, the East Bank Pits, and Staten Island, for example, the CAC Pit, that were identified by citizen groups as being designated for near-term disposal activity have been studied extensively and are no longer being considered for any action. However, I want to ensure that the Corps has held to these statements and these options are officially removed from consideration.

We have a responsibility to protect our waterways and marine life from potentially harmful pollutants. The use of emerging technologies and innovative ideas, such as using dredged material for abandoned coal mine reclamation, as well as upland disposal options must be fully explored. The economic benefits of dredging and protecting the environment, I believe, are not mutually exclusive.

Therefore, Mr. Chairman, I would like to work with you as this moves to conference with the Senate to address this important issue.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. FOSSELLA. I am happy to yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I would like to thank the gentleman from New York for bringing this matter to our attention. I want to pledge to him to work with him and the Army Corps of Engineers to address this as this bill moves further along. I will do all that I can to help him. I know of his passion to protect the waterways off the coast of Staten Island, and I want to pledge to do everything I can to help him protect those waterways.

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman very much for his leadership.

Mr. VISCLOSKY. Mr. Chairman, I understand that the majority has no further speakers. I yield back the balance of my time.

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to comment that we worked very hard to get this bill to the position it is in today. This is just the first of several steps in the process as we all know. It has to go to the Senate after today, and then it has to go through a conference committee after that. I want the Members to know that we are going to do everything we can to protect what we have in this bill and that I am sure my colleagues have the same commitment from the gentleman from Indiana (Mr. VISCLOSKY).

But I echo in Mr. VISCLOSKY's earlier statement and would like to thank the staff members that have formulated and drafted this bill. It is a very complicated bill, and it requires a lot of talent. Bob Schmidt and Jeanne Wilson and Kevin Cook, Paul Tumminello and Tracey LaTurner, along with my staff, Nancy Tippins and Mike Sharp, have done a tremendous job in writing and drafting this very complicated piece of legislation.

But we are happy to have received the support we have received from all Members of Congress.

Mr. Chairman, I yield such time as he might consume to the gentleman from Iowa (Mr. LATHAM), a member of our subcommittee.

Mr. LATHAM. Mr. Chairman, I thank the chairman very much for yielding me this time.

Mr. Chairman, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, I thank the gentleman from Iowa for yielding to me.

Mr. Chairman, I intend to rise today to speak to section 106 of the bill before us. Section 106 would prevent the U.S. Army Corps of Engineers from revising the Missouri River Master Water Control manual that includes anything that includes a so-called spring rise. Mr. Chairman, I have to express my

strong objection to that particular provision.

For most of my colleagues here in the House, this debate may not be familiar. It is primarily a regional issue with divisions that break along regional lines, but its significance is much broader than that.

For more than a decade, the Corps has been working toward a revision of the master manual that would change the flow and possibly the priorities of the river. The process has been complicated and contentious, but we are nearing a resolution.

I appreciate the concerns that the proponents of section 106 have regarding downstream flooding and the continued viability of navigation. However, I believe there is a way to address upstream and downstream concerns as we modify the master manual to account for those competing priorities.

I believe we can forge a balanced approach to the operation of the river. We must consider all of the impacts and do this in a way that balances the needs of all the States concerned.

In addition to recreation flood control navigation, we must consider the impacts changes would have on hydropower generation, water supply, and environmental and cultural resources.

The Corps has been working diligently to account for all of these concerns, but there are strong and vocal views on all sides of any solution that they produce. As a result, Mr. Chairman, I would like Congress to look for a new way to deal with this problem that involves consensus building among the various stakeholders.

In the past, the Missouri River Basin Association, a group made up of representatives of the governors of each of the eight basin States and representatives of the Indian tribes has had success in finding common interest among the disparate views of the upstream and downstream States.

As a result, I would like to know if the chairman of the subcommittee, the gentleman from Alabama, would be willing to work with me to consider a solution that would help bring consensus to this issue?

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I am happy to yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman from South Dakota (Mr. THUNE) for his interest in this issue. I am well familiar with this issue through previous conversations that we have had throughout the years, and I know of the great importance it is to him and his State.

I appreciate his concerns and would welcome any solution and input that he may have. I would also encourage him to work with his colleague and neighbor, the gentleman from Iowa (Mr. LATHAM), in order to reach a result.

Mr. THUNE. Mr. Chairman, if the gentleman from Iowa will further yield, I thank the chairman for his commitment and for remaining open to working with me on this and as well as for his support of a number of South Dakota priorities that are included in this energy and water appropriation bill.

I also appreciate his suggestion that I work with the gentleman from Iowa (Mr. LATHAM) on this solution.

Mr. LATHAM. Mr. Chairman, I appreciate the interest of the gentleman from South Dakota (Mr. THUNE) in this issue and his willingness to consider some middle ground on this divisive matter.

Our States have so much in common, yet there clearly are differences on this issue. Nonetheless, I do think it is worth considering those areas of the master manual debate where we do agree and work together toward an answer that would satisfy the concerns of upper and lower basin States.

I do not expect this to be an easy task as we all know but would welcome the gentleman's input in the process, and I am willing to work with him to consider various options.

Mr. Chairman, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, I thank the gentlemen for their cooperation. As I stated earlier, while I am disappointed this provision likely will be approved by the House today, I am encouraged by the willingness of my colleagues to work with me on a balanced consensus-based approach to revise the Missouri River Master manual.

Mr. CALLAHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER), a member of our subcommittee, and I might tell my colleagues a very knowledgeable member on all of the issues that come before our committee.

Mr. WICKER. Mr. Chairman, let me say that it is an honor and a privilege and a joy to work on this subcommittee with the gentleman from Alabama (Chairman CALLAHAN) and also the gentleman from Indiana (Mr. VISCLOSKY), our ranking minority member. I appreciate their hard work and cooperation in producing this bipartisan piece of legislation.

I particularly want to thank the gentleman from Alabama (Chairman CALLAHAN) for crafting a bill which recognizes the benefits of making needed investments today in order to save money tomorrow.

Let me just give the committee two examples of this. One excellent example is the substantial increase in funding for the environmental management cleanup activities at our Nation's nuclear laboratories and facilities. H.R. 2311 provides over $7 billion for the purpose of this cleanup. This is an increase of over a quarter of $1 billion over last year's amount. This increase will allow cleanup timetables to stay on schedule and save unnecessary future costs.

I am also pleased that this bill reflects the importance of our Nation's water infrastructure. Mr. Chairman, our Nation's waters do not recognize State lines as we all know. Over 40 percent of the Nation's water flows by the borders of my home State of Mississippi. Flood control and maintaining navigable waterways are national issues. By making the necessary investments in these activities, we will avoid the greater cost in the future that we would have if we were not having the proposed spending today.

So, Mr. Chairman, I urge the support from all of my colleagues for this bipartisan bill which fund our Nation's priorities and, of course, within the context of a balanced budget.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, the cities of Dothan, Enterprise, Ozark, Daleville and the U.S. Army Aviation Center at Fort Rucker, Alabama have formed a partnership in support of a regional reservoir to meet their water supply needs.

The Geological Survey of Alabama has a 3-year study to locate a reservoir to serve these areas experiencing water, severe water supply shortages and is currently working with the Corps of Engineers on a needs assessment which should be completed in a few months.

Does the Chairman understand the importance of this project to the cities mentioned and to the Army Aviation Training Center and that this is not a new project?

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield.

Mr. EVERETT. I am glad to yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I do understand these communities are suffering water shortages primarily because the gentleman from Alabama (Mr. EVERETT) tells me about it every night. Every time we get in a 5-minute lull he expresses to me his serious concerns about these problems, which I think will worsen in the near future, and that the corporation of the Corps is needed as soon as possible.

□ 1445

I pledge to work with the gentleman and find an appropriate resolution to this situation as this process moves forward, probably in conference.

Mr. EVERETT. I appreciate the chairman's comments.

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume to advise my colleagues that I do not have any further speakers. But, once again, let me remind the Members that this is the first stage of this process and that we have been fairly generous, I think, in recognizing all of the demands of all the Members on both sides of the aisle. I pledge, along with the gentleman from Indiana (Mr. VISCLOSKY), to try to protect all the projects we have in here as it goes through the process.

As my colleagues well know, the process could involve removal of some

of these projects in the Senate, it could include removal of some of these projects in conference, but I am going to do everything I can to make absolutely certain that the Members who support this bill especially, that their projects are preserved.

Mr. MATSUI. Mr. Chairman, I would like to thank Chairman CALLAHAN and Ranking Member VISCLOSKY, and the Members of the Subcommittee for their support of Sacramento flood control projects included in the Fiscal Year 2002 Energy and Water Appropriations bill. As this body knows, with a mere 85-year level of protection, Sacramento has been identified by the U.S. Army Corps of Engineers as having the least amount of flood protection of any major metropolitan area in the nation. At risk are roughly half-a-million people and $40 billion in economic value. This includes 1,200 public facilities, 130 schools, 26 nursing home facilities, 7 major hospitals, major interstates and highways, and the Capitol to the world's sixth largest economy.

Thankfully, this subcommittee has again generously funded numerous project requests in my Sacramento district essential to the ongoing flood work necessary to address this dire situation. Specifically, I thank the subcommittee for the $8 million allocation for continued construction modifications to Folsom Dam These flood outlet modifications represent the linchpin to Sacramento's flood control system, providing a doubling of Sacramento's flood protection and giving to the flood plain its first major improvements to flood control in more than 40 years. I also am grateful for the $15 million included for the American River Watershed Common Elements which will provide much needed improvements to more than 36 miles of Sacramento's levees, the last line of defense against catastrophic flooding. I also would like to thank the Members for their efforts in securing additional funding for a series of smaller, yet no less critical, regional flood control projects. This includes projects for Sacramento River bank protection, work on the Lower Strong and Chicken Ranch Slough, Magpie Creek, and funds to allow for ongoing studies for American River Watershed flood control.

It is my hope that as this legislation continues to move through the legislative process, serious consideration is given to funding ''new starts'' construction projects. The South Sacramento Streams project will provide protection to more than 100,000 people and 41,000 structures from a network of creeks and small rivers in the region. This project was authorized in the 1999 Water Resources Development Act and is now ready for construction. Although I recognize the extremely tight budgetary constraints confronting this subcommittee, the perilous situation that these streams pose to the South Sacramento region makes initial construction funding essential. I ask for your support in providing funding for this critical new start project in the conference committee.

Again, on behalf of my Sacramento constituents, I remain grateful for your past and continuing support of these vital, life-saving projects. Thank you for your efforts in supporting essential federal assistance to the most pressing public safety issue confronting the region.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from Alabama (Mr. CALAHAN), the Chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKY), the Ranking Member of the Subcommittee, for their exceptional work in bringing this bill to the Floor.

This Member recognizes that extremely tight budgetary constraints made the job of the Subcommittee much more difficult this year. Therefore, the Subcommittee is to be commended for its diligence in creating such a fiscally responsible measure. In light of these budgetary pressures, this Member would like to express his appreciation to the Subcommittee and formally recognize that the Energy and Water Development appropriations bill for fiscal year 2002 includes funding for several water projects that are of great importance to Nebraska.

This Member greatly appreciates the $11 million funding level provided for the four-state Missouri River Mitigation Project. The funding is needed to restore fish and wildlife habitat lost due to the Federally sponsored channelization and stabilization projects of the Pick-Sloan era. This islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in pre-development days.

In 1986, the Congress authorized over $50 million to fund the Missouri River Mitigation project to restore fish and wildlife habitat lost due to the construction of structures to implement the Pick-Sloan plan.

In addition, this measure provides additional funding for flood-related projects of tremendous importance to residents of Nebraska's 1st Congressional District. Mr. Chairman, flooding in 1993 temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland, Nebraska. Therefore, this member is extremely pleased that H.R. 2311 continues funding in the amount of $350,000 for the Lower Platte River and Tributaries Flood Control Study. This study should help formulate and develop feasible solutions which will alleviate future flood problems along the Lower Platte River and tributaries.

This Member is also pleases that this bill includes $100,000 in funding requested by this member for the feasibility phase of a Section 206 wetlands restoration project in Butler County, Nebraska. The key element of the plan is the incorporation of a wetlands restoration project northwest of David City, Nebraska. This restoration was supported by a Natural Resources Conservation Service preliminary determination of wetlands potential for a 160-acre tract northwest of David City, Nebraska. Under the proposed project, storm water that currently travels northwest of David City will be diverted west before reaching the city, and then channeled south along a county road before being detained in the proposed wetlands area. The storm water will then slowly be released from the wetlands area so that there are no negative impacts to downstream landowners.

It is also important to note that this legislation includes $200,000 requested by this Member which would be implemented through the Lower Platte South Natural Resources District on behalf of the Lower Platte River Corridor Alliance. This amount represents the 50% Federal share under Section 503 of the Water Resources Development of 1996, to assess and plan for water quality infrastructure and improvements in the Lower Platte River Watershed concentrating on dire drinking water and wastewater needs within the Lower Platte River Corridor, between and including the communities of Ashland and Louisville, in Saunders and Cass counties, Nebraska.

This Member is also pleased that H.R. 2311 includes $1,800,000 for the Missouri National Recreational River, which could be used for projects such as the Missouri River Research and Education Center at Ponca State Park in Nebraska. This center is located at the terminus of the last stretch of natural (unchannelized) river below the mainstem reservoirs and a 59-mile stretch of the Missouri River, which was designated as a Recreational River in 1978 under the Wild and Scenic River Act. It is one of the few stretches of the Missouri River that is like the beautiful untamed river seen by Lewis and Clark.

The Missouri River is one of the most historic, scenic and biologically diverse rivers in North America. The proposed research and education center will serve as a ''working'' interpretive center for the river and include interactive displays and exhibits. It will provide a timeline for the vast riverine ecosystem as well as an upstream view of the beginning of the Missouri National Recreation River. When completed the center will also include a classroom/conference room facility.

This Member recognizes that this bill includes $656,000 for the Sand Creek Watershed project in Saunders County, Nebraska, and $400,000 for the Antelope Creek project in Lincoln, Nebraska. However, this funding is to be used for preconstruction engineering and design work. This Member believes that it is critically important that the final version of the FY2002 Energy and Water Development appropriations legislation include some funding for construction of these projects.

Funding for these projects is particularly urgent. There is a cooperative effort in Nebraska between the state highway agency and water development agencies which makes this project more cost-effective and feasible. Specifically, the dam for this small reservoir is to be a structure that the Nebraska Department of Roads would construct instead of a bridge as part of the new state expressway in the immediate vicinity of Wahoo, Nebraska. Immediate funding would help ensure that this coordinated effort could continue.

Construction funding is also needed for the Antelope Creek project. It would be a significant setback to the project timetable if the Corps does not receive construction funding the project in FY2002. Delays in other components of the project would also likely result.

Finally, this Member is also pleased that H.R. 2311 provides $275,000 in funding for the Missouri National Recreational River Project. This project addresses a serious problem by protecting the river banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government.

Again, Mr. Chairman, this Member commends the distinguished gentleman from Alabama (Mr. CALLAHAN), the Chairman of the

Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the Subcommittee, for their support of projects which are important to Nebraska and the 1st Congressional District, as well as to the people living in the Missouri River Basin.

Ms. PELOSI. Mr. Chairman, as we consider the Energy and Water bill today here in Washington, California and the West are in the throes of an energy crisis. Now is the time to strengthen and increase the federal commitment to new, clean energy sources. Instead, the Bush Administration proposed deep cuts in federal renewable energy programs, slashing core renewable energy research and development programs by 50%.

The Appropriations Committee chose to fund renewable energy programs at $377 million, $100 more than the President's proposal. However, $377 million gives us only $1 million more than we have in the current year for these important programs. We should increase our commitment to renewable energy resources and technologies, including wind, solar, and biomass. For this reason, I will vote for the Hinchey amendment to increase funding for renewable energy by $50 million, which would provide funding for programs to deploy promising new technologies more rapidly.

Mr. CALLAHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. The amendment printed in House Report 107–114 is adopted.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $163,260,000, to remain available until expended: *Provided,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,000,000 of the funds appropriated herein to continue preconstruction engineering and design of the Murrieta Creek, California, flood protection and environmental enhancement project and is further directed to proceed with the project in accordance with cost sharing established for the Murrieta Creek project in Public Law 106–377: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use the feasibility report prepared under the authority of section 205 of the Flood Control Act of 1948, as amended, as the basis for the Rock Creek-Keefer Slough Flood Control Project, Butte County, California, and is further directed to use $200,000 of the funds appropriated herein for preconstruction engineering and design of the project: *Provided further,* That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff.

AMENDMENT OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TANCREDO:

Page 2, line 18, after the dollar amount, insert the following: ''(reduced by $9,900,000)''.

Page 18, line 2, after the dollar amount, insert the following: ''(increased by $8,900,000)''.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. TANCREDO. Mr. Chairman, today I am offering this amendment to the Energy and Water Appropriations Bill that will increase funding to the Department of Energy's Renewable Energy Research Program by $9.9 million with a corresponding offset for the Army of Corps of Engineers' General Investigations Account. That account, by the way, is currently receiving about a $33 million increase above the President's budget request.

Recent electricity and gas shortages in California and other western States, along with an expanding recognition of environmental issues, have highlighted the need for clean renewable power. Concentrating solar power technologies offers a near-term opportunity for large-scale and cost-effective production of renewable energy.

An addition to these accounts would also allow the concentrated solar power program to continue its core long-term research and development activities that will help advance the next-generation trough and dish technologies. The focus would include identifying and implementing advanced converter options for modular dish systems. In fiscal year 2000, the CSP program began working with the National Renewable Energy Lab's high-efficiency photovoltaic team on the development of a high-efficiency concentrating photovoltaic converter as an alternative to the Stirling engine converter historically supported by the CSP program.

A $5 million increase in the Biomass/Biofuels Energy Systems line item would launch a collaborative effort that integrates advances in computational science and bioinformatics developed by the national labs and universities to develop a biorefinery simulation model that enables virtual testing and prototyping of biorefinery systems and components. The simulation model will provide a useful tool to test new concepts as well as provide a basis for industry to develop future design tools for biorefineries.

Mr. Chairman, this is an important amendment because I think it is, again, a matter of priorities. Certainly there is undeniable need for an investment in alternative energy research. No one denies that.

I want to actually thank the committee for their attention to this detail and for restoring the budget, the original budget, for NREL. The fact is that there are these two additional needs, and it is simply a matter of priorities.

It seems to me that with taking a part of the budget that has received a $33 million increase above the President's request, taking a part of that, reducing it by only approximately $9 million and putting it into this kind of research, is the correct priority.

We will be talking certainly on the floor here about various issues dealing with the Corps of Engineers, the integrity of the programs operated by the Corps of Engineers, and the integrity of the reports that they commission and are commissioned by others to do to determine whether or not a project is necessary. There are significant problems, to say the least, in this particular area.

Recently, for example, one of the reports that was done by the Corps of Engineers has been criticized by the Inspector General, not only criticized, but there is an allegation of manipulation of data, so much so that there is a criminal investigation under way with regard to that particular endeavor. This is an area in which we should not be increasing the amount of appropriations; we should be decreasing it, or at least we should be forcing the Corps of Engineers to reform itself in a way that would reflect our concerns about the poor administrative tactics they have employed so far.

The fact is that the committee itself added over 12 new studies that the administration did not request. Some of these studies stretch the boundaries of the Corps' jurisdiction. Again, we will be talking as time goes by, I know, Mr. Chairman, about the problems that are endemic to the Corps. Certainly I have a couple of amendments, I know other people do, where there is a great concern out there right now about the Corps of Engineers, about whether or not they have slipped their mooring, whether or not they are able to actually do what we expect of them or whether or not they have become almost a rogue agency.

The Congress of the United States takes some responsibility for that; but for that purpose, I would ask for the support of this amendment.

The CHAIRMAN. Does the gentleman from Alabama insist on his point of order?

Mr. CALLAHAN. No, sir. I withdraw my point of order, but I would like to rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. CALLAHAN. Mr. Chairman, I appreciate where the gentleman is coming from, but this appropriations process is long and involved. We invited every Member of Congress to submit their suggestions to us as to how we could best formulate this bill. The sponsor of this amendment did not choose to bring this to our attention, nor did he even request that we consider this during our regular process. But what he is doing in his amendment is taking $9.9 million for this project specifically, and he is taking it out of the Corps' operating budget.

We went through a long deliberative process trying to establish how much money the Corps needed to operate, and in our deliberations we finally decided this was the amount of money that we need. This is not the time to accept this without any hearings or any indication as to what is best for the Corps or what is best for its program.

Maybe he does have a good program. But we cannot go through this process, and then everyone who has a specific project they would like funded comes to us and says let us take it out of the hide of the Corps of Engineers. I think the committee has done the responsible job in determining what the needs of the Corps of Engineers are going to be in the next fiscal year, and I would urge my colleagues to reject the gentleman's amendment.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

I would join the chairman in opposition to the amendment. I appreciate what the gentleman wants to do; but as I pointed out in my opening remarks, the Chair, myself, as well as members of the subcommittee and the full Committee on Appropriations, have added $100 million to the renewable accounts.

Secondly, while the gentleman pointed out that our figure is $33 million over the President's budget request for general investigations for the Army Corps, I would also point out the President's request of $600 million was under this year's funding level, and we are still $32 million under this current funding year level. The Army Corps cannot take that hit. I am adamantly opposed to the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,671,854,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

San Timoteo Creek (Santa Ana River Mainstem), California, $10,000,000;

Indianapolis Central Waterfront, Indiana, $9,000,000;

Southern and Eastern Kentucky, Kentucky, $4,000,000;

Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Floyd County, Martin County, and Harlan County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, Kentucky, $15,450,000: *Provided*, That $15,000,000 of the funds appropriated herein shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of division B, title I of Public Law 106–554, of which $1,000,000 shall be for remediation in the Central Basin Municipal Water District: *Provided further*, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to modify the Carr Creek Lake, Kentucky, project at full Federal expense to provide additional water supply storage for the Upper Kentucky River Basin: *Provided further*, That with $1,200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake design deficiency repairs to the Bois Brule Drainage and Levee District, Missouri, project authorized and constructed under the authority of the Flood Control Act of 1936 with cost sharing consistent with the original project authorization: *Provided further*, That in accordance with section 332 of the Water Resources Development Act of 1999, the Secretary of the Army is directed to increase the authorized level of protection of the Bois Brule Drainage and Levee District, Missouri, project from 50 years to 100 years using $700,000 of the funds appropriated herein, and the project costs allocated to the incremental increase in the level of protection shall be cost shared consistent with section 103(a) of the Water Resources Development Act of 1986, notwithstanding section 202(a) of the Water Resources Development Act of 1996.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $347,665,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,864,464,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That with $1,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to perform cultural resource mitigation and recreation improvements at Waco Lake, Texas, at full Federal expense notwithstanding the provisions of the Water Supply Act of 1958: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,000,000 of the funds appropriated herein to grade the basin within the Hansen Dam feature of the Los Angeles County Drainage Area, California, project to enhance and maintain flood capacity and to provide for future use of the basin for compatible purposes consistent with the Master Plan including recreation and environmental restoration: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,000,000 of the funds appropriated herein to fully investigate the development of an upland disposal site recycling program on the Black Warrior and Tombigbee Rivers project and the Apalachicola, Chattahoochee and Flint Rivers project: *Provided further*, That, for the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project, the Secretary of the Army, acting through the Chief of Engineers, is directed to implement the locally preferred plan for the element in the western portion of Middlesex Borough, New Jersey, which includes the buyout of up to 22 homes, and flood proofing of four commercial buildings along Prospect Place and Union Avenue, and also the buyout of up to three commercial buildings along Raritan and Lincoln Avenues, at a total estimated cost of $15,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $3,500,000.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $128,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United

States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, and headquarters support functions at the USACE Finance Center, $153,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Section 110(3)(B)(ii) of division B, title I of Public Law 106–554 is amended by inserting the following before the period: '': *Provided*, That the Secretary shall credit the San Gabriel Water Quality Authority with the value of all prior expenditures by the non-Federal interests that are compatible with the purposes of this Act''.

Mr. POMBO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the distinguished gentleman from Alabama about two very important water projects in my district that I believe deserve to receive Federal funding during the fiscal year 2002 appropriations process.

Let me begin by talking about the Banta-Carbona Irrigation District fish screen project. This project is located at the entrance to the Banta-Carbona Irrigation District intake channel on the San Joaquin River.

The Banta-Carbona Irrigation District is required by the U.S. Fish and Wildlife Service to put a fish screen facility on the San Joaquin River to protect the delta smelt, steelhead, fall run chinook salmon, and the splittail. Unfortunately, the Federal Government has required the Banta-Carbona Irrigation District to facilitate the funding, design, and construction of this fish barrier screen facility with little or no assistance. Without the fish screen project, the Banta-Carbona Irrigation District's agricultural water diversions could be shut down by these Federal agencies.

During the 107th Congress, the gentleman and I talked about the importance of providing the BCI District with the much-needed financial assistance to help defray the construction, operation, and maintenance costs of this fish screen facility. Unfortunately, no Federal funding was included in the fiscal year 2002 Energy and Water Development Appropriations bill.

After speaking with the gentleman about this request, the gentleman very kindly informed me about the difficulties his subcommittee was up against when it comes to appropriating funds for new start-up projects. While I appreciate the gentleman for bringing this to my attention, I would simply ask the chairman of the Subcommittee on Energy and Water Development if he would be willing to work with me to ensure that the Banta-Carbona Irrigation District receive some form of assistance in fiscal year 2002 to help them with the project.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman from California for yielding to me, and I promise to work with him as we continue through the appropriations process. I understand the details of the project and agree that this project certainly merits congressional support. It is my firm intention to do all that I can to assist the gentleman from California on this very important issue as we move forward through this appropriation process.

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Mr. POMBO. Mr. Chairman, I thank the gentleman; and with regard to the second project known as the Farmington Groundwater Recharge Demonstration Project, let me point out that the Stockton East Water District and its neighbors pump from a critically overdrafted groundwater basin in my district.

The district also faces saline intrusion of up to 100 feet per year from the Sacramento-San Joaquin River Delta. This pending environmental disaster threatens the drinking supply of 300,000 residents and the $1.3 billion agricultural economy of my district.

The Farmington Groundwater Recharge Demonstration Project addresses this problem. It is important for my colleagues to know that the WRDA of 1996 authorized a study to look at converting Farmington Dam into a storage facility for Stockton East Water District.

Further, WRDA of 1999 authorized $25 million for conjunctive use and groundwater recharge projects within the Stockton East Water District. This study concluded that a demonstration project should be the next step.

I support the efforts of the Stockton East Water District, and I am requesting the gentleman's support of up to $2.5 million in fiscal year 2002 for the project.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman from California for yielding, and as I mentioned before, I promise to continue working with the gentleman from California during the conference on this matter. I remain hopeful that we can accommodate the gentleman's concern and allay the point on this process.

Mr. POMBO. Mr. Chairman, I thank the gentleman, and conclude by saying that the gentleman from Alabama (Mr. CALLAHAN) and the ranking member from Indiana (Mr. VISCLOSKY) deserve to be commended for crafting a sound bill, and I want to thank them for their tireless efforts and work on this bill.

Mr. BENTSEN. Mr. Chairman, I move to strike the last word.

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

Mr. BENTSEN. Mr. Chairman, I rise in strong support of this bill, and I want to commend the chairman and the ranking member for working with a very difficult budget to put this bill together. I want to commend them for funding projects when they were facing at one point a 14 percent cut in the Corps' construction budget; yet they were able to figure out a way to do this.

Mr. Chairman, as a member of the Committee on the Budget, I offered the amendment when we were marking up the budget resolution to restore the Corps funds. Unfortunately, that amendment failed, but I was hopeful that the chairman would figure out a way to do this.

I also want to thank them for figuring out a way to increase funding for the Brays Bayou project in my district, which just saw tremendous flooding along the Brays and the Sims and other bayous. I appreciate what they did for the Port of Houston project, although we did not get as much money as we would have liked. We hope that will be resolved.

Mr. Chairman, I would like to enter into a colloquy with the chairman regarding the Sims Bayou Texas project. The Sims Bayou Flood Control Project which is currently under construction is funded at $9 million in the committee's bill. This amount equals the President's fiscal year 2002 budget request, although it is $3 million below the amount which the Corps of Engineers Galveston District tells us is necessary to keep the project on schedule to be completed by 2009. As I mentioned, the greater Houston area just suffered tremendous flooding as a result of Tropical Storm Allison, including many of the neighborhoods along the Sims in my congressional district, and the district of the gentlewoman from Texas (Ms. JACKSON-LEE); and I think it is important for the chairman and the members of the subcommittee to know, however, where the Federal project had been constructed and was complete, there was not flooding where there had otherwise been flooding in previous storms.

So the project does work and these projects do work. The chairman and the ranking member know that, and I think the rest of the Congress needs to know that as well.

I realize that the gentleman from Alabama (Mr. CALLAHAN) was faced with a very tight budget, and I appreciate the job that was done by the chairman and the ranking member, and the other members of the subcommittee. I would ask as this bill progresses, that the committee consider increasing the allocation for Sims to get it up to the amount that the Corps would like to have to have it stay on track if additional funds become available through the appropriations process or through a requested reprogramming from the Corps of Engineers.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, we will be glad to work with the gentleman and the victims of Tropical Storm Allison. We are happy to work with the gentleman in that capacity to provide funding if funds become available.

I have talked to the gentleman from Texas (Mr. DELAY) about this, who is also from the Houston area. He is concerned about it. We intend to work with the gentleman from Texas (Mr. BENTSEN), and the entire Texas delegation to provide whatever assistance we can.

Mr. BENTSEN. Mr. Chairman, the majority whip, whose area includes the Brays, has been a very strong supporter of these projects. We have authored legislation on this, and I appreciate the work of the chairman and the ranking member, and the gentleman from Texas (Mr. EDWARDS).

Mr. Chairman, I rise in qualified support of H.R. 2311, the FY 2002 Energy and Water Appropriations bill.

When the Budget Committee, on which I serve, considered the President's proposal and produced a budget, I knew it was going to be very hard for Congress to fund many important water transportation and flood control projects. I recognize the incredibly difficult circumstances Chairman SONNY CALLAHAN, Ranking Member PETER VISCLOSKY have endured in crafting this bill. I would also like to thank my good friend from Texas, Mr. EDWARDS, a distinguished Member of the Subcommittee, for all the help and information he and his office have provided me.

In light of the dramatic budget cuts proposed for the Corps, I applaud the Subcommittee for funding the Brays Bayou flood control project at the Harris County Flood Control District's capability—$5 million. When completed, the Brays Bayou project will be a national model for local control, community participation, flood damage reduction in a heavily populated urban watershed, and the creation of a large, multi-use greenway/detention area on the Willow Waterhole tributary. The Brays project is a demonstration project for a new reimbursement program initiated by legislation I authored along with Mr. DELAY that was included in Section 211 of WRDA 1996. The program gives local sponsors more responsibility and flexibility, resulting in projects more efficient implementation in tune with local concerns.

I am very encouraged that the Brays project is on track to be fully funded at $5 million in Fiscal Year 2002, rather than $4 million, as the Administration suggested. The project will improve flood protection for an extensively developed urban area along Brays Bayou in southwest Harris County including tens of thousands of residents in the flood plain, the Texas Medical Center, and Rice University. The entire project will provide three miles of channel improvements, three flood detention basins, and seven miles of stream diversion resulting in a 25-year level of flood protection. Current funding is used for the detention element of the project. Originally authorized in the Water Resources Development Act of 1990 and reauthorized in 1996 as part of a $400 million federal/local flood control project, over $20 million has already been appropriated for the Brays Bayou Project.

However, besides the admirable consideration the Subcommittee has given Brays Bayou, I believe this bill is spread too thin as a result of the extreme position taken by the Administration on the Army Corps of Engineers Construction account, which was slated to be cut $600 million.

Instead the Committee has wisely lowered that cut to $70 million below the 2001 level. When I introduced an amendment to remedy this in the mark-up of the budget, I warned that Congress would not stand for such a large shortfall affecting public safety and navigational water projects. I am relieved that much of the proposed cut was restored, and I commend the Chairman and ranking member for their effort.

I appreciate that the Committee saw fit, to fully fund the Administration's request for the Sims Bayou project. Unfortunately the Administration did not request the full amount the Corps says is necessary to keep the project on schedule. My constituents are adversely affected by this cut. According to the Galveston District of the Corps, without funding the full $12 million capability of Corps for Sims, construction will fall behind schedule. This funding is needed because of the great risks people have faced and will continue to face until completion of the project in this highly populated watershed. The need was illustrated when Tropical Storm Allison caused great damage to thousands of homes in this watershed several weeks ago.

The project is necessary to improve flood protection in the extensively developed urban area along Sims Bayou in southern Harris County. The Sims Bayou project consists of 19.3 miles of channel enlargement, rectification, and erosion control and will provide a 25-year level of flood protection. Before the funding shortfall, the Sims Bayou project was scheduled to be completed two years ahead of schedule in 2009. We cannot be confident of that prediction unless Sims funding is raised to $12 million in the Senate version and the Conference Report.

Flood control projects are necessary for the protection of life and property in Harris County, but improving navigation in our Port an integral step for the rapid growth of our economy in the global marketplace. Therefore Mr. Chairman, I am disappointed that this legislation provides only 30 out of the needed $46.8 million for continuing construction on the Houston Ship Channel expansion project. When completed, this project will generate tremendous economic and environmental benefits to the nation and will enhance one of our region's most important trade and economic centers.

The Houston Ship Channel, one of the world's most heavily trafficked ports, desperately needs expansion to meet the challenges of expanding global trade and to maintain its competitive edge as a major international port. Currently, the Port of Houston is the second largest port in the United States in total tonnage, and is a catalyst for the southeast Texas economy, contributing more than $5 billion annually and providing 200,000 jobs.

The Houston Ship Channel expansion project calls for deepening the channel from 40 to 45 feet and widening it from 400 to 530 feet. The ship channel modernization, considered the largest dredging project since the construction of the Panama Canal, will preserve the Port of Houston's status as one of the premier deep-channel Gulf ports and one of the top transit points for cargo in the world. Besides the economic and safety benefits, the dredged material from the deepening and widening will be used to create 4,250 acres of wetland and bird habitat on Redfish Island. I want to take this opportunity to urge those who will be conferees on this legislation to fund the Port of Houston project to its capability. This project is supported by local voters, governments, chambers of commerce, and environmental groups.

I thank all the subcommittee members, Chairman, Ranking Member, and especially Representative EDWARDS for their support and their work under tough budgetary circumstances.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to commend the gentleman from Alabama (Mr. CALLAHAN), chairman of the Subcommittee on Energy and Water, and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, as well as the staff for doing a tremendous job in writing this bill under very, very challenging circumstances. They have done a tremendous job.

Mr. Chairman, I also want to make mention, as the gentleman from Texas (Mr. BENTSEN) did, about restoring the funding for the Corps of Engineers, which is very critical for my district, which has the largest amount of Mississippi River frontage in the country. The work that the Corps does with regard to flood protection is vital to many people in my district.

I want to make mention of the excellent job that the complete staff and our chairman did with regard to hazardous waste worker training. It is a very vital issue. I have a lot of people who actually have worked in the facility at Paducah, Kentucky, who have faced many challenges; and the work that is ongoing there requires a lot of training for protection of lives.

But my real purpose in standing here today is to talk about the language in the bill that prevents the implementation of the egregious plan by the Fish and Wildlife Service which would increase flood risk and eliminate transportation on the Missouri River. I can understand the concerns over the endangered species that this plan is designed to protect, but I think the cost is too high. I am not willing to displace

thousands of farmers along the Mississippi and the Missouri Rivers. I cannot find a good way to explain to my farmers that they have to move because some fish upstream are not happy with their living conditions. It is not possible for me to do that.

This plan calls for a controlled release, but one cannot control the release and ensure that there will be no flooding. Early this month in 3 days the river rose from normal stage to flood stage from one end of Missouri to the other. The water released from Gavins takes 5 days to get to Kansas City and 10 days to get to St. Louis. Once released, the water is not retrievable. The ''spring rise'' prescribed by Fish and Wildlife would have added to the flooding experienced in Missouri earlier this month.

The Missouri River does not flow through my district, but the Missouri River feeds the Mississippi River and provides as much as two-thirds of its flow during dry years. Mississippi River transportation is not minor and is very, very important to my constituents.

I am also concerned about this plan because from an energy standpoint we are having an obvious crisis right now with the delivery of energy, and the Fish and Wildlife plan calls for low flows during the summer during peak power demand, reducing the availability of clean hydropower in the summer. Given the investment that our bill makes in renewables, I do not believe that we should implement a plan that will hinder hydropower production.

The Missouri Department of Natural Resources, which is an independent agency within Missouri, and with whom I did not agree on many occasions, as well as our Democratic Governor Bob Holden, as well as the entire Missouri delegation, Republicans and Democrats, the Senate and House, all reject the Fish and Wildlife Service plan, as do many others up and down the Mississippi River and the Missouri River all of the way down to New Orleans.

Mr. Chairman, I will listen to the Missouri Department of Natural Resources which says that the science behind this plan is not accurate and certainly will not do anything to help these species. Frankly, I reject the notion that the Fish and Wildlife Service is always right and our experts at DNR are wrong, and I clearly oppose that plan and hope that we can reach a compromise that is in the best interest of everyone involved.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman in a colloquy and talk about the critical importance to the people of Harris County, but before I do, I thank the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY) for their efforts on flood control and drainage projects. I thank the gentleman from Texas (Mr. EDWARDS) who serves on the subcommittee for his efforts over the years.

Mr. Chairman, I am concerned about the level of funding for flood control projects, particularly the Greens Bayou and Hunting Bayou, all of which flow through my district in Harris County. Greens Bayou flooded nearly half of the 30,000 homes that were damaged by Tropical Storm Allison, while Hunting Bayou affected hundreds of homes as well. These two bayou systems need to be considered for increased support since the recent floods, including funding for continued improvement to both the Greens and the Hunting Bayou systems.

Mr. Chairman, to see the estimated $4 billion-plus damage, and the loss of 23 lives, we on this floor realize the need to continue the Corps of Engineers projects not only in my district, but all of our districts throughout the country. In light of the recent severe flooding from Tropical Storm Allison, I ask the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY) for their assistance to ensure that funding is restored as the bill moves through conference.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, we are happy to work with the gentleman and the entire Texas delegation with respect to their needs. We have discussed this with the majority whip, and he is concerned about some of the problems that are facing Texas. Yes, we will do everything we can to facilitate their needs for these very important projects.

Mr. GREEN of Texas. Mr. Chairman, I thank the gentleman. We have worked together, the seven Members of Congress who represent Harris County. The Greens Bayou I share with the gentleman from Texas (Mr. BRADY), and we have been out to see the devastation of our constituents, along with the gentleman from Texas (Mr. DELAY). I appreciate the efforts of the gentleman.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Energy and Water.

Mr. Chairman, as the chairman is aware, on September 11, 2000, an agreement was reached between the State of Wisconsin and the Army Corps of Engineers to transfer 17 locks along the Fox River to the State of Wisconsin for ownership. Under the memorandum of agreement signed by then-Governor Tommy Thompson and Assistant Secretary for the Army Joseph Westphal, the Army Corps of Engineers is to provide the ''full closure costs'' of $10 million to the State of Wisconsin upon the transfer.

This bill that we are considering today has allocated $5 million to the Army Corps for the transfer of the locks to the State of Wisconsin. Unfortunately, without the full payment of $10 million, this transfer and decades of negotiations will be placed in jeopardy. It is essential, in my view, that full funding for the transfer be included in the fiscal year 2002 appropriation bill or else the local and State matching grants for this project will be jeopardized.

This memorandum of agreement was a promise by the Federal Government to the State of Wisconsin, and I do not believe that we can shirk this responsibility.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I want to tell the gentleman that we applaud this historic agreement that the Governor and the State of Wisconsin have reached with the Corps of Engineers, and it is our intention to see that this commitment of the contract is fulfilled. We know the importance of it because when the gentleman first came to us and explained the importance of it, we, at the gentleman's insistence, put the first $5 million in there.

We thought it could be a two-step project; but if this is going to interfere with the project, it is my intention to find somewhere in the budget the additional $5 million so this project can move forward as expeditiously as possible.

□ 1515

Mr. GREEN of Wisconsin. I appreciate the chairman's willingness and commitment to make this transfer a reality. I congratulate him for the hard work that he has done and his staff has done on this bill. I look forward to working with him on this important project.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my first order of business is to thank the chairman and the ranking member of this subcommittee for their very hard and collaborative work and to give them some good news, that is, that the Army Corps of Engineers works, the funding on these projects works, for even though I come from Houston which is flood worn and weary, the areas where the Army Corps of Engineers and the funding from the Subcommittee on Energy and Water Development perform their task, I am very pleased to report unbelievably that there was no flooding. I am very grateful for that. My constituents likewise have said the same. That shows us that the areas that Houston did not have its work completed are in dire need.

And so I was to offer an amendment today giving an increase in funding to the Army Corps of Engineers of some $20.5 million, but knowing the hard work of this committee and the tightness of the efforts that it is making, I

will not offer that amendment but offer to say that we can stand some additional assistance. Although I am gratified for the $5 million for the Brays Bayou and the Sims Bayou which is the bayou, Mr. Chairman, that had progress on it where it was completed to a certain point and that area did not flood. We now have some $9 million in the budget with a capacity for $12 million. But there are areas that did flood, the Hunting area, the Greens Bayou area that flowed even though mostly into my colleague's district, had an impact on some of our neighboring districts.

I am very interested in working with this committee and asking the chairman and the ranking member for their assistance as we provide the potential necessary dollars to either expedite or continue working on projects that have obviously worked.

I might say, Mr. Chairman, in addition, that the Army Corps of Engineers was very visible during the aftermath of the flood, taking aerial views. The general from the Dallas area who is over the whole region came in, which shows me that this is a worthwhile investment. I would like to enter into a colloquy with the chairman to ask him to provide us with assistance, in particular to monitor and work with us on Sims Bayou; to monitor and work with us on Hunting Bayou, and as well my colleagues have already mentioned the bayous in their community, we all work as a team, but to work with us in the Houston and Harris County area along with, of course, as the gentleman mentioned, the majority whip who has an interest obviously in these issues.

Mr. CALLAHAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Alabama.

Mr. CALLAHAN. I thank the gentlewoman for yielding. Yes, Mr. Chairman, we will be happy to work with her in any capacity we can and with the entire delegation from Texas. The gentlewoman has water needs in Texas now, and it is our full intent to do everything we can to assist her in those projects to make certain that, number one, we preclude flooding in the future; and, number two, that we repair any damage that was done during the most recent floods.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much. I would offer to say to the ranking member that I thank him for his work. I look forward to working with his staff.

Mr. Chairman, I yield to the gentleman from Indiana to comment on these efforts. We have already worked with him and his staff. I want to thank him. I would appreciate his assistance as well as we move through this process with the funding for bayous that have yet been completed or need additional assistance.

Mr. VISCLOSKY. We would be happy to continue to work closely with the gentlewoman.

Ms. JACKSON-LEE of Texas. I thank the ranking member very much.

With that, Mr. Chairman, I would simply say that these dollars are well needed, they have been well invested, we saw the impact of the funding sources of the Army Corps of Engineers, but we are still suffering. We look forward to working with this Congress to help us as we try to improve those conditions.

Mr. BISHOP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2311, the energy And Water appropriations bill. I commend the full committee, subcommittee ranking member VISCLOSKY, and especially Chairman CALLAHAN for all their hard work, particularly on the Tri-Rivers project. Commercial barging on the Appalachicola, Chattahoochee, and Flint Rivers system is an important issue for our region's economic infrastructure. I am pleased to see the increased level of funding that this committee has appropriated. Recently, I traveled to Georgia and Florida with Members of the House and Senator GRAHAM of Florida to observe the Tri-Rivers process firsthand. This is a very, very intricate, sensitive area and issue, particularly with Representatives from the three States of Alabama, Florida and Georgia.

The ports on these rivers provide jobs and revenue, particularly for my area of southwest Georgia. The ports of Bainbridge and Columbus generate 548 jobs and over $15 million in wages. These jobs have a direct impact on the economies of small river towns like Bainbridge, Georgia. Revenue generated at both of the ports, that is, Bainbridge and Columbus, total over $40 million and in turn contribute over $1 million in State and local taxes. The barge system has many economic and environmental advantages that are often overlooked. Barging is energy efficient. An inland barge can transport more materials using far less fuel than other means of transport. A navigable river system provides a competitive alternative that helps reduce rates for other modes of transportation. These rivers must remain navigable if we are to continue to see these economic rewards.

In the past, the Corps of Engineers has done an environmentally messy job and caused a great deal of anguish in Georgia, Florida and Alabama, particularly in the Appalachicola, Florida, area. We know now that better management of system water levels upstream by the Corps and better care in the disposal of the waste from dredging will help all of us have a mutually enjoyable use of the river system. The money that is appropriated in this bill will help ensure that dredging has a minimal environmental impact.

It is my vision to see continued economic success for the communities that take advantage of the Appalachicola, Chattahoochee, and Flint Rivers as one of their means of transportation. I encourage my colleagues today to support rural industry and efficient transportation by voting yes on this energy and water appropriations bill.

I thank the chairman again; I thank the ranking member and all those who support this bill because I think it is much needed and it is a step forward.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 102. Except for the historic scheduled maintenance dredging in the Delaware River, none of the funds appropriated in this Act shall be used to operate the dredge MCFARLAND other than in active ready reserve for urgent dredging, emergencies and in support of national defense.

SEC. 104. (a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey to the Blue Township Fire District, Blue Township, Kansas, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 4.35 acres located in Pottawatomie County, Tuttle Creek Lake, Kansas.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 105. For those shore protection projects funded in this Act which have Project Cooperation Agreements in place, the Secretary of the Army is directed to proceed with those projects in accordance with the cost sharing specified in the Project Cooperation Agreement.

AMENDMENT NO. 4 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TANCREDO:

In title I, strike section 105 (relating to shore protection projects cost sharing).

Mr. TANCREDO. Mr. Chairman, in his budget request to Congress, President Bush proposed reversing the cost-share ratio for beach replenishment projects from 65 percent Federal share/35 percent local share, to 35 percent Federal/65 percent local. The energy and water appropriations bill includes language to block this proposal. The Tancredo-Blumenauer amendment would strip the bill of this fiscally damaging and environmentally questionable legislative rider.

In an interview with the Associated Press yesterday, Office of Management and Budget spokesman Chris Ullman said that the White House continues to believe that the Federal Government should spend less to build beaches. ''Since most of the benefits are to localities and local beachgoers, it seems reasonable that they would pay the majority of the costs of sustaining those beaches.''

The Army Corps of Engineers recently began the world's largest beach replenishment project, to provide 100-

foot wide beaches along all 127 miles of New Jersey's coast. This is at an average cost of $60 million per mile. Right now, the Federal Government is obligated to pay the majority of that cost, or 65 percent to be exact. What is worse, most artificial beaches wash away within 1 year of replenishment, leaving taxpayers' money and environmental damage left in their wake, so to speak.

We encourage you to support the Bush administration's effort to save tax dollars and cut environmentally questionable spending by removing this legislative rider on beach replenishment cost-sharing.

The current Federal policy of subsidizing beach projects, by the way, is a 50-year agreement with towns. That is unsustainable. That means 65 percent of the cost we would be required to fund for 50 years at current levels.

The Duke University program for the study of developed shorelines estimated that the cost to pump sand on just four Atlantic coast States, Florida, South Carolina, North Carolina and New Jersey, will be more than $4 billion.

Many of these beach communities are privately owned and privately renourish their beaches. They pay for the projects through hotel-use taxes and progressive property tax assessments according to how close the property lies to the beach. Many, many of these areas, of course, are some of the most expensive areas, most expensive pieces of property that you can purchase in the United States of America. To suggest that the Federal Government has the responsibility to pay for 65 percent of the cost of pumping sand back on that beach every year is ridiculous.

Let me quote from a statement of the administration's position on this that they have just put out:

''The administration appreciates the committee's efforts to address administration funding priorities for the Army Corps of Engineers civil works program. However, the administration is concerned about the increase of over $568 million over the request for Corps programs. We can have a strong water resources program at the funding level proposed in the budget by establishing priorities among projects. The administration is particularly concerned that the bill contains approximately $360 million for about 350 specifically identified projects and activities that were not included in the President's budget. We urge Congress to limit the number of projects and to focus funding on those projects that address the Corps' principal mission areas.

''We are disappointed that the committee has included a provision that would preclude the Corps from carrying out in fiscal year 2002 the administration's proposal to increase local cost-sharing for the renourishment phase of ongoing shore protection projects. This cost-sharing proposal would help ensure that the Federal Government's long-term renourishment obligations do not crowd out other important funding needs. We urge the Congress to reconsider this proposal.''

Mr. Chairman, I recognize that doing anything on this floor especially in this bill that jeopardizes some little tiny part of the Corps of Engineers budget is a highly dangerous thing for a Congressman to do. I recognize there are many, many people here who benefit as a result of the largesse of the committee and whose projects are sacred to them. But this is going too far. Once again, this is not necessary. This is not requested by the administration. To ask the country, to ask the Federal taxpayer to support replenishment of these beaches every year, year in and year out for the next 50 years at these costs is just not acceptable.

Mr. CALLAHAN. Mr. Chairman, I rise in strong opposition to the amendment. I think it is rather ironic that the gentleman offering the amendment represents a State that has no shoreline, no ocean, and no Gulf of Mexico which he should be concerned about it. But his real message should be going to the authorizing committee. This process was established by the authorizing committee. It has been in process for a great number of years. It is beginning to work. It even is a cost-saving effort for the Corps of Engineers. In most every case, instead of having to go to the expense to haul all of this sand out to some foreign place in the ocean and dump it, they are able to get the white sand and replenish the beaches.

We have spent a great deal of effort and money preserving the beaches in most every State that has a shoreline, including the State of Florida. I do not want to do anything that would do damage to the beaches in the State of Florida. I want to preserve them, and I want to make absolutely certain that the Corps of Engineers understands that this cost-saving project for the Corps should not be borne by the State of Florida in the 65–35 ratio that they are talking about.

Mr. Chairman, the beaches in Florida are probably the most beautiful in the world, especially in the panhandle of Florida next door to my district.

□ 1530

I would not do anything to destroy those beaches. I want to protect them. I want to enhance them, and I think the protection and enhancement comes from beach nourishment. It is also applicable to the State of Alabama, at Dauphin Island in Alabama and Gulf Shores, Alabama, which also has beautiful beaches.

It is applicable to the Great Lakes. It is applicable to the State of New Jersey. We are doing something positive. We are taking the sand that we are moving from the deepening of channels, putting it on the beaches and replenishing beaches that have been washed away by hurricanes, by natural erosion, and making our beaches beautiful and making them places where people can go and enjoy sometime in the water and sometime in the sun.

So we should not be doing anything to diminish the type of advancement that the Corps is making, but most of all we should not be doing it here. We are not the authorizing committee. We are simply the Committee on Appropriations. We have spent a great deal of money in appropriations on this committee providing the necessary monies to the Corps of Engineers to enhance these projects.

And I certainly understand the gentleman from Colorado (Mr. TANCREDO) not being concerned about how beautiful the beaches are in Florida or whether or not they should be preserved or whether the beautiful beaches of New Jersey or whether the beaches on the Great Lakes should be preserved. What if we went out to Colorado and said that we are not going to allow any snow, we are not going to allow any water to roll down those beautiful rivers? What if we were going to have to do something to enhance the rivers of Colorado? He would be here saying, let us do this, let us do that, and I would be saying, yes, sir, we are going to do that; we are going to help him preserve his beautiful river system in Colorado. And we would ask his assistance in helping us to preserve the beautiful beach systems that the bordering States of the oceans and Gulf of Mexico and the Great Lakes have.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to join the chairman in strong opposition to this amendment. First of all, coastal shore protection projects are equivalent to flood protection for inland communities. This proposal places storm damage prevention and shore protection projects at a cost-sharing disadvantage with comparable inland flood control projects. It will disproportionately affect poor communities which will be unable to raise adequate funds for these projects. It also violates the cost-sharing agreements already in place for some ongoing shore protection projects. It abrogates existing, ongoing, long-term contracts with non-Federal sponsors, and it is inconsistent with the agreed cost-sharing adopted by the WRDA legislation of 1986.

Mr. Chairman, I am strongly opposed to the gentleman's amendment.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to speak strongly against this amendment for several reasons. First of all, I want to address my comments to some of the comments that the gentleman from Colorado (Mr. TANCREDO) made. I need to stress, first of all, Mr. Chairman, that if this amendment were to pass, I assure everyone that the shore protection beach replenishment projects in New Jersey and probably throughout the country would simply not take place. It is erroneous to assume that the towns that are being asked to foot the bill, and in this case under this amendment the additional costs to pay

for these beach replenishment projects, would be able to pay for them. They simply would not.

I live in a municipality that has about 30,000 people. I represent some towns that have less than 2,000 people. They barely are able to get the money together now to pay for the percentage that they have to pay with the Federal Government paying most of the cost. If they had to double or triple that under the funding formula that the gentleman from Colorado (Mr. TANCREDO) is proposing, the beach replenishment projects would simply not take place.

Let me say that in my district where one of these projects basically extends about 50 miles along the shoreline, that with a very small exception, probably of that 50 miles maybe no more than one or two, we are talking about public municipally owned beaches. We are not talking about mansions and big homes and wealthy Gold Coast municipalities here. The town that I live in has 5 miles of that 50-mile coastline that is affected by a beach replenishment project. We are what we call an urban-aid project in New Jersey, which means we are one of the poorer towns in the State. We have the second poorest town in the State. I will not mention the name. I do not need to. That is also part of this project. We are not talking about rich areas.

This will not happen. These projects will not take place if this amendment were to pass.

Now let me talk about two other things that I think are misleading here with regard to this amendment. First of all, I think it should be understood that the current beach replenishment program is done in a way to save the Federal Government money. Not cost the Federal Government more money, but save the Federal Government money. I will say why.

The Army Corps of Engineers goes through a very strict cost benefit analysis in deciding which of these beach replenishment projects to fund, and they weigh the costs and the benefit to the Federal Government. In every case, the cost to the Federal Government has to be significantly less than the benefit. What is the cost to the Federal Government if they do not do the projects? Well, we know about FEMA. We know about emergency disaster declarations after a hurricane or a tidal wave or whatever it happens to be.

We have a lot of hurricanes along the New Jersey coast. Every time there is a hurricane, there is an emergency disaster declaration. The Federal Government, under FEMA, has to come in and spend millions and millions of dollars to replace and rectify the situation and the damage that occurs.

The Army Corps of Engineers does these beach replenishment projects not because they want to give somebody a nice beach to sit on but because they know that they do not have to come in with a disaster declaration because the storm does not affect the upland area, the infrastructure, the utilities, the roads, that the Federal Government would have to come in and bail out.

This is done to save the Federal Government money that they would have to spend through a disaster declaration. It makes no sense not to do these projects from the Federal Government's point of view. It is cost effective.

Lastly, I want to make one other point, Mr. Chairman. It has not been said yet but I am sure I am going to hear from some that somehow these projects are not good for the environment. That is simply not true. There is strong indication that when beach replenishment is done it is a good thing for the environment. We have been able to do the beach replenishment so that the surfers and the bathers and the fisherman are not negatively impacted. It can be done and it has been done, and it has to be done under the current law so there is access to the beaches for the public and so that the beaches are done or sculpted in a way that the people that use the ocean, whether they be fisherman or surfers or whatever, can continue to do so.

So do not let anybody tell me that a vote on this amendment is a good environmental vote. That is simply not true. I am one of the staunchest defenders for the environment in the House of Representatives. A vote against this is a good environmental vote. I am going to tell everybody I know who thinks that somehow this is something that relates to the environment, it is not. Beach replenishment is good. It helps the Federal Government cut costs. It is good for the communities and it is good for the environment.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Tancredo amendment, which removes the protections in the bill for existing projects and allows for contracts the government has signed with communities across the Nation to be broken. The Tancredo amendment singles out existing beach renourishment, storm damage prevention projects for special adverse treatment. This amendment would cause serious harm to a project already underway in my district, Brevard County.

The Federal Government caused most of the erosion along the beaches in Brevard County when they constructed the Federal inlet in 1953. This inlet was to create Point Canaveral and a facility for the U.S. Navy so that they could take part in testing of their ballistic missile program.

Indeed, one can say the Federal inlet in Brevard County was part of our national effort to win the Cold War. Studies have been completed by the Corps of Engineers, the county, independent experts and, yes, even the U.S. Department of Justice and all have found the Federal Government largely at fault.

In fact, the Justice Department settled a case brought by over 300 coastal property owners because they knew the Federal Government was guilty. That agreement calls for this project to be completed.

There are serious environmental issues here as well. Brevard County beaches are home to the largest concentration of nesting and endangered sea turtles in North America. Ten percent of the entire sea turtle nesting population in North America lays its eggs on these beaches. Throwing a roadblock in front of this project will further threaten this endangered species and contribute to more habitat erosion.

In short, the formula that currently exists is the proper formula, and I believe that this amendment would do serious harm.

Mr. BROWN of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from South Carolina.

Mr. BROWN of South Carolina. Mr. Chairman, I rise in strong opposition to this amendment to reduce the Federal Government's investment in beach renourishment.

This proposal is not only shortsighted but it clearly violates today's agreements that local communities have arranged with the Army Corps of Engineers. To walk away from these commitments is simply wrong. How can we expect the coastal communities in South Carolina and other States to successfully budget for other major infrastructure investments if we arbitrarily increase their local cost share by over 80 percent?

I support reigning in unnecessary government spending, but our shore protection program, Mr. Chairman, is absolutely necessary for us to maintain the Federal Government's responsibility for coastal hazard and erosion protection.

If we do not honor the current Federal-local cost-sharing formula, we should know the communities in my district, including Myrtle Beach and Folly Beach and 150 miles of the shoreline of South Carolina will be facing an enormous financial hardship, so much so that it jeopardizes the progress we have made in improving our water and waste water infrastructure, roads, and bridges.

Without the current cost-share partnership, we risk the preservation of the beautiful beaches that attract over 12 million visitors throughout our country. Our beaches belong to everybody. They provide a wonderful source of recreation for both young and old Americans. We hope our responsibility will be seen to help preserve these great natural resources.

Contrary to the programs' critics, beach renourishment is a sound investment. I urge my colleagues to reject this ill-advised amendment.

Mr. WELDON of Florida. Mr. Chairman, it took 15 years in Brevard County to develop this formula and this agreement. This amendment would set back years of work. I strongly encourage all of my colleagues to keep the

faith that has been established between the Federal Government and all of these communities throughout the country. The provisions, the language that the chairman and the ranking member have put in this bill, I think, are very wise in grandfathering the existing programs under the current formula; and I would encourage all of my colleagues to reject this amendment.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 20 minutes, the time to be equally divided between the proponent of the amendment and a Member opposed.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. BLUMENAUER. Mr. Chairman, reserving the right to object, I just want to make sure that I am going to have a chance as a sponsor of the amendment to have my opportunity to make a presentation.

Mr. TANCREDO. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, I assure the gentleman from Oregon (Mr. BLUMENAUER) that I will yield time to him.

Mr. BLUMENAUER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The time will be equally divided between the sponsor of the amendment, the gentleman from Colorado (Mr. TANCREDO), and the gentleman from Alabama (Mr. CALLAHAN) will control the time in opposition.

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

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to some of the issues that have been brought up here, especially by my friend, the gentleman from New Jersey (Mr. PALLONE), who suggests that there is no environmental concerns that should come up as a result of this and that anybody that suggests there is an environmental problem is simply off base, of course, he is therefore saying that the following organizations, American Rivers, Earth Justice Legal Defense Fund and Environmental Defense, Friends of the Earth, League of Conservation Voters, National Wildlife Federation, Sierra Club, all of these people do not know what they are talking about when it comes to environmental issues and whether in this particular case especially they are simply off base.

Well, I do not certainly consider myself to be an expert in this particular area but I would say that there is some cause for concern with regard to the environmental issues developed by this beach replenishing program.

Federally subsidized beach projects mainly benefit wealthy vacation condo owners and tourism. The gentleman from Myrtle Beach, South Carolina (Mr. BROWN) referred to the fact that 12 million visitors a year enjoy these particular areas.

□ 1545

I think that is wonderful. Now, in fact, who is benefiting from those 12 million visitors? It is, of course, the communities that are adjacent to these beaches. Those communities should be responsible for the majority of the cost of replenishing the beaches. That is all we are saying here. We are agreeing with the administration.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy of the gentleman in yielding time to me. I am pleased to join him in cosponsoring this amendment.

Mr. Chairman, I think the gentleman had it right when he mentioned that there is at least an argument when you look at the major environmental organizations around the country who suggest that this Congress ought to have a debate like this on this floor on the environmental and economic impacts of these massive beach replenishment programs.

With all due respect to our other friend from Florida, it is true that the Federal Government at times has created these problems. It is because we are in a vicious cycle here. We engineer our beaches, we fortify them, we put up jetties, we accelerate the process of coastal erosion, and we make the problem worse.

Then we come forward with these interesting projects. We have watched over the years as the Corps of Engineers and this Congress has expanded dramatically the sweep of the Federal involvement in beach nourishment and replenishment.

I think we ought to take a deep breath, take a step back and support this amendment, and give this administration an opportunity to pursue an initiative that is both environmentally sensitive and is fiscally responsible.

When we look at these massive projects, we have authorized one and two-thirds billion dollars in the last decade alone. In the State of New Jersey, where my good friend mentioned a moment ago it was of concern to his district, well, it is. If you look at beach nourishment costs in New Jersey, it is $60 million per mile.

In WRDA, I dare say there were very few Members on this floor who understood the massive project that was slipped in without significant debate for a 14 mile stretch of beach in Dare County, North Carolina, for $1.8 billion, a commitment over the next 50 years. I would dare say that a massive project on this scale merits discussion on the floor of this Chamber, but we do not have it. I was a member of the authorizing committee. It was news to me. I dare say it was news to other Members here.

It is not a benign process akin to snow in the gentleman from Colorado's district, or, with all due respect, that it is just someplace that we have to put the beach spoils, the dredging spoils. This saves the Federal Government money.

Take a look at the record. Mr. Chairman, there have been exposes; in fact, there have been journalistic exposes dealing with the State of Florida with the massive amount of ecological destruction. There is not just spoils with white sand that we would have to pay somebody to take over. Oftentimes we go out and we disturb sensitive ecosystems for dredging materials that we end up putting in these areas.

If you look at the cost factors, noted Duke geologist Orrin Pilkey, a recognized expert in this area, points out that usually beach nourishment projects cost twice what the cost estimate is, and it ends up being about half as effective.

We could look in Ocean City, Maryland, where the Army Corps of Engineers budgeted to use 15 million cubic yards of sand over the next 50 years of beach replenishment, but in the first 3 years of that project the Corps had used one-third of the total sand allocation. I am blanking right now on the project, and I can get it for you, where it has been on average one a year on the east coast.

There are problems here of significant magnitude. It is not ecologically benign. It is extraordinarily expensive, and we are facing a situation where FEMA has commissioned studies that indicate over the next 60 years we are going to have 25 percent of the structures within 500 feet of the ocean coastline subjected to erosion and damage. That is without taking into account the impact of global climate change.

Mr. Chairman, I think this is an opportunity for people who care deeply about the environment to join with people who sympathize with the members of this committee who do not have enough money to solve the problems and allow the Bush administration to see if they can come up with a better cost formula. The Democrats ought to be able to submit to this. It is something also that the Clinton administration wanted to do. I think this is an important issue.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW). No man in this body has been more vocal and outstanding in the preservation of beaches than the former mayor of Fort Lauderdale.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me time. I want to congratulate the chairman of the full committee as well as the ranking members of the full committee and subcommittee for recognizing the importance of beach renourishment.

I have heard some figures thrown out here today that make absolutely zero sense. $60 million a mile? I know of no beach renourishment anywhere in the

country, and I checked with the gentleman from New Jersey, and he said that is absolutely preposterous.

I listened to the gentleman from Colorado where he said he is no expert on the particular subject. He has brought the amendment here, and he has quoted some various environmental organizations, some of which have credibility, some of which I think are somewhat debatable.

But, in any event, let me ask the question to any environmentalist here in the Chamber: I have beaches that are nothing but rock. Is that an environmentally sensitive area that should be protected? These were naturally covered with sand. Now the sand is gone. In Boca Raton, Florida, a whole strip is nothing but rock. You go down into the southern part of Broward County and Dade County, you are seeing the same thing. These beaches need to be renourished.

If one is concerned about the turtle and reproduction of the turtle, they do not lay their eggs in rocks; they lay them in beach sand. There is great sensitivity as to the time we do the beach renourishment. It is very strictly regulated as to the breeding seasons of the turtles, so you do not destroy their natural habitat.

We talk about FEMA and 500 feet within the beach. I can tell you, the ocean is coming right up to many of the structures, and they are going to be destroyed if we do not get back involved and stay involved in beach renourishment.

The right of contract, the word of the Federal Government, the obligations of the government, these would all be wiped out with this senseless amendment.

This amendment must be defeated. I urge all my colleagues to vote against this amendment.

I would say in closing, view the beaches of this country as a long national park. We heard that the local communities should pay because they are the ones benefiting from it. Do you want to make the same argument about our national park system? I doubt it. It is there for all Americans.

Over half the Americans in this country do their vacationing at the beaches of this country. Let us keep our beaches safe. Let us keep them environmentally where they should be.

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I thank the gentleman very much for yielding me time.

I want to say to my good friend from Colorado (Mr. TANCREDO), I generally agree with him on just about every vote we have; but on this one he is totally wrong. I want to take a different perspective.

Not talking about the environmental issues, I must say to the gentleman from Oregon, I have great respect for you also, though I disagree, but Dr. Pilkey is an extremist. I do not have the time to get into why I feel he is an extremist, but he is.

Let me very briefly say that what we are talking about is the economy of these beach areas, the people that pay taxes, the people that want to do for their families. That is really what it comes down to.

Let me give you an example. In Dare County, which the gentleman made reference to earlier, the Corps of Engineers says for every $1 spent on beach renourishment in Dare County, it will return $1.90 cents to the Federal Government. So any time we can make those kinds of investments, we need to do that. We need to partnership with the people of this country that pay the taxes.

So I want to say to the chairman and the ranking member, thank you very much for this effort. I want to close in saying, Mr. Chairman, that beaches are this country's economic engines. Four times as many people will visit beaches this year as will visit the national parks. That is telling you how important the beaches are to the American people.

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I too rise in opposition to this amendment. It has been stated that four times as many people visit our beaches as visit the national parks in our country.

What do people dream about? They dream about going to the beach. If they talk about their retirement, they talk about being on a beach someplace. People want to basically be on beaches. We have many beaches in Delaware that are probably as popular in these buildings around here as any beaches in the entire country. Foreign visitors want to come to beaches in the United States of America.

There is tremendous economic production from the beaches that we have across this country, a huge tax benefit, up to 180 times the Federal share that is involved in paying for the beach replenishment which we have. If we did not have this replenishment, it would be almost impossible to have these dreams, to have the ability to offer our beaches to people around the United States of America.

It also protects our migrant birds, which come into my State and come into some other States. It protects us from major storms. And there is huge population growth across the United States of America from our beaches back inland, because people like to be able to access and go to the beaches of our country.

This, unfortunately, is an amendment which is wrong-headed in terms of what it does, and we should defeat it.

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to say to this body and to the world that when I retire, if I ever do, I intend to spend a great deal of time in southern Florida on my boat; and I want to view these beautiful beaches as I patrol the waters of the Atlantic and the Gulf Mexico and the Keys, and I want to go down in history, if I leave any mark on this Congress, as the man who saved the Florida beaches. I think the fact that I am going to go down in history as the man who preserved the beauty of the Florida beaches is a good compliment to the service that I have had in this Congress. So I look forward to that reputation.

Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have a feeling that regardless of what happens with this amendment, even if it were to pass, that my friend and colleague, the gentleman from Alabama (Mr. CALLAHAN), will be able to enjoy a very pleasant retirement on the beaches.

The fact is that, of course, we are not talking about anything here that is going to eliminate the beaches of the Nation. It is just crazy to suggest that if we would allow the administration to go back to a 35–65 split, that, all of a sudden, all the beach property in this Nation is gone. Nobody would take care of it. The communities that live alongside of it, the homes that are built alongside of it, it is not their responsibility; it is somehow ours, and if we did not kick in 65 percent, it all disappears.

Of course, that is not accurate. It is not what this amendment is intended to do, but it is typical. I know any time we are trying to cut 10 cents out of the budget around here, it is almost the most dire consequence we can possibly think of that we use in response to the request to cut the funds.

This is not even a request to cut. We will still spend the money; it is just who is going to be responsible for it. It is not even mandating that we go to the 65–35 split, 65 local. It is saying let us let the administration have the option of managing this. It is not mandating a thing in here.

Mr. Chairman, I yield the balance of my time to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I would suggest that if people really are serious about preserving the beaches, that maybe this Chamber could be more serious about global climate change, the rising level of oceans, because what we are talking about with beach nourishment, if what the scientific experts tell us is accurate, we may be fighting an uphill battle.

I would duly suggest that maybe suggesting allowing the Bush administration an opportunity to revisit these issues is not something that is a radical and extreme position. It is one of these areas where there is a convergence, I think, of fiscal conservatism and thoughtful environmentalism.

It is true that sometimes there are rocks that occur on beaches. There is a natural ebb and flow. We have it in beaches in Oregon. What we have done, however, in our infinite wisdom, is we continue to fortify the beaches, to engineer them, to put up jetties, to put in sand, to disrupt the process, so actually it ends up making it worse over time.

□ 1600

So the Federal taxpayer is on the hook. We mess up the natural process of restoring the beaches, and when we are further looking at changes that are a natural part of the environmental process, we just make it worse.

In Oregon, we had a situation with the senior Senator from our State having beachfront property that is being eroded, and there was a great hullabaloo because there was an effort to try and restore and fortify and wall off that portion of the beach. We made it a difficult public policy decision that that would simply put the taxpayer on the hook and deflect the problem further.

Mr. Chairman, I appreciate that these are difficult, but I would think that we need to take our time, stepping up and being serious about this. Otherwise we are going to end up putting the taxpayer on the hook for a lot of money that is going to make the problem worse over time.

Mr. CALLAHAN. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. YOUNG), the chairman of the committee, who knows firsthand the importance of this issue.

Mr. YOUNG of Florida. Mr. Chairman, I want to thank the gentleman from Alabama (Mr. CALLAHAN), the subcommittee chairman, for doing a really good job on this bill, as I have said earlier. I must say that I really appreciate his commitment to Florida's beaches. I know that he will have many opportunities to help support Florida's beaches and protect them in their pristine condition as we go through the various appropriations processes. Seriously, I really do appreciate that support.

Mr. Chairman, I rise in opposition to this amendment and in favor of the committee position. The committee thought about this. The subcommittee thought that we should review this issue, and we did. The reason that we have a formula of Federal-State partnership is for the same reasons we have a partnership for highways. We have a Federal-State-local formula for building highways and maintaining highways, because people all over America use highways, all over America. People from all over America use beaches, wherever they might be in America.

We have heard the arguments about the economic effect, the economic impact. We have heard the arguments about the pleasure-seeking people who go to the beach to swim and get out into the sun and have a good time, and all of those are good, solid arguments. There is more to it than just that.

The fact of the matter is that having a good beach protects the infrastructure of the community. Now, I live in a community where we have water on the Gulf of Mexico on one side, water from Tampa Bay on the other side, water from Boca Ciega Bay goes right up the middle, but we have a lot of waterfront. I can tell my colleagues when we get a hurricane in Florida, in my part of the State, most of the damage comes from the high water that pounds against the sea wall, that pounds against these structures. The better beach that exists, the less damage we have to the infrastructure. I have seen roads and highways washed out because there was no beach to protect against that hurricane tidal surge. So it is important that we not only have the economic effect, the tourist effect, but the effect of protecting the infrastructure of the communities.

Now, the formula was established by law. We should not be changing the formula in an appropriation bill. If the gentleman wants to change the formula, the gentleman should go to the appropriate authorizing committee and offer a bill.

I can understand the concern of the gentleman from Colorado, because he has a lot of beach, but he has no water, and a beach without water does not really cut it, and it does not really have the same problems of those of us that have beaches with water.

So anyway, it is a good debate, and we did consider it seriously, but I think it is important that we stick with the committee and vote down this amendment. It maybe well-intentioned, but it is not a good amendment.

Mr. LOBIONDO. Mr. Chairman, I rise in strong opposition to this amendment. States and communities in my district and all over the nation have already entered into binding beach renourishment contracts with the Corps of Engineers with the 65 percent federal/35 percent local cost share formula in place for projects authorized before January 1st of this year. In fact, the current funding formula has been specifically authorized by Congress. It would be grossly unfair to suddenly require these states and municipalities to put up almost twice as much money as had already been agreed upon to protect their beaches and their tourist economies.

Supporters of this amendment claim that shore protection funding only benefits ''resort communities.'' Nothing could be further from the truth. The fact of the matter is, our nation's beaches contribute to our national economy, with local communities just the tip of the iceberg. Four times as many people visit our nation's beaches each year than visit all of our National Parks combined. It is estimated that 75 percent of Americans will spend their vacations at the beach this year. Beaches are the most popular destination for foreign visitors to our country as well. The amount of money spent by these beach tourists creates a huge tax benefit, most of which goes to the Federal government. That tax revenue each year is more than 180 times the Federal share of shore protection projects annually.

I understand my friend from Colorado's sincere desire to control federal spending. However, I think he is taking the wrong approach here. Decisions like this should be made in the authorization process, and not on pre-existing contracts. If the supporters of this amendment want to further change the formulas, then I suggest that they work with the authorizing committee.

I urge a ''no'' vote on this amendment.

Mr. SAXTON. Mr. Chairman, I rise today in strong opposition to this amendment which would eliminate the federal cost share of 65 percent for US Army Corps of Engineers beach replenishment projects.

Beach replenishment is vital to the coastal economies in our country. Millions of residents and small businesses make their home near the coastline and that population increases dramatically in the summer as tourists flock to the beaches. The continued economic health of our nation's beaches is dependent on these important beach replenishment projects by the US Army Corps of Engineers. The pristine white sand beaches are not only a vital component of the tourist industry, but an important natural resource that supports populations of commercially and recreationally significant fish and rare and endangered species.

This amendment proposes to eliminate the federal cost share of 65 percent for beach replenishment for ongoing and future projects.

Coastal communities have been asked to ''voluntarily'' increase their cost share for beach replenishment projects to 65 percent, despite that current project authorizations are at a 35 percent state cost share. This is obviously unfair to the State and local governments, who have budgeted their costs for beach replenishment based on their contracts with the federal government and do not have the additional funds which is almost double their authorized cost share.

Coastal States have consistently shown their commitment to assist in the preservation and replenishment of beaches along the Nation's coastlines. The proposed Federal change in cost sharing would only result in the delay or elimination of Corps of Engineers projects potentially increasing the property damage from hurricanes and severe storm events.

Many coastal communities, such as mine, have suffered from repeated storm events over the last several years which has resulted in the narrowing and lowering of the beaches and dunes. This steady erosion has reduced storm protection that would otherwise have been available, which will only result in more property damage when the next storm or hurricane hits.

Each state receives federal funds to protect its communities from natural disaster, whether it is tornado, earthquake, drought resulting in crop damage, flood or hurricane. It is not fair to the coastal communities to withhold federal funds that would otherwise be available to prevent damage from natural disaster.

I urge by fellow colleagues to oppose this amendment and remember all states benefit from our nation's beautiful shoreline.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

I commend Chairman CALLAHAN for producing a bill that ensures our Nation's commitment to work in continued partnership with our state and local communities to address the vital need of shore protection and for supporting the traditional funding ratio that worked so well.

In my home state of New Jersey, tourism is vital to keeping our economy. With 127 miles of our clean beaches open for visitors from around the country and the world; this federal/state partnership helps maintain a dynamic tourism industry that employs over 800,000 people in my state alone.

Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. CALLAHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XXVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the last word. I would like to enter into a colloquy with the gentleman from Alabama (Mr. CALLAHAN), the distinguished chairman of the subcommittee.

Mr. Chairman, my family came to Texas in the 1840s and settled in Hill and Bosque County in the 1870s around a community called Whitney. My great-great-grandfather and my great-grandfather and my grandfather and my father all grew up on a farm under what is now Lake Whitney, because in the 1940s, the Corps of Engineers built a public lake. Since 1954, that lake has been open for use. There have been hundreds, if not thousands, of boat docks put on that lake, but beginning in the 1970s, the Corps began to refuse permits for new boat docks and, as the old boat docks have declined, they have refused to allow them to continue to be maintained.

I had submitted language to the Subcommittee on Energy and Water Appropriations that would be no cost, but would simply allow a holder of a permit on Lake Whitney for a boat dock to use that permit. I would like to ask the distinguished gentleman from Alabama (Mr. CALLAHAN), the chairman of the subcommittee, ''Beach Boy Callahan,'' if he would support at some point in the process insertion of language that is of absolutely no cost to the Federal Government, but which would allow people around Lake Whitney which, at some point in time, had a permit for a boat dock to utilize that permit.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I am a little surprised because I represent both Hill County and Bosque County. This is the first I have heard about it, and none of this is in the gentleman's district. I respect the fact that he has family ties in the area, but as a member of the subcommittee, I would have at least asked the gentleman to contact me to ask me if I am aware of what he is trying to do.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, the gentleman and I have actually had discussions on this.

Mr. EDWARDS. Mr. Chairman, if the gentleman will yield, I had no idea this issue was coming up. It is wholly within my district. I am the only Texan of either party on this subcommittee. I do not know that I would have objection; I do not know if I would support the gentleman's request, but it seems like it would have been common courtesy to approach me personally.

Mr. BARTON of Texas. Mr. Chairman, I have done that.

Mr. EDWARDS. It would have been common courtesy to approach me personally and say, I am going to come to the floor today to talk to the chairman of the subcommittee about something that is not in my district that is within yours.

Mr. BARTON of Texas. Mr. Chairman, if I could reclaim my time, I think the gentleman from Waco has got an absolutely sincere complaint. The gentleman and I have spoken on this several times, but not in the last week. I thought this was in the bill.

Mr. EDWARDS. Mr. Chairman, not in the last month, not in the last year that I can recall.

My request to the gentleman would be this: This bill still has a long way to go. I am more than willing to sit down with the chairman of the subcommittee, the ranking member, and the gentleman from Texas and see if we agree on this. But I would think before we shape the future of my congressional district, that I would have some input on this.

Mr. BARTON of Texas. Mr. Chairman, again reclaiming my time, the gentleman and I have not had a discussion on this recently.

Mr. EDWARDS. Not in the last year.

Mr. BARTON of Texas. Yes, we have. Yes, we have.

Mr. EDWARDS. Mr. Chairman, I will say to the gentleman, I honestly do not recall that discussion. I have dealt with this issue since 1974 when I worked for former Congressman Tiger Teague, and I think I would remember if we had a discussion any time in the last 12 months on this.

My request is simply one of common courtesy. I would like to work with the gentleman on this. I would like to work with the chairman on this. I would hope that we would not make any decision today on this. Let us work in good faith and sit down, since this is entirely, completely within my congressional district.

Mr. BARTON of Texas. Mr. Chairman, again reclaiming my time, I will withdraw my request for a colloquy, because I am absolutely stunned at what the gentleman has just said.

Mr. EDWARDS. Mr. Chairman, if the gentleman will yield, I am stunned that this came up on the floor today, quite frankly. But despite being stunned on both sides, let us sit down and talk this out as two Members of Congress from the State of Texas and see if we can proceed.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, let me explain my position. This problem is not limited to just one county in Texas, it also is applicable to some portions of Alabama and other States where the same type of incident is taking place. My agreement with the gentleman from Texas (Mr. BARTON) was that I would agree to sit down with him to try to work out a problem that impacts me as well as other Members of Congress.

So it was not intended to move into one particular county, but to discuss the overall issue of what they are doing with these facilities that these people have been using, in some cases for decades. I do think that we ought to try to find a solution that will apply to Alabama and to Georgia and to Missouri and all over the Nation, because we are all facing a similar problem.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, let me say one thing, because I am not going to press the point. But the language that I had prepared does not expand the number of boat permits, it simply says if there is an existing boat permit or has been, that it can be utilized. That is all it does.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I think what the gentleman from Alabama has suggested makes eminent sense; I respect that. I would look forward to being a part of that conversation along with other Members, but the gentleman from Texas's comments only focused on a lake in my district, not in any other district.

Mr. BARTON of Texas. That is true, that is true.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 106. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $34,918,000, to remain available until expended, of which $10,749,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,310,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $691,160,000, to remain available until expended, of which $14,649,000 shall be available for transfer to the Upper Colorado River Basin Fund and $31,442,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $8,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting ''2001, and 2002'' in lieu of ''and 2001''.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $7,215,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $26,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $280,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,039,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $52,968,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds made available in this Act may be used by the Bureau of Reclamation (either directly or by making the funds available to an entity under a contract) for the issuance of permits for, or any other activity related to the management of, commercial rafting activities within the Auburn State Recreation Area, California, until the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 12151 et seq.) are met with respect to such commercial rafting activities.

SEC. 202. Section 101(a)(6)(C) of the Water Resources Development Act of 1999 (113 Stat. 274) is amended to read as follows:

''(C) MAKEUP OF WATER SHORTAGES CAUSED BY FLOOD CONTROL OPERATION.—The Secretary of the Interior shall enter into, or modify, such agreements with the Sacramento Area Flood Control Agency regarding the operation of Folsom Dam and Reservoir, as may be necessary, in order that, notwithstanding any prior agreement or provision of law, 100 percent of the water needed to make up for any water shortage caused by variable flood control operation during any year at Folsom Dam and resulting in a significant impact to the environment or to recreation shall be replaced, to the extent that water is available, as determined by the Secretary of the Interior, with 100 percent of the cost of such available water borne by the Sacramento Area Flood Control Agency.''.

Mr. CALLAHAN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, $639,317,000, to remain available until expended.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

In title III, in the item relating to ''DEPARTMENT OF ENERGY ENERGY PROGRAMS; ENERGY SUPPLY'' after the aggregate dollar amount, insert the following: ''(increased by $50,000,000)''.

In title III, in the item relating to ''ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION; WEAPONS ACTIVITIES'' after the aggregate dollar amount, insert the following: ''(reduced by $60,000,000)''.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 10 minutes, the time to be equally divided between the proponent of the amendment and a Member opposed.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. VISCLOSKY. Mr. Chairman, reserving the right to object, I would just want to know who would control the time on each side.

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) would control the time in favor of the amendment, and the gentleman from Alabama (Mr. CALLAHAN) would control the time in opposition.

Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the chairman of the subcommittee for a very good work product, but every product can be improved, and I think that this amendment would improve this energy and water bill significantly.

One of the problems we face as a country, Mr. Chairman, is the fact that our energy policy looks backward rather than forward. We are dependent too heavily on fossil fuels, and increasingly those fossil fuels are coming from places beyond our shores. We are currently dependent on more than 50 percent of our oil from places outside of the United States.

What this amendment would do would be to increase the funding for renewable energy within this bill by $50 million. It would pay for that funding by taking $60 million from the Energy Department's missile program.

Now, that missile program within the Energy Department currently is funded at the rate of $5.1 billion. That is just within the Energy Department. This bill increased that funding by $118 million for the projected fiscal year.

My amendment would take $60 million from that $118 million increase and apply $50 million of it to alternative energy. By alternative energy, of course, we mean producing energy through direct solar, by wind, geothermal and similar technologies.

□ 1630

It is important that we do so. It is important that we do so, because we want to improve the availability of energy from sources other than fossil fuels, and it is particularly important in terms of nuclear security, because we want to reduce the amount of energy that we need to import from places that are outside the United States.

We can do that by advancing technologies that promote solar, wind, and geothermal energy. Mr. Chairman, up until recently, the United States led the world in the production of energy through photovoltaic cells and other direct solar means; however, beginning in the decade of the 1980s, we began to lose that edge. And that edge currently is enjoyed by the Japanese.

They have the edge on us by producing electricity directly from solar and by other solar means and photovoltaic cells particularly.

Up until recently, we had the edge in producing energy through wind technologies. We have lost that edge to the Danes and to the Germans. They are currently ahead of us, and they have more advanced technology for producing energy through wind than we do.

We know that within the next several decades, production of energy through solar and wind technologies and geothermal technologies will provide industrial opportunities globally to the tune of hundreds of billions of dollars, perhaps, trillions of dollars, even by the midpart of this century. And for that reason, alone, as well as our own independence and security, we ought to be advancing these techniques for energy production.

Mr. Chairman, I think that this amendment, which would increase our funding for renewable energy technologies by $50 million, is frankly little enough; and perhaps, the least that we could do at this particular moment.

It pays for this increase by drawing from the Energy Department's missile program. As we know, the Defense Department under Secretary Rumsfeld is currently engaged in a top-to-bottom review of our military defense program, and our nuclear missile program is going to be a major part of that.

Mr. Chairman, this bill funds nuclear programs through the Energy Department in ways that are, I think, greatly outdated, even archaic. For example, there is a provision in this bill to pay $96 million for a particular type of cruise missile which is used only by the B–52 bomber.

Now the B–52 bomber is 40 years old. It is clearly an outdated technology, and it is very likely that when the Rumsfeld review, top-to-bottom of our defense needs, is completed that this particular program is going to be rapidly phased out.

I can cite a number of other nuclear technology examples that are archaic, that are outdated, and which will undoubtedly not be funded as a result of the top-to-bottom review of the Rumsfeld program. So, therefore, I think it makes sense to take this money from that program and put it here to renewable energy.

Mr. Chairman, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman from Alabama (Mr. CALLAHAN) for yielding the time to me.

Mr. Chairman, I kind of feel like I am torn between two of my favorite things, as the ranking member on the panel to oversee the national nuclear security administration, I believe we should be investing more money in nonproliferation programs and counterproliferation programs.

Obviously, as a Californian, I think it is very important that we work hard to make sure that we have strong energy policies and diversify our portfolio to make sure that we have renewables and alternatives to fossil fuels, but I cannot support this amendment, because we are taking very needed money and, frankly, robbing Peter to pay Paul.

Mr. Chairman, I urge my colleagues to vote against the Hinchey amendment

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I appreciate the gentleman from Alabama (Mr. CALLAHAN) for yielding the time to me.

Mr. Chairman, I share the desire of the gentlewoman from California (Mrs. TAUSCHER) that we become more energy independent, but it would be a great mistake to take further funds away from our nuclear weapons program.

What the gentleman from New York (Mr. HINCHEY) may not realize is our existing nuclear weapons are 18 years old and aging. They were designed to last about 12 years.

We have decided as a country that we are not going to conduct nuclear tests, but some way we have to make sure these weapons continue to be safe, reliable, and secure. If we do not have the funds to conduct surveillance and to conduct scientific tests, to see whether these weapons will continue to be reliable, the only option for us is to go back to nuclear testing.

I am afraid amendments like this which would reduce the funds available to just make sure what we have now is safe, secure, and reliable drives us inexorably back towards nuclear testing which is not an option I suggest the gentleman would like.

Mr. Chairman, I oppose the amendment; and I suggest my colleagues do likewise.

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Alabama (Mr. CALLAHAN) for yielding me the time; and I rise in opposition to this amendment.

Last year, Mr. Chairman, at this time, we were rightfully fixated on the security of our national labs and protection of our secrets and the protection of our nuclear weapons program and data and research, et al.

This amendment would strip dollars away from the National Nuclear Security Administration's weapons activities program, the very programs we have worked to strengthen in last year's budget as a result of well-publicized security breaches.

As important as support is for renewable energy programs, the sponsor better find a better account to take it from. I oppose the amendment.

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I rise in strong opposition to this amendment. We have cut the nuclear weapons budget in this country below what the President requested by $200 million.

I have a letter here from John Gordon that he handwrote to me this afternoon about this amendment and some others that might result in the further reduction of money for the nuclear weapons stockpile stewardship program. It says in part, now, on top of this comes news of potential further budget cuts resulting from possible floor amendments. This is completely unacceptable if we are to have any chance of meeting our high-priority mission needs.

The nuclear weapons program is supposed to certify the safety, security, and reliability of the nuclear weapons stockpile. Our stockpiling is aging, and we must continue to make sure it is safe and reliable for this country.

As much as I support conservation and investment in renewable energy, this is the wrong place at the wrong time to take that money from.

Mr. CALLAHAN. Mr. Chairman, we have only one more speaker and I think we have the right to close?

The CHAIRMAN. The gentleman has 1 minute remaining and the right to close. All time has expired on the other side.

Mr. CALLAHAN. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee (Mr. WAMP), a valuable member of the Subcommittee on Energy and Water Development, and our expert on this issue.

Mr. WAMP. Mr. Chairman, I want to thank the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for hearing our bipartisan plea to increase the funding for renewable energy sources in this bill.

We increased the funding $100 million above the President's request. We worked overtime to make sure that this appropriation bill matches the national energy policy from a balanced comprehensive approach. And as the cochairman of the Energy Efficiency and Renewable Energy Caucus with the gentleman from Colorado (Mr. UDALL), I thank them for hearing our plea to increase renewables.

The result is good and balanced, but the other side of the well-intended amendment of the gentleman from New York (Mr. HINCHEY) is that it takes funding from our nuclear stockpile stewardship and management.

Our country must maintain a safe and reliable stockpile for nuclear weapons. That decision has been made. That is not even debatable, frankly, in this country, in terms of the consensus of Americans that expect us to have a reliable nuclear weapons stockpile.

We must maintain our national preparedness, and we are losing that capability, so we must fight back this amendment in a bipartisan way.

Mrs. TAUSCHER. Mr. Chairman, I rise in reluctant opposition to this amendment.

Reluctant because I have been an outspoken critic of the President's budget, which made drastic cuts to COE's renewable energy programs. Programs that promote renewable energy technologies must be part of any comprehensive energy plan for our country.

I am pleased that my colleagues on the Appropriations Committee have restored some of the funding to the renewable energy accounts, providing $1 million above last year's levels.

Clearly more needs to be done. It is important to advance deployment of renewable technologies for applicable use in our homes and businesses and on our grids as soon as possible.

But Mr. Chairman, I must oppose any attempt to defer fully funding our nuclear weapons programs while we wait for the Secretary of Defense's Strategic Review to be completed.

As a Member of the House Armed Services Committee, I can tell you that the Secretary has briefed me and my colleagues on the status of this Review, and based on these briefings, it is unclear when this Review will be completed.

These programs are vital to our national security and can not afford to be underfunded or delayed until the Administration concludes its Review.

And given some of the military needs identified in this year's supplemental appropriations bill, like training and readiness, military personnel quality of life issues, and advanced weapons systems; it is clear that the funding needs of our nuclear weapons programs at DOE next year must be maintained in this bill.

Mr. Chairman, I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

The Clerk will read.

The Clerk read as follows:

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $227,872,000, to remain available until expended.

Mr. PETRI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman from Alabama (Chairman CALLAHAN) for his work on this bill. Over the years, I have been intimately involved in several of the issues contained in this bill, and I am aware of the many challenges that he faces in putting it together.

It is one of those issues about which I rise today. For several decades, Congress has debated the merits of constructing a massive water on the Animas River in Colorado. Last fall, the Colorado Ute Settlement Act Amendments of 2000 was included in the end-of-the-year omnibus appropriations bill with little opportunity for debate or a vote on this specific project, and today's bill appropriates $16 million for it.

While the features of this Animas La Plata project are not as egregious as earlier versions, there are serious concerns that significant loopholes remain which will enable project beneficiaries to violate the intent of the act.

None of these loopholes is more significant than the possibility that nontribal beneficiaries are going to avoid their responsibilities, as required by reclamation law, for the full repayment of all capital and operating costs associated with their share of water from the project.

This has been a continuing concern of many of us who have opposed this project in the past. There are already some indications that local nontribal water users may be trying to do just that with the potential of buying water from the tribes instead.

To cite just one example, on May 24, 2001, the director of Colorado's Water Conservation Board sent an e-mail to other State officials stating, and I quote, ''given the cost of ALP water, I do not think the State can afford to purchase. We discussed the possibility of an option to lease or option to purchase at some future date with a nominal annual payment. I would prefer to let the Feds pay for it at this time with the Indians holding title.''

The language adopted last year clearly states that nontribal repayment arrangements must be made before construction begins. Furthermore, it directed the Secretary of the Interior to report to Congress by April 1 of this year on the status of the repayment negotiations. That report has still not been made.

Mr. Chairman, I hope that what was declared in the 1987 ad in the Colorado paper does not come to pass. It said, ''Why should we support the Animas La Plata project? Reason number seven, because someone else is paying most of the tab. We get the water. We get the reservoir. They pay the bill.''

If the local beneficiaries are not willing to pay their share, nobody else's constituents should have to pay this bill. Such a situation certainly begs the question of whether the project is really worthwhile, that is what the principle of cost sharing is all about.

I will continue to closely monitor the development of this project and, if necessary, work to stop the further funding of this project if it does not progress as required by law, and I ask the chairman and the committee and all of my colleagues to do the same.

Please keep an eye on this project and do not allow it to move forward if all parties do not fulfill their repayment obligations.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $393,425,000, of which $272,641,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 25 passenger motor vehicles for replacement only, $3,166,395,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $133,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That not to exceed $2,500,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: *Provided further*, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the

funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $209,611,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That of the funds provided to the Department of Energy under title III of Public Law 105–277 for activities related to achieving Year 2000 conversion of Federal information technology systems and related expenses, remaining balances, estimated to be $1,480,000, may be transferred to this account, and shall remain available until expended, for continuation of information technology enhancement activities: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $137,810,000 in fiscal year 2002 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than $71,801,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $32,430,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATON

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 11 passenger motor vehicles for replacement only, $5,123,888,000, to remain available until expended.

□ 1630

AMENDMENT NO. 2 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KUCINICH:

In title III, in the item relating to ''WEAPONS ACTIVITIES'', after the aggregate dollar amount, insert the following: ''(reduced by $122,500,000)''.

In title III, in the item relating to ''DEFENSE NUCLEAR NONPROLIFERATION'', after the aggregate dollar amount, insert the following: ''(increased by $66,000,000)''.

Mr. KUCINICH. Mr. Chairman, the National Ignition Facility is a multi-billion-dollar giant laser designed to blast a radioactive fuel pellet in an attempt to create a nuclear fusion explosion. The Department of Energy considers the National Ignition Facility important to its Stockpile Stewardship program, but according to experts, the project is overbudget, may not be technically feasible, and is not necessary to maintain our nuclear arsenal.

According to Dr. Robert Civiak, physicist and former OMB Program Examiner for Department of Energy nuclear weapons programs, the NIF will cost nearly $5 billion to build, $4 billion more than the Department of Energy's original estimate. Including operating costs, the NIF will consume more than $32 billion, six times the Department of Energy's original estimate.

Dr. Civiak also reports that the Department of Energy has yet to solve numerous technical problems that prevent NIF from successfully creating the fusion explosion. Full operation of NIF is already 6 years behind its original schedule.

In fact, according to former Los Alamos physicist Leo Mascheroni, The chance of the NIF reaching ignition is zero. Not 1 percent. Those who say 5 percent are just being . . . polite.

What is all that money being spent for? Department of Energy says the NIF helps us maintain our nuclear weapons, but experts disagree. When asked about NIF's utility for weapons maintenance, Edward Teller, father of the hydrogen bomb and cofounder of the Lawrence Livermore National Laboratory, replied that it had ''none whatsoever.''

Sandia National Laboratory's former vice president called NIF ''worthless'' for maintaining nuclear weapons safety and reliability.

Lawrence Livermore Laboratory weapons designer Seymour Sack called NIF ''worse than worthless'' for the task.

Ray Kidder, another Livermore physicist, has stated, ''As far as maintaining the stockpile is concerned, NIF is not necessary.''

In fact, NIF is an instrument for developing new nuclear weapons. Department of Energy itself touts NIF as playing an essential role in understanding the physics of nuclear weapons design and nuclear weapons effects. This type of nuclear weapons design activity violates the spirit of both the Nuclear Non-Proliferation Treaty and the Comprehensive Test Ban Treaty.

Nor is there a consensus with the Department of Energy on NIF's importance. Officials at Sandia National Laboratory, another DOE facility, have challenged Department leaders on NIF, calling for a scaled-down version in order to make sure it works and that it can be built affordably.

Now, at the same time that Congress is covering the spiralling cost of NIF, an instrument of proliferation, we have cut funding for the DOE's nonproliferation activities. The bill we have before us cuts nearly $27 million from the 2001 nonproliferation budget.

This should be a cause for concern for all of us, because even funding at fiscal year 2001 levels would not be enough to address the problem. Currently, for instance, there are enough quantities of fissile material in Russia to make more than 40,000 nuclear weapons, and the resource-starved Russian Government cannot secure all of this material on its own.

The bipartisan Cutler-Baker panel that recently studied these issues called the risk of theft of Russian nuclear materials the United States' most urgent unmet national security threat. Their report urged sharp increases in spending on nonproliferation, not cuts.

Our amendment attempts to address these skewed priorities by taking money being used for proliferation-type activities and setting it aside for critical nonproliferation programs should be considered by this House and approved by this House.

The amendment reduces NIF funding by one-half. This still represents a $42.5 million increase in funding over the last year.

At the same time that we slow down the dubious National Ignition Facility, we add $24 million to the Immobilization Program, which disposes of surplus plutonium; $19 million to the Materials Protection, Control and Accounting Program, which seeks to secure 603 metric tons of at-risk weapons-usable nuclear material in Russia; $23 million to the Nuclear Cities Initiative, which helps find employment for nuclear scientists in Russia's 10 closed

nuclear cities so that they are not tempted to sell sensitive information to groups developing weapons of mass destruction.

I urge a yes vote on this amendment. Let us demonstrate our Nation's commitment to smart government and take the leadership role in the fight to prevent proliferation of nuclear weapons.

Mr. WAMP. Mr. Chairman, I move to strike the last word in opposition of the amendment.

Mr. Chairman, again, I applaud the intent of the author of the amendment to increase our accounts for renewable energy, but as the Republican cochairman with the gentleman from Colorado (Mr. UDALL) of the House Renewable and Energy Caucus, a caucus that includes 180 members, in a bipartisan way we have worked tirelessly with the cooperative efforts of the gentleman from Alabama (Chairman CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY), ranking member, to increase these renewable accounts by $100 million above the President's request.

This is even by those in the renewable energy field being applauded as a great victory at this point in the process. Now, if there are future victories to be had for renewables, and I hope there are this year, they need to take place at the conference committee where we have an increase in the allocation on the Senate side, and I believe still room for debate on the final funding levels for these important renewable energy functions. I will be there at that conference advocating on behalf of further increases in these renewable accounts.

But here we go taking the money again out of an absolutely essential function of our Federal Government. Our nuclear weapons stockpile stewardship is critically important for the good of this country and, indeed, the entire free world. If we are going to be able to test these weapons without firing these weapons, then facilities like NIF must be supported.

Granted, the management of the project itself has not been stellar, and it has had to be improved, but the fact is the imperative is there to finish the project, to continue to support our nuclear weapons stockpiling stewardship, and to be able to maintain these weapons and test these weapons without firing these weapons.

We increased at this subcommittee these nonproliferation accounts that the gentleman referred to by $71 million. Again, we have done a very good job at the subcommittee of balancing all of these needs because we agree with the gentleman on the points that he made. But we have already done that work. What the gentleman's amendment actually does is takes it further and cuts into our national preparedness, something that we cannot afford to do.

There is no question that some people would come to the floor today and oppose anything nuclear. But, Mr. Chairman, our country wants us to maintain a safe and reliable nuclear stockpile. Our country desperately needs to invest in NNSA-related programs so that these plants that have built up our nuclear weapons and today maintain them for the potential future use, God forbid it ever happens, but it is that deterrent that has brought about the global peace that we see today because that deterrent was, indeed, deployed. It was never deployed, but it was built up to the point where it never had to be deployed.

So our nuclear weapons stockpile stewardship is at risk here with this amendment, and we must maintain this. We must support the NNSA and all of its different programs, and this would certainly take away from that.

So I respectfully agree with the intent of the gentleman, but stand in strong opposition and applaud the subcommittee work because it is balanced and responsible and supports our national security missions, and it also supports the need to have a balanced energy strategy, including increased funding for renewables.

Mrs. TAUSCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition of the Kucinich-Lee amendment. As the mother of a 10-year-old, I share my colleagues' hope for a peaceful world free of nuclear weapons.

I believe the United States should reduce the number of nuclear weapons we maintain, and I introduced legislation today with the gentleman from North Carolina (Mr. SPRATT) calling on President Bush to do just that.

I agree that funding for nonproliferation programs is well short of what is needed, but I also believe that, as long as this country relies on nuclear weapons as a central part of our national security strategy, we have a commitment to maintain them in a safe and reliable condition.

Our best hope for maintaining the reliability of our nuclear weapons without testing is a robust Stockpile Stewardship program that includes the National Ignition Facility known as the NIF.

The NIF is an essential component of our Stockpile Stewardship program because it will allow us to create conditions similar to those that exist within a nuclear explosion without actually conducting live tests of nuclear weapons. Tremendous progress has been made in constructing this facility.

Since construction began, over $1 billion has been invested in the NIF, and more than 1,000 tons of equipment have been installed. The building housing the NIF is 98 percent complete, and 70 percent of the laser glass has been produced and meets specification.

Mr. Chairman, we can ill afford to abandon the NIF at this critical juncture in the Stockpile Stewardship program. We must give the Nation's nuclear stewards the tools they need to maintain the safety, security and reliability of our Nation's nuclear deterrent.

Finally, Mr. Chairman, I would like to submit for the RECORD a letter I received today from Ambassador Thomas Graham, who negotiated the nonproliferation treaty, expressing his support of the NIF.

I would also like to direct the RECORD on quotes attributed to Dr. Edward Teller. Dr. Teller's quote is, ''I was misquoted giving the appearance I did not support this NIF project. It is necessary that I correct this completely wrong impression.'' I am for the NIF.

Mr. Chairman, I urge my colleagues to strongly vote down this amendment. It will jeopardize our ability to have a safe and reliable and certifiable stockpile.

Mr. Chairman, I include the following documents for the RECORD as follows:

LAWYERS ALLIANCE FOR WORLD SECURITY COMMITTEE FOR NATIONAL SECURITY,

Washington, DC, June 26, 2001.

Hon. ELLEN TAUSCHER,

House of Representatives, 1122 Longworth House Office Building, Washington, DC.

DEAR CONGRESSWOMAN TAUSCHER, I am writing this letter to urge your support on a matter that I consider to be crucial to the continuing viability of the U.S. nuclear arsenal and therefore to our national security. I believe that it is necessary that we maintain an effective and fully funded stockpile stewardship program, an important element of which is the National Ignition Facility. Specifically, the stockpile stewardship program is the underpinning for our current moratorium on nuclear testing and will provide the conditions for Senate reconsideration of the Comprehensive Nuclear Test Ban Treaty.

I am not a new supporter of NIF. I supported it when I was in charge of the U.S. worldwide efforts to extend the Nonproliferation Treaty (NPT) and I supported it when, after the 1995 Conference which permanently extended the NPT, I urged negotiation of a zero-yield CTBT. I supported it despite earlier concerns about cost, management and technical problems, concerns that were well justified. And while there continue to be some problems in these respects, I am confident that under General Gordon's leadership the NNSA will successfully correct the situation and complete this much needed element of our effort to maintain a safe and reliable nuclear deterrent without underground testing. I strongly urge you to support the full NNSA request for the NIF project in FY2002.

I recognize that President Bush has indicated he does not support a CTBT at this time, a view with which I respectfully disagree. Nevertheless, he has given his full support to a continuing moratorium on nuclear testing. Thus, we need a full commitment to an effective and successful stockpile stewardship program.

Without a doubt, a significant part of the reason the Senate voted against ratification of the test ban treaty in 1999 was a failure on the part of CTBT advocates to convince enough senators that stockpile stewardship works. A successful NIF, which will perform key scientific experiments and is crucial to efforts to attract the quality personnel required to permit the labs to fill their stewardship missions, would help remedy this misperception in the future. Conversely, failure to support NIF will undoubtedly undermine the stockpile stewardship program and,

as a result, the U.S. testing moratorium and future CTBT ratification efforts.

While some critics of the NIF correctly assert that other elements of the stockpile stewardship program need additional funding, the answer is not to take funds from one part of the program to fix another but rather to provide sufficient resources for a fully effective program. When this issue is considered in committee later this year. I urge you to continue your support for the National Ignition Facility and the stockpile stewardship program. We have come too far, and have too far to go, to falter now.

Sincerely,

THOMAS GRAHAM, Jr.

Statement by Dr. Edward Teller regarding the NIF:

''. . . I was misquoted giving the appearance that I did not support this (NIF) project. It is necessary that I correct this completely wrong impression.

It is my opinion that the NIF will almost certainly demonstrate nuclear fusion basic for the hydrogen bomb. Such demonstration will be valuable in the Nation's search for ways that future functioning of fusion bombs can be assured.''

Mr. CALVERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this very irresponsible amendment. We often debate the proper roles and responsibilities of the Federal Government, but I thought we all agreed that Congress exists in large part to provide for our national security.

This amendment strikes at the heart of our country's defense. If we pull support from the National Ignition Facility, we would cripple our nuclear weapons stockpile, the cornerstone of our national defense.

NIF is the only facility that can create the extreme temperature and pressure conditions that exist in exploding nuclear weapons. Without NIF, we would lose our ability to fully understand the operations of our arsenal.

NIF is also the only facility that can create fusion ignition-and-burn in the laboratory. Without NIF, we would not be able to access and certify the aging nuclear stockpile unless we renew underground testing.

Do not just take my word for it. The head of the National Nuclear Security Administration in DOE has said that, without NIF, we will need to begin underground tests once again.

We need to ensure that our weapons are safe and that they will work. NIF gives us this assurance. Stand up for the defense of our Nation. I urge my colleagues to vote against this ill-advised amendment.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand today in strong support of this amendment to cut funding from the National Ignition Facility and to transfer that money to crucial nuclear nonproliferation programs and to the national Treasury.

This project has already sucked up billions of taxpayer dollars while endangering our environment and sabotaging efforts to reduce nuclear nonproliferation. Instead of continuing to go down this path, let us stand up today for peace, for security, and fiscal common sense.

NIF has cost billions and will cost billions more and will not increase our national security. The National Ignition Facility is not some crucial component to our security system. It is an albatross, mired in cost overruns and dubious science.

When Edward Teller, the father of the hydrogen bomb, says that NIF has no utility whatsoever, we really should listen.

Now, at the same time, the Energy and Water Development Appropriations bill cuts funding for nonproliferation programs that represent an investment in peace, which is really an investment worth making. So this amendment restores badly needed dollars to programs that will make us truly safer.

This is not a trade-off in security. It is an enhancement of security. Now is not the time to cut support for efforts to curtail the spread of nuclear weapons. Reducing the number of nuclear weapons in the world and reducing the amount of nuclear material in the world enhances our security.

□ 1645

So we must move forward toward a safer future, not backwards to a more dangerous past.

Finally, this amendment returns over $56 million to the national treasury. Fifty-six million dollars. That money could go to house the homeless, to care for our seniors, or to feed the hungry. Without housing, without medical care, without food for all, how can we really be secure?

Once again I urge my colleagues' support of this amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment.

Mr. Speaker, I am in support of this amendment from a good-government-taxpayer point of view. This program has failed audit after audit after audit. Just the most recent GAO audit has given it a failing grade. This program is 6 years over its original completion date, and it is almost $4 billion over budget.

For us, as the legislative branch of government, to properly conduct our proper oversight role over the executive branch, to see if their proper stewardship of our taxpayer dollars is making sense and is being implemented well, and for us to walk away from these kinds of abuses, is quite simply irresponsible.

I support the Kucinich amendment. I do not think it strikes a devastating blow to our nuclear stockpile program. In fact, I think this is a good thing, because it says that if an organization is going to take taxpayer dollars, they have to spend them wisely, have a good plan in place, and that we will not chase good money after bad. These audits need to be passed before we can reward this program with the funding they are asking for.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent to limit debate on this particular amendment to 10 minutes, 5 minutes for a proponent and an opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. VISCLOSKY. Mr. Chairman, I object momentarily.

The CHAIRMAN. Objection is heard.

Mr. THORNBERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I support the nonproliferation efforts which can reduce the amount of nuclear material and nuclear expertise which is floating around the world and which some reports say is the greatest single threat to U.S. security, but I cannot support reductions in programs that keep our own nuclear stockpile safe, secure, and reliable.

I would say to the gentleman who just spoke in the well that this Congress is not walking away from the management difficulties that the NIF has had. As a matter of fact, in the Committee on Armed Services we have had a number of hearings over the past several years on the NIF and its management difficulties. As a matter of fact, I think one of the reasons we have a new entity within the Department of Energy is to help correct some of those problems in the past. And I can report that the new National Nuclear Security Administration and General Gordon, its head, has moved aggressively to solve the management problems that the NIF has had in the past.

As my colleague from California has said, we have sunk a tremendous amount of money into this project. To walk away now would be the height of folly. But I want to take just a second to put the NIF into its proper context, because I think many of my colleagues do not realize we continue to rely today on nuclear weapons as the central part of our security deterrent; yet those nuclear weapons are 18 years old, on average. They were designed to last 12 years, and so they are already well beyond their design life.

What many people do not realize also is that there is a lot we do not know about nuclear weapons and how they work. In spite of the fact that we have conducted many tests over the past number of years, going back to 1945, there is a lot about what happens with a nuclear explosion that we do not understand, and NIF and other programs like that are designed to help us understand what is going on so that as our weapons age we can continue to have confidence that they are safe, secure, and reliable. If we do not have NIF or other tools like NIF, then the uncertainties will grow, and they will grow to a point where the President and a Congress will have no choice but to resume nuclear testing, and that will have enormous consequences.

I would point out to my colleagues that this subcommittee has already cut

the President's request by $176 million. That gives me enormous concern. But to take more money out of the President's request to increase the uncertainties and here to stop the funding for NIF, which is one of the essential tools to help answer those questions as our stockpiles age, would be a serious, serious mistake.

Mr. Chairman, I think that what we have before us as an amendment will hurt the security of the United States not only here but in the long term, and I hope my colleagues will reject it.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, be limited to 10 minutes, the time to be equally divided between the proponent of the amendment and a Member opposed.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama to limit the debate to 10 minutes, 5 minutes divided equally on each side?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) will control the time in favor of the amendment, and a Member on the opposite side will control the time in opposition to the amendment.

Mr. KUCINICH. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time, and I am rising in support of the amendment that has been proposed by the gentleman from Ohio, in part, I think, to clear up some of the issues along the way.

The expenditure in nuclear programs is far beyond what we need to be expending in nuclear programs. That is as simple as one can say it. The increase in nuclear programs in this budget is by a very significant amount over the previous year when we have such great other needs. The amendment that the gentleman has proposed returns $56 million to the Treasury, which by the way is about similar to the amount that was involved in the amendment that had been offered by the gentleman from New York seeking only an additional $50 million for renewable energy research programs. It seems to me that that would be a far, far better way to use the $56 million that otherwise would be returned to the Treasury by the gentleman from Ohio and his amendment.

I just want to point out, in partial reply on exactly the same amendment earlier, the gentleman from Tennessee was speaking about what the committee had done, and I do commend the committee for returning, on renewable energy sources, $100 million, which had been cut from the budget for renewable energy sources by the President's request. In returning that amount of money, they now have in the bill $377 million for renewable energy research and development, which is exactly $1 million more than there was in the previous bill.

Now, I would just point out here that in the National Energy Policy Report that has come out, the policy report has at one point a statement that President George W. Bush understands the promise of renewable energy and strongly encourages alternative sources, such as wind, biomass, and solar energy. And in another place here the statement reads that ''renewable and alternative fuels offer hope for America's energy future.'' I do not think that it is appropriate to have only a $1 million increase in the accounts for renewable energy, commendable though it is, that the subcommittee has recommended $100 million more than the President had proposed, because he had cut so much out of what he is in other places here saying are such important pieces of work to be done.

It seems to me that we would be far wiser to use money that might be saved from the NIF and otherwise, by the amendment, would return to the Treasury for something that would really significantly help in producing the kind of energy that we need for the future in renewable sources that does not produce global warming, CO_2, in most of its forms, and produces very little, except renewable sources, in biomass.

The CHAIRMAN. Does the gentleman from Tennessee (Mr. WAMP) seek to control the time in opposition to the amendment?

Mr. WAMP. I do, Mr. Chairman.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank my colleague for yielding me this time. We can have our own opinion, but we cannot have our own separate set of facts; and the facts about the NIF are very clear. While there were significant production failures and management problems in the NIF in 1999, even into early 2000, that has been dramatically fixed by new management. And, frankly, we have not had any GAO reports saying anything other than that.

These investments are critical to our stockpile stewardship program. They are critical to having an ability to certify the sustainability and the safety of these weapons. The NIF is a project that was plagued with problems; but even today, in the Subcommittee on Military Procurement, General Gordon, the administrator of the National Nuclear Security Administration, testified that the NIF is now problem free, it is a program that is going forward, that we have significant investment in, and it is critical to our ability to have a stockpile stewardship program that enables us to certify weapons without testing.

So I think that while there are rumors out there that the NIF is still plagued with problems, I want to assure my colleagues that they need to vote down this amendment. I urge them to strongly oppose it. We need the NIF for stockpile stewardship, and we need it for nuclear security.

Mr. KUCINICH. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) has 1½ minutes remaining, and the gentleman from Tennessee (Mr. WAMP) has 3½ minutes remaining.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume, and I would like to cite the latest GAO report about the NIF, which was issued on June 1, and continues to recommend an independent scientific review of NIF. It says,

> In our reports, we recommended that the Secretary of energy arrange for an independent outside scientific and technical review of NIF's remaining technical challenges. NIF still lacks an independent external review process. Independent external reviews are valuable for measuring cost, schedule, and technical success in any large and ambitious science project. Yet, no such external independent reviews of NIF have been conducted or planned. The DOE's own orders state that external independent reviews are beneficial; however, DOE plans to continue its own internal review program, allowing Defense Programs officials to manage the process themselves.

It is very clear, Mr. Chairman, that accountability has been lacking. While we know about the lack of accountability at NIF, we also have an opportunity here to take a strong position with respect to nonproliferation and fund some of those programs that have been cut back.

Mr. WAMP. Mr. Chairman, I yield myself the balance of my time.

Whether coming at the amendment from a budget-cutting perspective or coming at it from an anti-nuclear or non-proliferation perspective, it does not serve our country well today to retreat from our national preparedness, including the ultimate deterrent of a safe and reliable nuclear weapons stockpile. We built it up for a purpose, and we must maintain it for a purpose. The entire free world is depending on us.

And, frankly, in closing, I want to say we now have better management for our weapons stockpile than we had 5 years ago. There is no question that NNSA was a good move. It was done by a bipartisan team led by the gentleman from Texas (Mr. THORNBERRY) and the gentlewoman from California (Mrs. TAUSCHER), and I applaud their work. Because today, under General Gordon's leadership, the NNSA is responsibly reforming our nuclear weapons programs so that we are prepared for the future.

For too long our weapons activities have been put on the back burner.

□ 1700

We have been funding through our national security programs weapons, and our personnel on active duty and our Guard and Reserve, but we cannot move our weapons activities to the back burner and expect to have an infrastructure that is capable of the next

generation of nuclear weapons if we need them, or a workforce. We have a graying workforce and aging infrastructure throughout the weapons complex.

I represent the Y–12 in Oak Ridge, Tennessee, where bricks fall off the walls and people have to report to work in hard hats because the infrastructure has eroded.

Mr. Chairman, we must reinvest in the modernization of these facilities. We have buildings that are 50 years old. We have not adequately funded those facilities. This strikes at NIF, but NIF is at next-generation of being able to test without activating these weapons and testing underground, maintaining the weapons stockpile reliability. We must do this and fight back this amendment.

Mr. Chairman, I urge a ''no'' vote on this amendment.

Mr. WAMP. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 8 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the distinguished gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Energy and Water Development.

Mr. Chairman, since being elected to the Congress, I have worked closely with the Army Corps of Engineers to ensure full pool lake levels at West Point Lake. On several occasions, the Army Corps has imprudently lowered the lake level, causing environmental degradation and severely affecting the use of the lake by the tens of thousands of citizens who rely on it for their water, energy, and recreation.

Over the last year, however, with the assistance of former Assistant Secretary of the Army for Civil Works, Joseph Westphal, we were able to work on making sure that the Army Corps in managing West Point Lake, respected the benefit-cost priorities that were established by Congress when this project was authorized by title II, section 203 of the Flood Control Act of 1962, Public Law No. 87–874 (76 Stat. 1190, October 23, 1962).

This legislation authorized four primary project purposes with benefits and costs as follows: generation of hydroelectric power, flood control, fish and wildlife, recreation and navigation.

Mr. Chairman, I would like to ask the distinguished chairman, the gentleman from Alabama, can I be assured the gentleman will work with the Army Corps to continue to respect the relative priorities of these federally mandated purposes?

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for bringing the issue to the attention of the committee. I recognize the work the gentleman from Georgia has done to assist the Army Corps in making rational decisions in the operation of West Point Lake. It is my goal to direct the Army Corps to continue to work on improving the management of West Point Lake. The Army Corps needs to work to fulfill the intent of Congress with respect to this facility. I pledge to work with the gentleman from Georgia to ensure the Corps of Engineers adequately addresses the concerns of the gentleman and his constituents.

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for his continued work in this area and look forward to working with him.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent that we bring the Bonior amendment up out of order, and that time constraints be put on the amendment limiting debate on the amendment and all amendments thereto to 1 hour, the time to be equally divided between the proponent of the amendment and a Member opposed.

Mr. VISCLOSKY. Mr. Chairman, if the gentleman would yield, the vote on the Bonior amendment would be the first vote in sequence tomorrow morning?

Mr. CALLAHAN. That is correct. We are going to make that announcement after the unanimous consent is adopted. If the unanimous consent is accepted, then we will debate the Bonior amendment or any amendment thereto, including the Rogers amendment tonight, probably finish about 6, have no further votes tonight, and then begin in the morning at 9.

Mr. VISCLOSKY. And no further amendment will be offered tonight, we will do our unanimous consent, and the first vote in the morning would be the Bonior amendment?

Mr. CALLAHAN. With the exception of the Rogers amendment.

Mr. VISCLOSKY. Mr. Chairman, I have no objection.

The CHAIRMAN. Without objection, the gentleman from Michigan (Mr. BONIOR) will be permitted to offer an amendment in the form of a limitation to be inserted at the end of the bill at this point in the reading, and that debate on the amendment and any amendments thereto be limited to 60 minutes, equally divided and controlled by the gentleman from Michigan and a Member opposed.

There was no objection.

AMENDMENT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BONIOR:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. No funds provided in this Act may be expended to issue any permit or other authorization under section 10 of the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 403), or to issue any other lease, license, permit, approval, or right-of-way, for any drilling to extract or explore for oil or gas from the land beneath the water in any of Lake Huron, Lake Ontario, Lake Michigan, Lake Erie, Lake Superior, Lake Saint Clair, the Saint Mary's River, the Saint Clair River, the Detroit River, the Niagara River, or the Saint Lawrence River from Lake Ontario to the 45th parallel of latitude.

The CHAIRMAN. Under a previous agreement of the House, time will be limited to 60 minutes equally divided between the gentleman from Michigan (Mr. BONIOR) and a Member opposed.

The Chair recognizes the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to thank my colleagues who have worked to put this together: the gentleman from Indiana (Mr. VISCLOSKY), the gentleman from Alabama (Mr. CALLAHAN), the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY).

Secondly, I want to thank the gentleman from Michigan (Mr. STUPAK) for being the leader on this important issue for all of us in the Great Lakes. I thank him for his leadership. And I also thank the gentleman from Ohio (Mr. LATOURETTE) for his sponsorship of this, as well as the gentlewoman from Ohio (Ms. KAPTUR).

Mr. Chairman, for those who have grown up along the shores of the Great Lakes, we know that the Great Lakes defines the region that we live in. It is what we are about. It is what has made the Great Lakes region the wealthiest area on the planet Earth because of this wonderful and abundant resource.

Mr. Chairman, we depend on our drinking water, our recreation, the engine of our economy on the water in the Great Lakes. Tourism is our second largest industry. We do about $10 billion a year in tourism. Families come to Michigan to fish, to use our beautiful beaches, to swim in our lakes and enjoy our sand dunes. They do not come to Michigan to look at oil wells or oil derricks. We are passionate about protecting the Great Lakes.

We cannot afford to put our greatest natural resource at risk. When I say that, 95 percent of all of the fresh water in our country comes out of the Great Lakes and its connecting waterways; 20 percent, a fifth of the fresh water on planet Earth, comes out of the Great Lakes.

I am amazed and appalled and alarmed that some in Michigan are proposing to drill for oil and gas beneath our Great Lakes. They seek to add 30 new directional drills along our shores. They are moving at breakneck speed to get this done. Over their lifetime, directional wells drilled already in place have produced less than one-

third of a day's supply of natural gas and oil.

This process began with seven wells, up to 13, now back to seven as far back as 1979. There is virtually very little that has accrued. I remind my colleagues that 1 quart of oil can contaminate up to 2 million gallons of drinking water. Just think of the damage that would do if we had directional slant drilling.

If we have a drill that hits a pressure pocket, it can spew gas and oil back out like a geyser, Mr. Chairman. There is also another problem that we have experienced in one of the drills in the area of Manistee, Michigan. It is called hydrogen sulfide. It is a poisonous gas. It is very similar to cyanide. It was released back in 1997 and 1998, sending 20 people in that region to the hospital.

Under the present movement to access and explore gas and oil, our drinking water could be contaminated. Oil could wash up to our shores; and if that happened, it could take as much as 500 years to completely flush out.

In conclusion, let me say, Mr. Chairman, oil and water do not mix. Let us put an end to this bad idea by passing this amendment sponsored by my colleague, the gentleman from Michigan (Mr. STUPAK), the gentlewoman from Ohio (Ms. KAPTUR), and put an end to this once and for all.

This amendment would prohibit the Army Corps from spending funds to issue any new permits for oil and gas drilling under the Great Lakes. We need to preserve this natural beauty for future generations. Drilling in the Great Lakes is a formula for disaster. I urge my colleagues to support the amendment.

Mr. Chairman, I yield 4½ minutes to the gentleman from Michigan (Mr. STUPAK), my distinguished colleague and leader on this issue.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this could be a great day for the Great Lakes and all of us who live in and around the Great Lakes. Since the 105th Congress 4 years ago, I have sought to ban the practice of drilling for oil and gas in and under our Great Lakes. Early on I was a lone voice among public officials on this issue.

But I have been rewarded for my efforts, Mr. Chairman, with strong support from both sides of the aisle, Democrats and Republicans, and from Members inside and outside of the Great Lakes basin.

The vote we will take tomorrow demonstrates how this issue has found its time and place in the House of Representatives.

□ 1715

This is not a Florida situation. We have drilling in Michigan for oil and gas. But what our amendment says is there will not be any drilling for oil and gas on our shoreline. We should not be drilling in the world's greatest supply of fresh water. We should not have to be drilling on the shoreline of fresh water for 34 million people who live around the Great Lakes. Let us not jeopardize our Great Lakes. Let us not jeopardize their drinking water. Let us not drill for gas and oil under our Great Lakes.

This amendment is important because our State of Michigan is moving forward to open new areas for drilling along the shores of Lake Michigan, Lake Huron, Lake St. Clair, the connecting waterway between Lake Huron and Lake Erie.

Consider, Mr. Chairman, that 18 percent of the world's fresh water is found in the Great Lakes. Ninety-five percent of our Nation's fresh water is found in the Great Lakes. It is the home and workplace of 34 million people. The procedure that Michigan plans to authorize does not involve oil platforms located in the water of the Great Lakes themselves. Instead, the rigs would be located along the shore. Oil pockets under the lakes would be tapped by drilling at an angle from the shore rigs. This is a procedure known as directional drilling.

Michigan law already permits State officials to move forward to lease bottomlands of the Great Lakes for drilling, without a new vote of the Michigan State House or State Senate. Michigan can move forward to lease bottomlands without permission from any other Great Lakes State. But as people inside and outside of Michigan have learned what Michigan is doing, Mr. Chairman, they have raised their voice in opposition. The Governor of Ohio has said he would never consider such a procedure. The Wisconsin Senate has said no to directional drilling. Members of the Michigan legislature themselves are waking up to the dangers that this practice presents to the Great Lakes. Although the Michigan Senate earlier this month voted to support new drilling, that language last night was eliminated from a House-Senate conference report and the language allowing directional drilling has been eliminated in Michigan.

Here in Congress, a bipartisan group of Members from this body and the other body have brought forth bills to block any new drilling for oil and gas underneath the Great Lakes. But despite all of these actions, the State of Michigan can still move forward by administrative action and still plans to do so under the leadership of Governor Engler. Leasing of bottomlands of the Great Lakes for new oil and gas could take place within months under the current administration in Michigan. Michigan State officials have argued that the procedure is safe. A set of recommendations made up by a panel, a panel that was handpicked by the Michigan Governor to study the safety of directional drilling, have not been implemented and will not be implemented. They want to drill up in my district and they have never yet had a hearing in my district as required under the procedures as to whether or not you should drill in the Great Lakes.

Mr. Chairman, we may be able to imagine the hazards of drilling, but it is harder to see the benefits. What is the economic trade-off here that you could argue in favor of drilling under our Great Lakes? The answer, Mr. Chairman, is small and short-term gain for Michigan's budget and profits for oil companies. But the public at large that faces the threat of drilling would see virtually no benefits. The proposed 30 or so new wells would yield only enough oil to meet the needs of Michigan residents for 3 weeks and enough natural gas for 5 weeks.

Mr. Chairman, of all the places in the Nation where we might wish to sink oil wells, I believe we can argue that we would never choose the shoreline shared by the people of Chicago, Milwaukee, Detroit, Cleveland, Toronto, and Buffalo among others. Let us block this procedure.

I thank the U.S. Senators in the Michigan delegation and other Senators for their efforts. I would like to thank my colleagues, the gentleman from Michigan (Mr. BONIOR), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Ohio (Mr. LATOURETTE), the gentlewoman from Florida (Mrs. THURMAN), the gentleman from Wisconsin (Mr. BARRETT), the gentleman from Ohio (Mr. BROWN), and others who stepped forward to cosponsor legislation to ban directional drilling each and every Congress that I have introduced it.

A vote for this amendment tells the American public that we understand that the Great Lakes, one of the Nation's, one of the world's greatest resources, should and will be protected. Vote ''yes'' on the Bonior amendment.

The CHAIRMAN. Does the gentleman from Alabama seek the time in opposition to the amendment?

Mr. CALLAHAN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama is recognized for 30 minutes.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

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

Mr. CAMP. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of the amendment offered by my colleagues from the Midwest, an amendment which prohibits the Federal Government from facilitating drilling projects in the Great Lakes. This amendment is a vote in support of the most precious fresh water resource we have.

It remains unclear whether or not the Federal Government or the Army Corps of Engineers has any authority in this area, but I believe it is important to make a statement on protecting the Great Lakes. For example, section 10 of the Rivers and Harbors

Act cited in this amendment was passed in 1899 and only refers to blocking navigable waters.

Protection of the Great Lakes basin best remains with the eight Great Lakes Governors and two Canadian Premiers. Earlier this month, the governors and premiers came together and signed Annex 2001 which protects the Great Lakes from commercial withdrawals of water. So while not a perfect solution, I am voting for this amendment to be sure the word goes out that our Federal Government should not be participating in our Great Lakes and this amendment does that.

I applaud Members of both parties for working to protect our lakes. I urge my colleagues to vote in favor of protecting our greatest natural resource.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank the gentleman for yielding me this time.

Mr. Chairman, my district represents roughly 150 miles of Lake Michigan shoreline. On a day-to-day basis the quality of life and the very livelihood of many of my constituents are directly affected by Lake Michigan and the Great Lakes. The Great Lakes are one of this Nation's most precious resources. This amendment is one way we can help protect and preserve the largest body of fresh water in the world.

I am and have always been in favor of States rights and there are some that will invoke that issue in regard to this amendment. Action by Congress is needed, however, because the Great Lakes States and provincial governments of Canada have a patchwork of regulations that do little to protect the Great Lakes from the dangers associated with oil and gas drilling. Canada allows vertical drills to line the bottomlands of Lake Erie. While some States in the Great Lakes region allow drilling, others have banned this practice. Protection of this resource cannot vary from State to State or from one body of water to the next. Everything is interconnected in the Great Lakes region and the decisions that place Lake Erie at risk in turn place Lake Michigan at risk and vice versa. The only appropriate policy is to keep drills out of the Great Lakes.

I feel it is necessary today to vote in favor of this amendment to eliminate the risk as opposed to allowing this activity to take place. In addition to supporting this amendment today, I am also introducing legislation that will call for further study of the environmental impact of oil and gas drilling in the Great Lakes. I will ask for a complete assessment of the condition, safety, and the potential environmental effects of pipelines that run under the Great Lakes and through the States that surround those lakes. And I will ask for a comprehensive study to determine how much oil and gas might be gained by drilling in the Great Lakes region.

We should go further. We need a comprehensive plan to protect the Great Lakes. This is a good first step.

Mr. CALLAHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Chairman, I cannot believe amendments like this. It is the height of irresponsibility. I think Members should oppose this amendment because it establishes a horribly irresponsible precedent for our energy security in this country. The Democrat leadership is constraining our economy within the same energy straitjacket that they applied under the Carter administration and that they are applying now in California that brings blackouts.

The working people of America are depending on us to open energy reserves to safe, environmentally responsible exploration. Without reliable energy, our economy will crumble. It will mean blackouts, layoffs, and plant closings.

This energy security obstructionism is one aspect of a broader effort to systematically choke off every promising source of domestic energy. It is hard to fathom how this campaign to block energy production could be driven by anything but a misguided motivation to weaken America and to leave us beholden to foreign sources of energy.

The Democrat leadership is at war with our ability to produce an adequate and dependable energy supply. They oppose safe oil exploration. They oppose expanded nuclear power. They oppose clean coal. They oppose ANWR. They oppose tapping the natural gas trapped beneath public lands. They oppose drilling in the Gulf of Mexico. And now they oppose slant drilling in Michigan.

Now, they are for closing plants. They are for closing refineries. They are against opening any new plants. They oppose everything that allows us to increase our supply. Their actual objective must be to eradicate America's energy security. Why else would the Democrat leadership be recklessly pursuing a policy that is weakening the United States economy?

The question for Democrats to answer is this: Where will Americans go for the energy that they need to sustain their quality of life after you have completely strangled our ability to produce the energy that we need? What will Democrats tell the men and women stranded in gas lines? What explanation will they offer families suffering through frequent and recurring blackouts? What justification will they offer to workers when they open a pink slip after plants are forced out of business by spiraling energy costs?

And this environmental extremism, this radical environmentalism is entirely unwarranted. Today, slant drilling technology allows us to safely withdraw oil and gas beneath bodies of water from the shore. Environmentally safe. We do not have to trade environmental safety for energy security.

Members, please oppose these amendments that weaken America by enhancing the power that foreign suppliers of energy hold over our Nation.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I applaud the gentleman from Michigan (Mr. BONIOR) for introducing this amendment along with the gentleman from Michigan (Mr. STUPAK) and others.

Mr. Chairman, I rise in strong support of this amendment. Unfortunately, some public officials in Michigan are using recent fuel price spikes to justify their desire to open up the Great Lakes to oil and gas drilling. Although drilling in the Great Lakes may bring a profit to the oil companies, it is not going to solve our national energy crisis or even temporarily drive down the cost of gas in the Midwest. In fact, it is estimated that new wells in the Great Lakes will only yield enough oil to meet one State's needs for 3 weeks.

The negligible benefits of expanded oil and gas drilling in the Great Lakes is hardly worth it considering the risks. The type of directional drilling industry proposes carries the risk of oil spills and toxic hydrogen sulfide releases, ruining the lakes' pristine ecosystem and jeopardizing human health. Many of us recall the Exxon Valdez oil spill which dumped 11 million gallons of crude oil contaminating 300 miles of shoreline and causing billions of dollars in damage to one of our most pristine natural wildlife refuges in Alaska. And more recently, an oil spill devastated the Galapagos Islands, ruining miles of shoreline and destroying the environment.

As the world's biggest source of fresh water, the Great Lakes must be protected from such a tragedy. I think the 34 million people inhabiting the Great Lakes basin as well as Americans across the country would agree.

Unfortunately, State officials in Michigan are ignoring common sense and pushing forward in their efforts to reverse a moratorium on Great Lakes drilling. It is therefore incumbent upon Congress to protect the Great Lakes. Banning Federal funding through this amendment is a step in the right direction and would send a strong signal to those eager to exploit Great Lakes resources.

People in Wisconsin and other Great Lakes States are blessed to have the world's most pristine lakes and fresh water resources in our backyard. We get our drinking water from them, our kids swim in them, and our tourism industry depends on them. Because the Great Lakes are such an important part of our daily lives, we are not willing to gamble with this precious resource for short-term gain.

I urge my colleagues' support of this amendment. Please stand with us to protect the Great Lakes from environmental hazard and degradation.

Mr. CALLAHAN. Mr. Chairman, I yield 5 minutes to the gentleman from

Michigan (Mr. KNOLLENBERG), a member of our subcommittee.

Mr. KNOLLENBERG. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to the amendment. The amendment is overly broad and would prohibit all agencies in the Energy and Water bill including the Corps of Engineers, the Department of Energy, and a portion of the Department of the Interior from expending funds for drilling in the Great Lakes. I have concerns that needed grants from these Federal agencies would be cut off as a result of this amendment. This is another attempt by the amendment's author and others to shift decision-making authority over the Great Lakes to the Federal Government, just like the water management issue. They would rather have bureaucrats in Washington to manage our resources than those of us who actually live there. I do not think that is right.

The issue is under the jurisdiction of the State of Michigan and our State legislature and the governments of all the Great Lakes States. This is not just a Michigan issue. The Michigan State legislature has made a decision that this will be handled by State agencies, including the Michigan Department of Environmental Quality, Department of Natural Resources, and the State's Natural Resources Commission.

□ 1730

They have made this decision on their own, free from Federal interference, which is as it should be. In fact, my home State of Michigan is not alone in this sentiment. It is shared by others. In a letter from the Interstate Oil and Gas Compact Commission, and I have a letter here, which has 30 of our Nation's 50 States as members, this letter went to EPA administrator Christie Todd Whitman, who writes, ''The member States of the OIGCC regard drilling beneath the Great Lakes and protection of the environment in relation to that drilling to be matters that are within the exclusive jurisdiction of the States and not the United States EPA or other Federal agencies.''

This amendment would be counter to the belief of the IOGCC and the majority of States in our Union. Remember again, there are 30 States involved here.

Mr. Chairman, directional drilling should not be confused with offshore drilling. Directional drilling sites are inland. In the State of Michigan, they are prohibited from being closer than 1,500 feet from the shoreline. Conversely, offshore drilling done from ships or rigs directly in the water is prohibited by State law in five of the eight Great Lakes States.

In 1997, the Michigan Environmental Science Board concluded directional drilling posed little or no risk to the contamination to the Great Lakes. Since 1979, there have been no accidents and no significant impact to the environment or public health. I think the evidence shows clearly that directional drilling is safe and an effective procedure and does not warrant any kind of Federal encroachment. State geologists estimate the production of new oil and gas resources from the Great Lakes could provide, contrary to what one might have heard, as much as $100 million to the Michigan Natural Resources Trust Fund, the State's sole source of funds for land acquisitions, recreational projects, and natural resource development projects.

The revenue produced by leasing of land for drilling is crucial; and without it, state-owned natural resources could be taken without compensation by private wells drilled along the State of Michigan shorelines and the other States as well; on private lands, I might add.

Furthermore, I believe directional drilling can be done in an environmentally safe manner, and it may be one solution, one solution, to some of our energy woes.

This amendment is counterproductive because our Nation, particularly those in California, are currently experiencing an energy supply shortage and prohibiting directional drilling in the Great Lakes would cut off a critical supply source.

Mr. Chairman, this amendment is little more than an example of mission creep by which the Federal Government slowly, slowly gains more and more authority. This mission creep amendment should not pass this House. I urge Members to oppose this amendment.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SHIMKUS) assumed the Chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

The Committee resumed its sitting.

Mr. BONIOR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, first I want to commend the gentleman from Alabama (Mr. CALLAHAN) for restoring funding for renewable energy in this bill.

With regard to contamination of Lake Michigan, we have had the Rock Gobie, the Fish Hook Flea, alewife, nuclear waste and PCBs. Lake Michigan has had enough. We killed Lake Erie in the 1960s and nearly killed Lake Michigan. The Great Lakes are home to half of the world's supply of fresh water. It is one of our Nation's greatest environmental treasures. I strongly support the Bonior-LaTourette bipartisan amendment and am totally committed to Lake Michigan's environment and urge Members to support this worthy goal.

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I might point out that the purpose of this debate, what the gentleman from Michigan (Mr. BONIOR) is attempting to do, is to restrict the Corps of Engineers from granting any further permits for this venture.

This is what the Corps of Engineers is all about. The Corps of Engineers is there to protect the environment, to make absolutely certain that everything with respect to any type of activity on the lake is in the best interest of the environment and of the American people and the area.

So I would beg to differ that the permitting process on this is not taking place, because it is. They cannot do it without permits. If the gentleman's amendment is adopted, the Corps would be prevented from issuing the permits, resulting in a halting of further exploration.

I might say that every day we hear in these 1-minutes the Members of the minority talking about the energy crisis, and this is an opportunity to do something about the energy crisis while not doing anything to harm the environment. So I would urge the Members to pay close attention to what this debate is all about.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I would join my Michigan Republican colleagues who have spoken in support of this amendment, the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. HOEKSTRA), also in support of the amendment.

Some say that this is a safe process, slant drilling. Well, I have to say that I am not convinced that the science, in fact, will protect us. No one has ever suggested that the oil perhaps underneath the Great Lakes is an Arab oil field. It will not provide a lot of oil under anyone's estimation. So why should we take the risk?

I grew up on the shores of Lake Michigan, and I can remember as a young boy in the 1960s and even into the 1970s there in fact had been an oil spill on the southern shore of Lake Michigan, and I will say virtually every day, every day in St. Joe, Benton Harbor, my hometown and along the southern shore of Lake Michigan, anyone that went to the beach got oil from the sand on themselves. I do not think there was a house along the street that did not have a little bottle of Mr. Clean on the kitchen step, which was the only stuff that would take that oil off our clothes, off our shoes, name it.

That smell of Mr. Clean stays with me from this day, from those summer days of always getting oil on our feet.

One of the first pieces of legislation I passed as a young Member of this House was oil-spill legislation. I remember almost a catastrophic event in Bay City, Michigan, that would have destroyed, I think, the ecosystem of the Great Lakes for decades, if not more than 100 years.

This is a Great Lakes watershed area that is not like someplace else. When the oil is there, it stays there and it stays there for a long time.

I support this amendment. It is bipartisan. For those of us that have districts along the Great Lakes, I think that all of us, I would hope, would support it. After all, we know our Great Lakes area better than just about anybody else.

This is a wise amendment. I support the amendment. I would hope that my colleagues would also vote for this when we take it up tomorrow. I appreciate the bipartisanship that it certainly has, and I would just compliment my colleagues in support of this amendment to make sure that, in fact, we do not have oil spills throughout the Great Lakes.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Chairman, I have a lot of good friends on both sides of the aisle that are addressing this issue, and I really get concerned and I struggle with this.

Southern Illinois used to have one of the largest oil fields in the country 50 years ago, decades ago. Guess what? It was all pumped out. To benefit the United States of America, we drilled in southern Illinois. We still have some marginal wells there. They pump about two barrels a day. They are the little seesaw horses that one sees when they drive down the road.

My cornfields and soybean fields are just as important as any lakefront beach property. Sometimes I think we get very selfish. We are in an energy crisis. Fuel is at an all-time high.

We do not want to drill off the Great Lakes. We had a vote yesterday, where we do not want to drill off of Florida. Heavens, no, we do not want to go into ANWR. So my basic question is: Where do we go?

I will say where we go. We are going to the Saudi Arabia sheiks. We are going to pony up our dollars. We are going to be held hostage by Saudi Arabia for our oil.

I just do not understand. We can send people to the Moon. We can send people to Mars. We can go all over this world, and we cannot drill safely?

So I ask us to bring a little common sense to this and to realize that we have some natural resources. We have places that expended our natural resources for the benefit of our country. Now it is time to make sure that we are energy self-sufficient, not reliant on foreign oil. If we want low-cost gasoline, we have to do a couple of things. We have to drill. We have to transport and we have to refine and, of course, we have to add ethanol.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Ohio (Ms. KAPTUR), the cosponsor of the amendment.

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Michigan (Mr. BONIOR) for yielding me this time.

Mr. Chairman, last week the Members of our body voted to send a message to the Bush administration that oil and water do not mix. The House voted overwhelmingly to stop offshore drilling off the coast of Florida by a vote of 247 to 164. Seventy Republicans joined 177 Democrats in a rebuke to the White House drilling policy. Nonetheless, Vice President CHENEY claims that drilling can be conducted without environmental damage. Where does the administration stop in its single-minded desire to appease the oil and gas special interests? How many times do we have to send this message before the administration gets it?

The Bonior-Stupak-Kaptur amendment is a message: hands-off the Great Lakes. The President and Vice President need to understand that the people of the Great Lakes region do not want drilling. In my State, our Republican Governor is opposed to drilling in the Great Lakes. So are both our Republican Senators and our congressional delegation.

Lake Erie, Ohio's lake, is the shallowest of the Great Lakes and thus the most vulnerable to the administration's scheme. The Lake Erie shoreline, including the area in my congressional district, is a delicate ecosystem. Congressman DINGELL and I are working on ways to protect it for generations into the future. To expose that fragile ecosystem to oil and gas drilling makes no sense. It is reckless policy. It is irresponsible. Our freshwater ecosystem is a powerful, competitive advantage for our economy and a priceless national and international resource that belongs to all the people, not to any special interest.

For hundreds of years, even before the Northwest Territory was open, the Great Lakes have defined an entire region of our continent and the world. In the region, we see the Great Lakes as precious jewels. The administration sees another drilling platform. Please support the Bonior-Stupak-Kaptur amendment. Oil and water do not mix.

[From the Anna Arbor News, June 19, 2001]

CHENEY: DRILLING COULD CAUSE NO HARM

PROTESTERS CHARGE SLANT DRILLS UNDER LAKES WON'T REDUCE OIL DEPENDENCE

(By Karessa E. Weir, News Staff Reporter)

GENOA TOWNSHIP.—In his first visit to Michigan since taking office, Vice President Dick Cheney said drilling under the Great Lakes can be done without environmental damage.

As environmentalists protested outside Lake Pointe Manor banquet hall where he was speaking, Cheney said he supports searching for new sources of fuel. Possibly, he said, that could include the controversial plan to slant drill under the lakes.

''The technology in my judgment is extraordinarily good,'' Cheney said.

''I'd also like to remind everybody that we have a serious problem in our dependence on foreign (oil) sources.''

He added that to meet the country's electricity needs, between 1,300 and 1,900 new generators would have to be built for coal, gas and nuclear energy.

''Those are the three options for the foreseeable future,'' he said. ''The attractive features of coal are that we've got a lot of it . . . and it's cheap.''

Cheney was at the banquet hall south of Howell attending a $1,000-a-plate fund-raiser for Brighton Republican Mike Rogers.

Outside, Dan Farough, program director for the Sierra Club and one of about 25 protesters, said continuing to put more federal money into coal-burning endeavors will hurt Michigan and the country without lowering reliance on imported oil.

''Michigan's lakes already are under an advisory for mercury. Where does he think the mercury comes from? It comes from the emissions of those dirty coal-fire plants,'' Farough said. ''He is pushing drilling in Alaska and in the Great Lakes but even if we kept all of what we could get, it would only lower our imports by 2 percent.''

Cheney, flanked by Rogers and Lt. Gov. Dick Posthumus, spent the day in Michigan, first touring General Motors Corp.'s Vehicle Emission Lab in Warren and then attending the fund-raiser.

Cheney also spoke to about 500 people who paid $25 each to attend a rally at the banquet hall, where he touted the passage of the ''largest tax cut in a generation'' and efforts to reform Social Security and create a global missile defense system.

''We will not accept that the U.S. is undefended from ballistic missiles,'' Cheney said.

Inside, the reception to Cheney was warmer.

''He's doing great,'' said Millie Geisert of Howell. ''He's bringing integrity and morality back to our country.''

In Warren, Cheney climbed into a fuel-cell vehicle and munched on popcorn produced by the excess energy of a hybrid truck. He said he was impressed by what he saw at the GM facility.

''I am . . . optimistic. With American technology and ingenuity there's no question we can solve any problems down the road,'' Cheney said.

The tour came a week after GM announced a 25-year collaboration with General Hydrogen Corp., a pioneer in fuel-cell technology. GM hopes the partnership will accelerate the development of fuel-cell vehicles, which create electricity directly from a reaction between hydrogen and oxygen. The vehicles emit only water vapor from their tailpipes.

Rick Wagoner, GM's president and CEO, applauded the Bush administration's energy plan.

''We believe the plan makes sense and believe the auto industry can help implement it,'' Wagoner said.

Rogers, who defeated state Sen. Dianne Byrum, D–Onondaga, by 110 votes in November, garnered more than $350,000 for his campaign through the Cheney visit. He faces his first re-election bid in 2002.

The Associated Press contributed to this report.

Mr. BONIOR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman from Michigan (Mr. BONIOR) for yielding me this time.

Mr. Chairman, in the 20th century the greatest resource issue was oil, but in the 21st century the greatest resource issue in the world will be water.

The freshwater resources of the Great Lakes are as precious to the U.S. as oil is to the Middle East. It is our health. It is our wealth. It is our economic future. It is our environmental future. Clean water is a basic right in a democratic society. The oil companies should not be permitted to privatize the Great Lakes.

The Bible tells a story of Esau, who sold his birthright for a mess of pottage. Let us not sell America's birthright to one of the greatest supplies of fresh water in the world for a mess of oily pottage in the false name of energy security.

Mr. BONIOR. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from the great State of Minnesota (Mr. LUTHER).

□ 1745

Mr. LUTHER. Mr. Chairman, I thank the gentleman from Michigan (Mr. BONIOR), the gentleman from Michigan (Mr. STUPAK), and the gentlewoman from Ohio (Ms. KAPTUR) for their outstanding leadership on this issue.

I am from Minnesota, a State with a proud heritage of protecting our natural resources for future generations. In fact, in the late 1980s, Minnesota took part in enacting a multi-State ban on oil and gas drilling in the waters of the Great Lakes. Yet, today, discussion persists about drilling in this pristine area, particularly directional or slant drilling, is what is being discussed.

Since 1979, the seven existing directionally drilled wells have produced enough energy to cover less than a half day of our Nation's consumption. Think about this: risking the Nation's largest supply of fresh water for a few hours of consumption.

As a Nation, we must not fall back into the old way of doing things in this country. We will never get balance in our energy policies if we continue to debate drilling in our Nation's most pristine areas.

I urge this Congress to have the vision to develop new approaches to energy policy in this country. I urge Members to consider the ramifications, before risking this resource for a few hours of energy consumption. Let us give our children and their children the splendor of the Great Lakes coastline.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from the State of Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Chairman, I rise today to strongly oppose drilling of any kind in the Great Lakes. Just visit Minnesota's North Shore and you will immediately know why. Lake Superior is a constant source of wonder for many of us in this country. It helped to shape our landscape, our climate, it supports our economy, and it enhances our quality of life.

I oppose drilling not because we do not need to find additional energy resources. We do. But these lakes are just too valuable and too many families' lives would literally be at risk without fresh drinking water. It is simply not worth the risk.

We are making progress in using energy more efficiently, reducing our reliance on coal and natural gas through energy efficiency and technology; but we must work hard to make bigger investments in current programs to do more.

Investments do not always have to cost money either. We can and we must reduce our consumption by supporting wind, solar power and renewable fuels, like ethanol, which we produce in Minnesota.

Future generations depend on us not to jeopardize today's greatest natural resources. An oil spill or any related disaster on the shores of the Great Lakes would impact fresh drinking water for 35 million people, and for what? For less than 1 day's worth of oil and natural gas.

The Great Lakes are important to this Nation. They are important to my State. They are important to the families in this country. They have been crucial in our historical and economic development. Our communities continue to play a critical role in Minnesota, and water is a part of that.

I urge my colleagues to protect today's drinking water for future generations. I urge my colleagues to support this amendment.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Michigan for yielding me time. I especially want to thank the gentleman from Michigan (Mr. STUPAK), the gentleman from Michigan (Mr. BONIOR), the gentleman from Wisconsin (Mr. BARRETT), the gentlewoman from Ohio (Ms. KAPTUR), and other colleagues from the Great Lakes region for consistently championing the preservation and protection of these precious lakes.

I live on Lake Erie and appreciate the lake for its natural beauty. But Lake Erie is far more than a pretty backdrop. Ohioans rely on the lake for our region's economic well-being. We rely on Lake Erie to ship goods, to provide us with drinking water, to play host for recreational activities, and to attract tourists from all over the world.

The Great Lakes contain 20 percent of all the fresh water in the world; and yet attempts are now being made to expand so-called directional drilling under the beds of the Great Lakes, jeopardizing the water, the shorelines, and the surrounding wetlands. These attempts are being made even though the existing oil and gas wells in operation under the Great Lakes have not produced enough oil and gas to fuel our domestic needs for even a single day.

President Bush's solution for the country has been to drill early and drill often. Drill in the Arctic National Wildlife Preserve, drill in the Gulf of Mexico, drill in the five Great Lakes. Instead of pursuing fossil fuels to the end of the Earth, Congress should author an energy policy that addresses both the immediate and long-term energy needs of our people.

We should explore for additional courses of oil and gas, but we cannot drill our way out of dependence on foreign oil. Any strategy that calls for drilling in the Great Lakes, where there is more drinking water than any other place on Earth, fails even the most basic risk-reward analysis.

Fossil fuels are a finite resource. Instead of risking despoiling of every piece of ground or water under which fossil fuels may reside, we must focus instead on using energy resources more efficiently, increasing our use of renewable fuels and encouraging conservation.

Last week, this body supported an amendment that afforded protection to the coast of Florida from the potential ravages of oil and gas exploration. Today I ask my colleagues to afford the Great Lakes the same protection.

Mr. BONIOR. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me time, and I congratulate him and the gentleman from Michigan (Mr. STUPAK) and others on both sides of the aisle for sponsoring this amendment.

Mr. Chairman, this should not be, in my opinion, a hard decision for us to make. The risk is too great, when you consider the damage a spill would cause to one of the world's environmental treasures. Twenty percent of the world's fresh water is contained in the Great Lakes. It is much too precious to risk for additional drilling. And what would that drilling get us? The existing 13 wells have produced enough over their lifetime to provide only approximately a quarter of 1 day's use of natural gas in this country, and only approximately 2 percent of 1 day's use of petroleum. At what cost? I cannot imagine what type of drilling would have to occur to make a serious dent in Michigan's energy needs.

Since receiving criticism for taking the hard road of production versus conservation, the Bush administration has tried to say nice things about conservation. But the facts are clear: the Bush budget proposed to cut the Department of Energy's renewable energy and efficiency programs by almost 30 percent. It cut innovative technologies like wind, solar, and hydroelectric research by 50 percent. The American people clearly do not want to see a policy of drilling at all costs, and the people of Michigan do not want it either.

I urge my colleagues to support this very excellent amendment.

Mr. BONIOR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank my colleagues for

having the tenacity and the guts to stand up and talk about no drilling in the Great Lakes.

When I was a little girl studying about geography in the Cleveland public school system, people used to say to us, how do you remember the names of the Great Lakes? And they used to tell us to call it ''HOMES,'' Huron, Ontario, Michigan, Erie, and Superior.

So when I think about the Great Lakes, I think about it as home to 20 percent of all the freshwater resources, home to all the species of fish and wildlife that live around those lakes, home to millions of Ohio residents, Michigan residents, Minnesota residents, Illinois residents, and the residents of all the 50 States.

Now, I know that the Army Corps of Engineers holds the Great Lakes in the public trust, but I also know that this Congress is obligated to give direction and guidance to the Army Corps of Engineers. By this amendment, we can give them direction and guidance and say no direct drilling in the Great Lakes.

Mr. BONIOR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Chairman, let me thank the gentleman from Michigan for yielding me time.

Mr. Chairman, I rise today in strong support of the amendment to prohibit the Army Corps from issuing any permits to provide for directional drilling for either natural gas or oil on the Great Lakes.

Mr. Chairman, I live on a great lake, Lake Michigan. My district borders the lake. I want to point out to the Members, especially those opposed, that Lake Michigan alone provides fresh clear drinking water to about 10 million residents of not only Wisconsin, but also Michigan and Illinois.

I hear from the opponents saying we need more drilling and we need more drilling and we need more drilling, but I have yet to hear the word ''conservation.''

I would like to point out to the Members that in the 22 years that drilling has occurred on the Great Lakes, a grand total of 439,000 barrels of crude oil has been extracted. Well, if you would support us and increase the fuel efficiency for automobiles, light trucks, and SUVs by only a small amount, we could save 1 million barrels of crude per day in this country, obviating the need to go into fresh water areas like the Great Lakes, which, as has been said many times, has 20 percent of the world's fresh water, and provide for drilling and looking for crude on that great body of water.

Mr. BONIOR. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I simply want to take the time to thank the two gentlemen for offering this amendment. The greatest body of fresh water in the world is Lake Superior. Lake Michigan is certainly not far between. The only proper level of risk to such a pristine resource is zero risk. I congratulate the gentlemen for offering the amendments.

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my colleague for his comments and support on this.

Mr. Chairman, again I want to thank my friend, the gentleman from Michigan (Mr. STUPAK), for his leadership on this and all the colleagues who have spoken on this issue.

The State of Michigan is a very gorgeous State. We are talking about more than just Michigan here, we are talking about all the Great Lakes States and the connecting waterways that touch them.

But I would like to focus in on my State for a second, if I could, because we have had a history, Mr. Chairman, of being ravaged. If you go back 300 years ago, John Jacob Astor and his ilk came into our State and they took the fur and the animals out of our Great Northwest. It took them about 5 years before they depleted some of the most precious resources we had, leaving extinct many of the most important mammals in our Northwest region.

Then, of course, in the next century, after the pine had been exhausted in Maine, the lumbermen came into the State of Michigan, and built the country. At one point, the State of Michigan was 17/18ths trees. We had pine, white pine, as tall as some of the great redwoods out West today, reaching 200 feet in the air; and they were leveled. Thanks to Franklin Roosevelt and the CCC and the second growth policy of replanting during those 9 years during the Great Depression, the CCC and the 90,000 workers planted, Mr. Chairman, 465 million trees in our State.

Then the Boston mineral magnates came in, and they took the iron and the copper that Houghton, Burke, and all the others discovered in our great State.

I give you this history, because now the attack is on our water resources. And if you do not believe my word today, all you need to do is review the record in our State. We have 11,000 inland lakes. Every one of them is filled with mercury.

I went and got my fishing license the other day. They gave me a little booklet that said if you are a pregnant woman or 15 years of age or under, you cannot eat a good amount of the fish in the inland lakes. The Governor of our State has issued permits to dump raw and undertreated sewage in our rivers and streams, to the point now where many of our beaches are closed in our State because of E. coli bacteria.

□ 1800

And now he is pursuing a policy of drilling in the Great Lakes, extending 30 more wells. We do not need that. Oil and water do not mix.

I think it has been made very clear today that this is our most precious resource. A fifth of the fresh water on the planet is in our region, and we need to protect it. We need to protect it from diversion, we need to protect it from drilling, we need to protect it from being polluted with E. coli bacteria in our rivers and streams and closing our beaches; we need, as my colleague from Michigan (Mr. STUPAK) has said on numerous occasions, a water policy for our State. We do not have it. Until we do, we need to do all we can to protect this most valuable resource.

So I ask my colleagues, please, do not create this picture. For all of my colleagues who come up into our beautiful State, who travel up into Michigan, from the South, from the east coast, from the other parts of the Midwest who come to vacation, they do not come to see this, they come to swim in our lakes, they come to use our beautiful sand dunes, they come to fish in our waters, they come to rest on our beaches, and they come to drink our wonderful water.

So, Mr. Chairman, I would say to my colleagues, thank you for your support on this amendment. Vote for the amendment that has been offered, and make sure that we can save one of the most precious resources that God has given our planet.

Mr. Chairman, I yield back the balance of my time.

Mr. CALLAHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I want to commend my colleague from Michigan.

This is a solution, though, that is looking for a problem. There is not one State in the Great Lake States that allows offshore drilling, not one. There is a moratorium on new angle drilling wells in Michigan. What are we doing? This is not about protecting the Great Lakes. This is not about talking about protecting the diversion of our water; not at all. What we have here is a direction that many in this Chamber I hope would disagree, including those who may have ambitions to hold office of Governor. I trust my Governor. I trust the Governors of the Great Lake States to be in charge of the water of the Great Lake States.

As a matter of fact, underneath the Great Lakes today, there is about 22,000 barrels of crude oil an hour flowing under the Great Lakes. There are 550 offshore wells in Canada. This bill addresses none of that. There are 5 million tons of oil bobbing around on the Great Lakes every year, 20 spills a year in our Great Lakes. This amendment does nothing to address any of those issues.

This is not about protecting the Great Lakes; this is about the Federal Government going into the State of Michigan and telling the legislators there, you do not know what you are doing. Do we want to talk about our Great Lakes? You ought to live there in February. You ought to have to put

up with the cold weather in the winters and the high degree of snow. Let us not get confused about what we are doing here.

There are some great protections of our Great Lakes, and I trust those Governors, and I trust those legislators to do the right thing.

I want to say it again, because this is very important, I heard it 10 times tonight if I heard it once, that somebody is out there trying to build an oil rig in the Great Lakes, and they are going to do it now, and President Bush is leading the charge. There is not one State in the Great Lakes that allows offshore drilling, not one. There is a moratorium on directional drilling in the State of Michigan today. So what are we doing?

Mr. Chairman, I do not believe that a bureaucrat in Washington whose only experience with the UP is a picture in the National Geographic is going to do anything for the protection of our shoreline, our Great Lakes. I want people who live there. The gentlewoman from Ohio talked about home, and that is how we learn the names of those Great Lakes. Why? Because we live there. We see the water, we see the pollution, we fought back and took back Lake Erie, and now we can eat the fish. We could not about 10 or 15 years ago. Why? Because the people of the Great Lake States stood up. It is nothing that Congress did. It is not us arguing this issue, it is the people around the Great Lakes. Why? Because those in California are taking care of California needs in their districts, and those legislators who are State-elected and Governors who are elected by all of the people of the Great Lake States are protecting our Great Lakes.

Mr. Chairman, I have a passion for this stuff as well. We have a real difference of opinion on what we are doing here. Diversion of water. There is a bill in this House to empower Congress to decide what happens on diversion issues in the Great Lakes. The last I checked, Kansas and Arizona and New Mexico and California could use a bit extra water, and last I checked, there are more of them than there are of us. It has no business in this Chamber. It has all the business in the chambers in our State legislatures back home.

This is a solution that is looking for a problem.

There is this package of bills in, and I have done many of them, one to encourage the States to protect the diversion of that water, the States to do it. I have a bill in that continues the ban on offshore drilling in our Great Lakes and goes after the 550 wells currently in operation in Canada that are out in the water. Even the industry tells us they do not want to put a pipe in that fresh water. They do not want to do it. Anything that touches the water they do not want to be a part of. We ought to applaud them for it, and we ought to stand up with them today.

But what the Federal Government can give us, they can take away. Pretty soon, maybe the faces of this Chamber will change, and maybe pretty soon the folks in this Chamber will decide that we want oil in the Great Lakes, and since many of us do not live there, and the bureaucracies of Washington, D.C., that do not get to visit there much are going to decide, maybe it is worth it.

The thing that will protect us then, my good esteemed colleagues, is our State legislators and our Governors of those great States.

Mr. Chairman, I want to urge this body to reject this amendment, to throw away all the rhetoric about how this is going to pollute the water and people are rushing to put platform drilling in the Great Lakes, and they cannot wait for that oil to gush through Lake Superior and Lake Michigan. That is just absolutely not true.

What I would encourage the gentleman from Michigan to do is to work with us. Let us take a look at studying how good of shape those pipes are that are pumping those 22,000 gallons a minute under the Great Lakes today. Let us get together and tell Canada, get off the water. Shut down those rigs that are on the water pumping today. What are we going to do to make sure that those ships bobbing around out there carrying 5 million tons of oil are safe and do not have 20 spills on average a year?

Does the gentleman want to do something for the Great Lakes? Let us be a partner with them and help them solve those problems. Let us not flex our muscles as the Federal Government and come in and tell those legislators, you really do not know what you are doing out here. We are here to help you.

I used to be an FBI agent, and when I would walk into a local police station and tell them that, I did not get a warm welcome then, and I can tell you, Congress is not going to get a warm welcome in the State halls in Lansing.

Mr. Chairman, this is an important issue. It is an extremely important issue. I grew up on a lake. I want that lake safe for my kids. I want them to go to Lake Michigan and be able to play in the water and not have to worry about turning green when they come home. I want them to be able to eat the fish in Lake Erie. Meaning no disrespect to this Chamber, I just came from the State legislature, and I have seen the good things that Congress can do, and I have seen the bad things that Congress can do, and I served with some very bright people in that State legislature. I served with a great Governor who understood that we had to protect our Great Lakes while we have a moratorium on drilling. I want those people empowered to make a difference for our Great Lakes.

I would urge this body's strong rejection of the Federal Government encroaching into the business of Great Lake States.

I applaud all of the Members for getting up here and talking about their passion for protecting our greatest natural resource there. Well, let us do it. Let us be a partner with the States. Talk to our State legislators, talk to our Governors. They will be with us. Talk to the people and ask them, who do they want to protect their Great Lakes? Is it the people that get up every morning and eat breakfast there and go off to work and send their kids off to school every day, 7 days a week; or is it a bureaucrat that they have never met in the halls of some bureaucracy over here who is going to make an arbitrary decision on how it ought to look; or is it a Member from California who stands up and passionately argues, maybe 40 or 50 years from now, that it is worth the risk to stick a pipe in fresh water?

Stand up for our Great Lakes today. Stand up for the environment of Michigan, Ohio, Pennsylvania, Indiana, Minnesota, all of those speakers' home States. Stand up for it by rejecting the Federal Government's role of encroaching on our ability back home to protect our greatest national resource. I would urge this body's rejection of the Bonior amendment.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the amendment offered by my colleague Representative BONIOR. I urge its passage by the House.

There should not be any controversy over this issue. The Great Lakes should not be put at risk just so energy companies can extract a few weeks' supply of oil. It was with a certain amount of disbelief that I learned that Governor Engler and the Michigan Department of Natural Resources had proposed to lift a 1997 moratorium restricting new development of oil and gas drilling under the Great Lakes. I believe this proposal is short-sighted.

The Great Lakes are a vital natural resource to Michigan. The Lakes are our State's crown jewels, and the heart of Michigan's multi-billion-dollar tourist industry. In addition, the Great Lakes contain 20 percent of the world's fresh water. Why would we ever choose to place all this at risk? The environmental damage from an oil spill would be catastrophic.

The amendment before the House today is only common sense. It would bar any funds in this bill from being used to expand oil and gas drilling beneath the Great Lakes.

Mr. Chairman, the Great Lakes are an invaluable resource to the people of Michigan and, indeed, the entire country. The Great Lakes are also part of the environmental legacy we will leave to our children and grandchildren. I urge all my colleagues to join me in voting for the Bonior amendment.

Mr. CALLAHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. BONIOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BONIOR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. BONIOR) will be postponed.

Mr. CALLAHAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONDITIONAL ADJOURNMENT OF THE HOUSE AND RECESS OR ADJOURNMENT OF THE SENATE

Mr. YOUNG of Florida. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 176) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 176

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 28, 2001, or Friday, June 29, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, July 10, 2001, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, June 28, 2001, Friday, June 29, 2001, Saturday, June 30, 2001, Monday, July 2, 2001, Tuesday, July 3, 2001, Thursday, July 5, 2001, Friday, July 6, 2001, or Saturday, July 7, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 9, 2001, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I would simply have one question.

I notice that the concurrent resolution indicates that the House would adjourn on either Thursday or Friday. In light of the fact that Members were told that there would be no votes on Friday, my question is why is this language there? It is my understanding that the language is there simply to permit filing of a document, but that there would, in fact, be no session on Friday and no votes. Is that a correct understanding?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, the gentleman is correct. Let me state just briefly that the plan will be to convene the house at 9 o'clock in the morning. We will conclude the consideration of the appropriations bill for energy and water. At the conclusion of that bill, we will then begin the rule and the bill for the agriculture appropriations. We will proceed into the evening on the agriculture appropriations bill on tomorrow, Thursday, and at a reasonable time we will make a determination as to how late we will go tomorrow night.

The gentleman is correct that, as I announced with the approval of the leadership yesterday, Members can expect that there will be no votes on Friday.

Mr. OBEY. Mr. Speaker, further reserving the right to object, I think Members need to know what the reality is in terms of their catching planes. They were told the day before yesterday that we would not be into a long march into the night on Thursday. Could the gentleman give us some idea of how long the majority is intending to proceed so that Members on both sides have some idea of what to do with their plane reservations?

□ 1815

Mr. YOUNG of Florida. If the gentleman would yield further. As we discussed yesterday on this subject, we will very likely plan to go late tomorrow night, but also as we discussed, we would not go beyond midnight, or a reasonable time in the evening, if it appears that we have no opportunity to conclude the bill.

Mr. Speaker, I doubt that we will be able to conclude the bill on tomorrow. I would suspect the House could work its will for an earlier departure.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A CONCURRENT RESOLUTION FOR THE ADJOURNMENT OF THE HOUSE AND SENATE FOR THE INDEPENDENCE DAY DISTRICT WORK PERIOD

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–117) on the resolution (H. Res. 182) providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2330, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–118) on the resolution (H. Res. 183) providing for consideration of the bill (H.R. 2230) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 2311 in the Committee of the Whole pursuant to the House Resolution 180, no further amendment to the bill shall be in order except:

(1) the following amendments, each of which shall be debatable for 20 minutes: Mr. TRAFICANT of Ohio, regarding drilling; Mrs. BERKLEY of Nevada, regarding nuclear waste.

(2) the following amendments, which shall be debatable for 10 minutes: Mr. TRAFICANT of Ohio, regarding Buy American; Mrs. JOHNSON of Texas, regarding bio/environmental research; Mrs. KELLY of New York, regarding the Nuclear Regulatory Commission Inspector General salaries and expenses.

(3) the following additional amendment, which shall be debatable for 60 minutes: Mr. DAVIS of Florida, regarding the Gulf Stream natural gas pipeline.

Each additional amendment may be offered only by the Member designated by this request, or a designee; shall be considered as read; shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent; shall not be subject to

amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

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

Mr. VISCLOSKY. Mr. Speaker, reserving the right to object, if I can make an inquiry to the gentleman.

Mr. Speaker, my understanding is that the procedure tomorrow morning is that the House will go into session at 9 a.m., and we will immediately begin to vote on those matters that have been deferred, beginning with the Tancredo amendment, relative to the general investigations dealing with $9.9 million, that would be a 15-minute vote; the second Tancredo amendment would then be a 5-minute vote in sequence; the Hinchey amendment would be a 5-minute vote; the Kucinich amendment would be a 5-minute vote; and then there would be a 5-minute vote on the Bonior amendment? Those all would be taken together? There would be no break in time after the Kucinich amendment and the Bonior amendment?

Mr. CALLAHAN. Mr. Speaker, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Alabama.

Mr. CALLAHAN. The gentleman from Indiana is correct.

Mr. VISCLOSKY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

HOUR OF MEETING ON THURSDAY, JUNE 28, 2001

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

22ND ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform:

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I transmit herewith to you the Twenty-second Annual Report of the Federal Labor Relations Authority for Fiscal Year 2000.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 27, 2001.*

EXECUTIVE ORDER BLOCKING PROPERTY OF PERSONS WHO THREATEN INTERNATIONAL STABILIZATION EFFORTS IN THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–91)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency in response to the unusual and extraordinary threat posed to the national security and foreign policy of the United States by (i) actions of persons engaged in, or assisting, sponsoring, or supporting, extremist violence in the former Yugoslav Republic of Macedonia, southern Serbia, the Federal Republic of Yugoslavia (FRY), and elsewhere in the Western Balkans region, and (ii) the actions of persons engaged in, or assisting, sponsoring, or supporting acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo. The actions of these individuals and groups threaten the peace in or diminish the security and stability of the Western Balkans, undermine the authority, efforts, and objectives of the United Nations, the North Atlantic Treaty Organization (NATO), and other international organizations and entities present in those areas and the wider region, and endanger the safety of persons participating in or providing support to the activities of those organizations and entities, including United States military forces and Government officials. In order to deal with this threat, I have issued an Executive order blocking the property and interests in property of those persons determined to have undertaken the actions described above.

The Executive order prohibits United States persons from transferring, paying, exporting, withdrawing, or otherwise dealing in the property or interests in property of persons I have identified in the Annex to the order or persons designated pursuant to the order by the Secretary of the Treasury, in consultation with the Secretary of State. Included among the activities prohibited by the order are the making or receiving by United States persons of any contribution or provision of funds, goods, or services to or for the benefit of any person designated in or pursuant to the order. In the Executive order, I also have made a determination pursuant to section 203(b)(2) of IEEPA that the operation of the IEEPA exemption for certain humanitarian donations from the scope of the prohibitions would seriously impair my ability to deal with the national emergency. Absent such a determination, such donations of the type specified in section 203(b)(2) of IEEPA could strengthen the position of individuals and groups that endanger the safety of persons participating in or providing support to the United Nations, NATO, and other international organizations or entities, including U.S. military forces and Government officials, present in the region. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to issue regulations in exercise of my authorities under IEEPA to implement the prohibitions set forth in the Executive order. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the order, and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

I am enclosing a copy of the Executive order I have issued. The order was effective at 12:01 a.m. eastern daylight time on June 27, 2001.

I have issued the order in response to recent developments in the former Yugoslav Republic of Macedonia, southern Serbia, and elsewhere in the Western Balkans region where persons have turned increasingly to the use of extremist violence, the incitement of ethnic conflict, and other obstructionist acts to promote irredentist or criminal agendas that have threatened the peace in and the stability and security of the region and placed those participating in or supporting international organizations, including U.S. military and Government personnel, at risk.

In both Macedonia and southern Serbia, individuals and groups have engaged in extremist violence and other acts of obstructionism to exploit legitimate grievances of local ethnic Albanians. These groups include local nationals who fought with the Kosovo Liberation Army in 1998–99 and have used their wartime connections to obtain funding and weapons from Kosovo and the ethnic Albanian diaspora. Guerrilla attacks by some of these groups against police and soldiers in Macedonia threaten to bring down the democratically elected, multi-ethnic government of a state that has become a close friend and invaluable partner of NATO. In March 2001, guerrillas operating on the border between Kosovo and Macedonia attempted to fire upon U.S. soldiers participating in the international security presence in Kosovo known as the Kosovo Force (KFOR). Guerrilla leaders subsequently made public threats against KFOR.

In southern Serbia, ethnic Albania extremists have used the Ground Safety Zone (GSZ), originally intended as a buffer between KFOR and FRY/Government of Serbia (FRY/GoS) forces, as a

safe haven for staging attacks against FRY/GoS police and soldiers. Members of ethnic Albanian armed extremist groups in southern Serbia have on several occasions fired on joint U.S.-Russian KFOR patrols in Kosovo. NATO has negotiated the return of FRY/GoS forces to the GSZ, and facilitated negotiations between Belgrade authorities and ethnic Albania insurgents and political leaders from southern Serbia. A small number of the extremist leaders have since threatened to seek vengeance on KFOR, including U.S. KFOR.

Individuals and groups engaged in the activities described above have boasted falsely of having U.S. support, a claim that is believed by many in the region. They also have aggressively solicited funds from United States persons. These fund-raising efforts serve to fuel extremist violence and obstructionist activity in the region and are inimical to U.S. interests. Consequently, the Executive order I have issued is necessary to restrict any further financial or other support by United States persons for the persons designated in or pursuant to the order. The actions we are taking will demonstrate to all the peoples of the region and to the wider international community that the Government of the United States strongly opposes the recent extremist violence and obstructionist activity in Macedonia and southern Serbia and elsewhere in the Western Balkans. The concrete steps we are undertaking to block access by these groups and individuals to financial and material support will assist in restoring peace and stability in the Western Balkans region and help protect U.S. military forces and Government officials working towards that end.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 27, 2001.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a record 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 tomorrow.

CHILD PASSENGER PROTECTION EDUCATION GRANTS EXTENSION

Mr. SIMPSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 691) to extend the authorization of funding for child passenger protection education grants through fiscal year 2003.

The Clerk read as follows:

H.R. 691

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

SECTION 1. CHILD PASSENGER PROTECTION EDUCATION GRANTS.

Section 2003(b)(7) of the Transportation Equity Act for the 21st Century (23 U.S.C. 405 note; 112 Stat. 328) is amended by striking ''and 2001'' and inserting ''through 2003''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

GENERAL LEAVE

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 691.

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

There was no objection.

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

Mr. Speaker, I would like to express my support for the bill of the gentleman from Minnesota (Mr. OBERSTAR), H.R. 691. This noncontroversial legislation will extend the life of the Child Passenger Protection Education Grant Program for an additional 2 years. TEA–21 authorized $7.5 million for fiscal year 2000 and 2001 to fund this program.

This legislation simply extends that authorization for an additional 2 years, to fiscal year 2003, making the program consistent with the reauthorization timeline of TEA–21.

Forty-eight States, the District of Columbia, and the Territories have all received grants through this Child Passenger Protection Education Grant Program. These grants are designed to prevent deaths and injuries to children, educate the public concerning the proper installation of child restraints, and train child passenger safety personnel concerning child restraint use.

Mr. Speaker, the Committee on Transportation and Infrastructure reported H.R. 691 by a voice vote on May 16, 2001; and today I ask that the House suspend the rules and pass H.R. 691.

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

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we bring to the floor H.R. 691, a bill to extend the child passenger protection education program and preserve our Nation's most precious resource, our children.

H.R. 691 authorizes $7.5 million from the general fund for each of the fiscal years 2002 and 2003, to make incentive grants to States to implement child passenger protection programs. Unlike other TEA–21 programs, the child passenger protection education grant program expires at the end of 2001.

H.R. 691 extends the program to 2003, consistent with the authorization period for other TEA–21 programs.

Mr. Speaker, H.R. 691 does not affect direct spending, therefore, offsetting spending reductions are not required. The objective of the bill and the program it authorizes is to prevent deaths and injuries to children, educate the public concerning the proper installation of proper restraints, and train child passenger safety personnel concerning child restraint use.

Every day children sustain injuries or die in motor vehicle crashes. In 1999, more than 1,100 children under the age of 10 were killed in motor vehicle crashes and another 182,000 were injured.

Many of these injuries and deaths could have been avoided with the correct use of safety seats and seat belts; however, many adults are unaware they are using safety restraints incorrectly or not at all, thereby placing their child at risk.

In the fiscal year 2000, in my own State of Washington, child passenger protection education grant funds were used to train 196 law enforcement and child passenger safety certified technicians and 11 certified instructors, establish 25 law enforcement community child passenger safety teams covering 27 of the 39 counties in the State focusing on Native American and Hispanic populations, and conduct 75 child passenger safety awareness events.

In fiscal year 2001, my State of Washington is using its funds to train an additional 100 child passenger safety technicians, conduct additional events and clinics, establish additional community child passenger safety teams, and implement a public education program to promote the Nation's first booster seat law.

Mr. Speaker, these types of activities are being reflected in State programs across the Nation, the emphasis being placed on cultural and ethnic minorities, rural and low-income and special needs populations, and documented low-usage areas based upon available surveys and crashing data.

The child passenger protection education program is reducing the number of children being killed in traffic crashes across the country and is deserving of our strong support. I strongly support the bill and urge its approval.

Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Pennsylvania (Mr. BORSKI).

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

Mr. BORSKI. Mr. Speaker, let me first commend the manager of the bill, the gentleman from Washington (Mr. LARSEN), who has become a very productive member of the Committee on Transportation and Infrastructure in his short time here.

Mr. Speaker, I would also like to pay my compliments to the distinguished gentleman from Minnesota (Mr. OBERSTAR), ranking member of the full committee, who is a great Member of Congress and a great leader of transportation.

I do not know of anyone in the Congress who has been a better protector

of the traveling public, and I want to commend him for his wisdom in sponsoring this bill and bringing it before the Congress today.

Mr. Speaker, in the last 25 years, the Nation has made significant gains in child passenger safety. Since 1975, child restraint systems have saved the lives of more than 4,000 children involved in automobile crashes.

During that time, the fatality rate for children has decreased steadily; however, the number of deaths has not dropped rapidly due to population increases and a doubling of highway travel. In 1999, 1,135 children, 10 years of age and under were killed; and 182,000 were injured in highway crashes.

Child restraint systems are effective. In 1998, only 8 percent of all children under age 5 rode unrestrained, but they accounted for more than half of all child-occupant fatalities.

Without doubt, the single most effective way to protect our children in the event of a crash is to ensure that all children are buckled up in their appropriate restraint system on every trip.

H.R. 691 will help us do that. The bill will support State programs to educate the public on child restraints and help us continue to reduce the tragic toll of deaths and injuries of our children on the Nation's highways.

In fiscal year 2000, Mr. Speaker, the State of Pennsylvania received $323,000 in Child Passenger Protection Education Grant funds to establish child passenger safety fitting stations in all State police barracks and increase the awareness of rural and minority populations in the State.

In fiscal year 2001, the State is using its funds to purchase 17 mobile fitting stations, fund child safety passenger safety courses, and develop new materials to promote child passenger safety among health and medical personnel.

Mr. Speaker, I, again, want to commend the gentleman from Minnesota (Mr. OBERSTAR) for his leadership in bringing this measure before us, and I strongly support the bill and I urge its approval.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

□ 1830

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I join the gentleman from Pennsylvania (Mr. BORSKI), ranking member of the Subcommittee on Highways and Transit in complimenting the gentleman from Washington (Mr. LARSEN) on his leadership and his hard work in being a very studious, energetic member of our Committee on Transportation and Infrastructure and on this particular subcommittee as well. I thank the gentleman from Pennsylvania for his very kind comments. I am grateful for those good words.

I also want to express my sincere appreciation to the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), for agreeing to move this legislation quickly and the gentleman from Wisconsin (Mr. PETRI), chair of the Subcommittee on Highways and Transit for moving this bill, recognizing that there is a deadline upon us that we must close and we must get this legislation enacted so that the programs can be funded.

I introduced this bill on Valentine's Day earlier this year to protect our most cherished loved ones, our children. I was an advocate in ISTEA and again in TEA–21 for this legislation for its funding, which has provided $7.5 million in each of the previous fiscal years for the child protection education grant program.

But unlike the other programs of TEA–21, this particular program expired this year. So we need to provide authorization for funding in the coming fiscal years 2002 and 2003 so that the excellent work can get under way again and continue programs that the States have so vigorously and effectively initiated.

In 1999, there were 1,400 children under the age of 15 killed in vehicle crashes and another 300,000 who were injured. But the startling statistic is six out of the 10 killed in those crashes were unrestrained. That is not acceptable.

The previous administration established a goal to increase seatbelt use nationwide and reduce child occupant fatalities, a goal of 15 percent by 2000 and 25 percent by 2005. The grant program has been very effective in achieving those goals.

Congress did provide the funds. Forty-eight States and the District of Columbia and the territories have received grants under the program. Since 1997, the number of child fatalities from traffic crashes has declined 17 percent. That exceeded the goal, 15 percent, by the end of last year.

Restraint for children, infants has risen to 97 percent from where it was in 1996, 85 percent. For children age one to four, it is up from 60 percent in 1996 to 91 percent for last year.

Now, I have a personal witness of how effective this program can be. My late wife and I insisted with our children that they all use their child restraint, seatbelt, car seat. Those children, the oldest two right now are old enough to have their own family and their own children.

When I am in Kenosha, Wisconsin, visiting the Tower family, Emma, age 4, and Lilly, age 2, will not allow the ignition in the car to be turned on until they are buckled into their seats and safely strapped in. That is the first thing they do when they get in the car.

When I am in Sacramento with son Ted Oberstar and granddaughter Katherine, age 4, and granddaughter Claire, age 2, the same story. Grandpa, we cannot move until we are buckled up. And buckled up comfortably, too, by the way. They want to be just right in that seat. Then they want to make sure that I am buckled in because, once in a while, I am so busy dealing with them and other things and talking that I do not strap myself in before the key is turned on; and they say, make sure that grandpa is buckled in.

Education works, and it is passed on from one generation to the next. That is the message. The program that we have instituted has proven itself. It has prevented death. It has prevented injuries. It helps educate the public on all aspects of proper installation of child restraints.

Children today of the age when we began teaching them child restraint seats is an important safety issue now are insisting on buying vehicles that are properly equipped with the right kind of seat restraint facilities in the car to accept any kind of child restraint seat or infant carriage device.

My oldest daughter will not nurse her now 10-week-old child while the car is moving. Believe me, that is not very pleasant when you have a poor little baby who is very hungry, who wants to nurse. But not until the car is stopped and we are not moving will that child come out of its child restraint seat.

So the point is that the message has worked. Education is effective. But not everybody has got the message. That is why we need this legislation, why we need this $7.5 million funding. It is a modest amount. It is peanuts compared to the $218 billion in TEA–21 over the 6 years.

It is available to train safety professionals, police officers, fire and emergency medical personnel, high school educators, grade school, elementary school educators in safety and in all aspects of child restraint use.

Every State that gets a grant submits a report to the Department of Transportation describing the activities they have carried out with the funds made available under the grant, and the Secretary of Transportation will report to Congress within the coming year on the success of this program with a complete description of all the programs carried out, materials developed, and the success stories from the States.

I urge the passage of this legislation by this body, promptly by the other body, signature into law by the President, and implementation with the adequate funding that we need to carry it out.

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

Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. OBERSTAR) in his dedication on this subject in making sure this gets done. It is a very important subject.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield for just a moment.

Mr. SIMPSON. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I apologize for not thanking the gentleman from Idaho (Mr. SIMPSON) for

pinch-hitting on the floor and substituting and helping us move this bill. We are grateful for the gentleman's care and concern, and I thank him for his kind words.

Mr. SIMPSON. Mr. Speaker, I am very honored to do so. I want to thank the gentleman for his support on this subject and his interest in it and his dedication to it.

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

Mr. LARSEN of Washington. Mr. Speaker, I yield back the balance my time.

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and pass the bill, H.R. 691.

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

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS TO THE COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Without objection, pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), amended by Public Law 106–55, and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on International Religious Freedom to fill the existing vacancies thereon, for terms to expire May 14, 2003:

Ms. Leila Sadat, St. Louis, Missouri and

Ms. Felice Gaer, Paramus, New Jersey.

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.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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 Extensions of Remarks.)

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

(Mr. HORN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman 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.)

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

(Mr. PETERSON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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.)

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

(Mr. HUNTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STRENGTHENING UNITED STATES FOREIGN ASSISTANCE

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, I would like to say a few words about a national priority that too often gets overlooked: humanitarian and development assistance in our foreign operations appropriations bill. That bill will probably be coming to the floor within the next few legislative days.

Foreign assistance is an important and effective policy device when words and diplomacy are not enough or when military action is not appropriate. Strengthening U.S. foreign assistance will improve the lives of millions of people around the world and is consistent with America's long history of extending a helping hand to those less fortunate.

We, and in fact much of the rest of the world, too easily forget the fact that, over the last half century, U.S. humanitarian and development assistance has successfully elevated the standards of living for millions of people.

More than 50 nations have graduated from U.S. assistance programs since World War II, including such nations as France, Spain, Portugal, South Korea, Taiwan, Italy, and Germany. More than 30 of these former aid recipients have gone on to become donor nations themselves.

Over the years, foreign assistance programs have helped create some of our closest allies and best trading partners and greatest contributors to the world's economy. For example, the United States now exports to South Korea in just 1 year the total amount we gave that country in foreign assistance during all of the decades of the 1950s and 1960s.

But despite substantial global accomplishments, as we enter the new millennium greater disparities exist between the wealthy and the poor than ever before. Of the world's 6 billion people, half live on less than $2 a day, and one-fifth live on only $1 a day. That is more than a billion people, four times the population of the United States living on less than a dollar a day. Two billion people are not connected to any energy system. One and a half billion lack clean water. More than a billion lack basic education, health care or modern birth control methods.

Poverty, disease, malnutrition, rapid population growth, and lack of education paralyze billions of people and extinguish hope for a better future. The world's population grows by about 75 million people a year, and most of them will live in the world's poorest countries.

If current trends continue, the result will be more abject poverty, environmental damage, epidemics, and political instability; and we are not such an isolated island of prosperity that we are not immune from the ramifications of this desperation.

From our own shores to the far reaches of the world, there is ample evidence that we have not been able to use our trade policies as effectively as we would like to address the negative impact of globalization which contributes to these great disparities between the privileged and impoverished.

□ 1845

Our failure to respond adequately to these problems is a moral dilemma that should be a pivotal part of our overall foreign assistance and international trade framework. Consider, for example, the plight of the seriously ill in the developing world. It is a testament to the failure of industrialized nations that 80 times more pharmaceutical products are sold in the much less populace west than on the entire continent of Africa.

Each year, 300,000 people in Africa develop sleeping sickness, and many of them die from this disease. It is a disease that we could conquer if we had the political will and the research wallet to do it, but we do not. We will apply more of our resources to cure bald American males than African children with sleeping sickness.

The most shocking global misallocation of health resources, of

course, is the HIV/AIDS pandemic. AIDS is a global crisis which threatens the security of every government in every Nation including the United States. This is not merely a health issue, this is an economic, social, political, and moral issue. AIDS has destroyed societies, destabilized governments and has the potential to topple democracies. According to UNAIDS, nearly 22 million people have lost their lives, and over 36 million people today are living with HIV and AIDS. Fewer than 2 percent of them have access to life-prolonging therapies or basic treatment. The number of new infections of HIV is estimated at 15,000 every day, and it is growing. I am told that nearly a quarter of some of Africa's armies are HIV positive.

In a year when President Bush has requested an $8 billion increase in spending over the current $320 billion defense budget, U.N. Secretary General Kofi Annan has called for a global AIDS trust fund to raise $7 billion to $10 billion a year to combat the pandemic. That is almost the same figure as the defense spending increase that we would be adding to a $320 billion budget. This has to be a joint effort among governments, private corporations, foundations, and nongovernmental organizations.

We are ranked last among the 22 OECD countries in terms of what we spend on foreign assistance, and we have got to spend more. It is in our interest as well as in the interest of the rest of the world. If we are going to maintain our position as the world's superpower, the most prosperous Nation in the history of western civilization, then we have got to share our resources. If we do not, we are going to pay a price in the long run.

These are national priorities, and I hope that they get better addressed in our foreign assistance budget and in our national priorities generally.

THE NATURE OF THE BEAST

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to add my voice to those who have been talking about support for a patient's bill of rights. But, of course, Mr. Speaker, not just any patients' bill of rights. I support the robust patients' bill of rights sponsored by my esteemed colleagues, Mr. MCCAIN, Mr. KENNEDY, and Mr. EDWARDS in the Senate, and the companion legislation, sponsored by the gentleman from Iowa (Mr. GANSKE) and the gentleman from Michigan (Mr. DINGELL) in the House. I support the patients' bill of rights that puts patients before profits and values human life over the bottom line.

The idea of a patients' bill of rights is nothing new to this Congress. We have all listened to the rhetoric and we have all been involved in the debate. As a Member of Congress since 1996, I must say that it is interesting to see where this debate has gone. I find it worth commenting that the question we are now faced with is not so much whether or not we should pass a patients' bill of rights but which version we should pass. In other words, we are all in agreement that patients need to be afforded an increased level of protection from the predatory tendencies of managed care organizations.

Rather than immediately delve into the particulars of why we should prefer one version over another, I believe it is instructive to take a step back for a moment and look at the concept of a patients' bill of rights in the first place. The very idea that we need a patients' bill of rights, an idea I remind my colleagues that we all are in support of, implies the presence of an injurious element within our health care system. The simple fact that we are debating this idea means that each one of us, on some level, acknowledges the basic reality that the interests of managed care organizations tend to be adversarial to the interests of patients.

I believe that the debate over which patients' bill of rights to accept can be resolved simply by looking more closely at the nature of the beast. Too often I believe we talk about solutions without fully understanding the problem. I believe that with a careful examination of the means and motives by which managed care corporations make money, off the pain and suffering of patients, the answer to the question of which patients' bill of rights is the real patients' bill of rights becomes self-evident.

Now, what is it about managed care that is so inherently evil? Well, let me just quote one thing that Milton Friedman, a well-known advocate of free market economics, said. ''Few trends could so thoroughly undermine the very foundation of our free society as the acceptance by corporate officials of a social responsibility other than to make as much money for their stockholders as possible.'' In other words, if we go by the dictates that managed care organizations live by, not only is it undesirable to take a patient's well-being into account, it is simply unethical to do so. Any motive other than profit is extraneous and inappropriate.

Now, obviously, this narrow-minded approach has put us in the situation that we are currently in. And I would suggest, Mr. Speaker, that we simply take stock of where we are as a country with a health care delivery system, put patients before profits, make sure that patients and their physicians have the opportunity to collaborate, to make decisions and determinations about the kind of treatment they should receive, and not some bureaucrat or clerk sitting in an office. That is the only real way to do it.

So I would urge all of my colleagues and all of America to really support the Ganske-Dingell bill so that patients can have real rights, and that is the right to be involved, the right to live, the right to get good medicine when they are in need of it.

HONORING THE NATION'S PREMIER LATINA LABOR LEADER, DOLORES HUERTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, I rise today to honor one of our Nation's premier Latino labor leaders, Dolores Huerta.

Growing up in a predominantly Latino neighborhood in Southern California, I often looked to my community leaders for lessons in how to live and how to treat other people. One of the most influential role models continues to be Dolores Huerta, preeminent civil rights leader who has fought for the rights of underserved laborers for more than 40 years.

Born in Dawson, New Mexico, on April 10, 1930, Dolores Huerta was raised along with her four siblings in the San Jaoquin Valley town of Stockton, California. While there, she witnessed firsthand the poverty that local farm workers endured, but also saw the generosity her mother showed them in the form of free meals and lodging.

Although she earned a teaching degree from Stockton College, Dolores Huerta left the profession because she could not stand to see her students, children of farm workers, arrive at school hungry, without shoes and food. Rather than just teach, she decided to organize the farm workers to help them fight for their civil rights as well. So in 1955 she founded the Stockton chapter of the Community Service Organization, a community organization designed to educate, organize, and assist these poor families.

Her dedication to farm workers continued and, in 1962, Dolores Huerta joined with Cesar Chavez to establish the National Farm Workers Association. The group was a precursor to the United Farm Worker Organizing Committee, for which she served as secretary-treasurer.

But Dolores Huerta has done much more than just organize farm workers. She has also fought for health benefits, higher wages, and disability insurance for those people who work in the fields. Without her, today's farm workers would not enjoy the fair treatment and safe working standards that they enjoy now in the State of California.

Dolores Huerta's dedication, though, is not just confined to farm workers. She fought hard for the rights that we all hold dear, women's rights, environmental justice, civil rights, and free speech. In fact, in the 1960s, Dolores Huerta launched a campaign for environmental justice. She began to advocate against the use of toxic pesticides that harmed farm workers and consumers. Her vehement lobbying and organizing led growers to finally stop

using dangerous pesticides such as DDT and Parathyon in their fields.

Dolores Huerta has also been visible in the political spectrum. As a legislative advocate for the labor movement, she has led farm worker campaigns and various political causes. In fact, she is probably most remembered standing beside Robert F. Kennedy as he acknowledged her help in winning the 1968 California Democratic presidential primary moments before he was shot in Los Angeles.

She has also worked tirelessly to make sure that all people, including those that only speak Spanish, have the opportunity to be heard. She has helped to establish Spanish language radio communications organizations with five Spanish radio stations, and has participated in numerous protests to highlight the plight of farm workers throughout the country. Although most of those demonstrations were peaceful, Dolores Huerta herself has endured physical harm and more than 20 arrests for peacefully exercising her right of free speech.

Her dedication to farm workers and people of color across America has earned her numerous accolades, including the American Civil Liberties Union Roger Baldwin Medal of Liberty Award, the Eugene Debs Foundation Outstanding American Award, the Ellis Island's Medal of Freedom Award, and induction into the National Women's Hall of Fame.

Today, my colleagues, we have the opportunity to honor Dolores Huerta, not only for her unwavering dedication to farm workers but to her commitment to creating a better environment for all Americans. This resolution that I am presenting today marks the first time in recorded history that Congress has chosen to honor a Latina labor leader. I urge all my colleagues to support this resolution.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

(Mrs. JONES of Ohio addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. LANGEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PRESCRIPTION DRUGS

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

Mr. SANDERS. Mr. Speaker, as my colleagues may know, tragically millions of American citizens cannot afford the outrageously high costs of prescription drugs in this country. Some of these people die, others suffer, and still others take money from their food budgets or other basic necessities of life to buy the life-sustaining drugs that their doctors prescribe.

Tragically, and I think many of us are fully aware of this now, citizens of the United States pay by far, not even close, the highest prices in the world for prescription drugs. Some of us have taken our constituents across the Canadian border, others have gone over the Mexican border and have found, for example, that tamoxifen, a widely-prescribed breast cancer drug, sells in Canada for one-tenth of the price, one-tenth of the price that it sells in the United States. And this is for women who are struggling for their lives.

But it is not only Canada that has lower prescription drug prices. For every $1 spent in the United States for a prescription drug, those same drugs are purchased in Switzerland for 65 cents, the United Kingdom for 64 cents, France for 51 cents, and Italy for 49 cents. Meanwhile, year after year the pharmaceutical industry appears at the top of the charts in terms of profits. Last year, for example, the ten major drug companies earned $26 billion in profits while millions of Americans are unable to afford the products that they produce.

Now, why is it that prescription drugs in this country are so much more expensive than they are in any other industrialized country? I think the answer is obvious. The pharmaceutical industry is perhaps the most powerful political force in Washington and has spent, unbelievably, over $200 million in the last 3 years on campaign contributions, on lobbying, and on political advertising.

□ 1900

Amazingly, the drug companies have almost 300 paid lobbyists knocking on our doors in Washington, D.C. to make certain that Congress does not lower the cost of prescription drugs, and to make certain that their profits remain extraordinarily high.

Year after year senior citizens throughout this country and those with chronic illnesses cry out for prescription drug reform and lower prices, but their cries go unheeded as the pharmaceutical industry and their lobbyists defeat all efforts to lower prices.

This year it is my hope and my expectation that it is going to be different and that we are finally going to succeed, not only in passing a prescription drug benefit under Medicare, but lowering prescription drug costs for all people.

Last year this Congress in a bipartisan manner passed legislation that promised the American people that they would be able to buy prescription drugs at the same low prices as consumers in other countries through a drug reimportation program. In the House, the Crowley reimportation amendment won by the overwhelming vote of 363–12. Unfortunately, at the end of a long legislative process, loopholes were put into the amendment that made it ineffective. While the law remains on the books, it has not been implemented by either the Clinton administration or the Bush administration.

In an increasingly globalized economy where we import food and other products from all over the world, it is incomprehensible that pharmacists and prescription drug distributors are unable to import or reimport FDA safety approved drugs that were manufactured in FDA approved facilities.

Mr. Speaker, tomorrow as part of the agriculture appropriations bill, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from New York (Mr. CROWLEY) and I will introduce essentially what the Crowley bill was that passed overwhelmingly last year.

Despite huge opposition from the pharmaceutical industry, I am confident that Congress will stand up and vote to begin the process to lower prescription drug costs in this country.

As Dr. David A. Kessler, former FDA Commissioner under President Bush and President Clinton stated in support of reimportation last year, ''I believe U.S. licensed pharmacists and wholesalers who know how drugs need to be stored and handled, and who would be importing them under the strict oversight of the FDA, are well-positioned to safely import quality products rather than having American consumers do this on their own.'' That is Dr. David Kessler.

Mr. Speaker, I hope tomorrow will win an overwhelming victory for prescription drug consumers in this country.

LIFT MEDICAID CAPS IN U.S. TERRITORIES

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

Mr. UNDERWOOD. Mr. Speaker, a couple of speakers this evening have talked about the need to improve health care for all American citizens, the most recent speaker talking about prescription drugs, and earlier my colleague talking about a real Patients' Bill of Rights.

This evening I would like to raise another issue, and that is lifting of the Medicaid caps for the Territories of the United States, including my home Island of Guam.

At the start of this Congress, I, along with other territorial delegates from the Virgin Islands, America Samoa, and the Resident Commissioner of Puerto Rico, introduced a bill, H.R. 48, to remove caps on Medicaid payments to the U.S. territories and adjust the statutory matching rate. H.R. 48 is authored by my esteem colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), formerly a practicing physician there.

When this bill was first introduced during the 106th Congress, we reported that Medicaid allotments fell far short of meeting the needs of indigent populations in the Territories, and because of depressed economic conditions, high unemployment rates and the rising health care needs of growing indigent populations, the reliance on Medicaid assistance continues to surge way beyond the Federal cap and beyond the Territorial Government's ability to match Federal funds.

In Guam, for example, for fiscal year 2000, Medicaid assistance was capped at $5.4 million. However, the Government of Guam, because of the emerging population, spent approximately 3 times that amount to serve the medical needs of the people of Guam. For fiscal year 2001, the Medicaid ceiling is capped at an additional $200,000 at $5.6 million. However, the estimated cost to provide medical care to Guam's needy today is approximately $27 million over that amount, resulting in a dramatic overmatch for the Government of Guam, way beyond any match that is expected of any State jurisdiction.

I fear the squeeze will even be greater as the Government of Guam implements the President's tax cut plan which has a deep impact on the economies of Guam and the Virgin Islands. These two U.S. jurisdictions have tax systems which mirror the Internal Revenue Code of the United States, which means whatever tax policies are implemented on the Federal level automatically take effect at the local level, even without consulting us. The Government of Guam has no surplus to cover the anticipated $30 million shortfall in revenues which will occur resulting from this tax cut.

Thus, the struggle to provide medical services to Guam's needy will be more than the local economy can bear. Lifting the Medicaid caps for territories and changing the Federal Territorial matching rate currently set at 50–50 would provide relief to the neediest populations of the Territories.

This legislation proposes that the Federal Territorial matching share be set at the share of the poorest State, which is currently a 77 to 23 Federal-State match. Congress must consider the reality that Territorial Governments have not shared in the same economic prosperity which has been experienced in the U.S. mainland, and should recognize this by changing the matching rate.

I stand here this evening to urge my colleagues to join in support of H.R. 48. Health care is an issue of importance to every American, whether they reside in the 50 States or the U.S. Territories. Resolving Medicaid issues in the Territories is a step in the right direction towards providing much needed health care relief for Americans, no matter where they live. We are all one country when it comes to responsibilities like service to our country. We should all be one country when it comes to realizing benefits and services like health care.

CORRECT UNEQUAL TREATMENT AMERICANS IN THE TERRITORIES RECEIVE FROM MEDICAID PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to join my colleague from Guam in once again speaking out against the unequal treatment that the American citizens in the Territories receive from the Medicaid program. By virtue of where we live and only by virtue of where we live, low-income Americans in the territories are not able to receive the full benefits of the Medicaid program.

For the residents of my district, the U.S. Virgin Islands, in order for a family of 4 to qualify for medical care under Medicaid, the maximum salary that a family can earn is $8,500 a year, one-half of the Federal minimum wage. By contrast, in year 2002, all States at a minimum will provide Medicaid for all children 19 years old and younger living in families at or below the poverty level at $17,050 for a family of 4, more than twice that amount.

Historically the Government of the Virgin Islands matched the Federal contribution with a combination of cash and in kind. When the value of both is added, it equaled and many times exceeded the Federal contribution. While this resolves the Federal requirement on paper, it has created a financial havoc for the Territorial hospitals and clinics that really incur the cost of in-kind services but never get reimbursed.

Because of the cap and 50–50 local match, the local Virgin Islands Government also bears the brunt of the cost of the Medicaid program contributing 66 percent or more on average, adding to the burden of the Territory.

In addition, because our hospitals do not get DSH payments to supplement the large amount of low-income patients that we serve, this creates an additional financial burden on the Territory's hospitals; and compounding this dilemma is the fact that the Virgin Islanders, nor do the residents of Guam, get SSI benefits, which means that our disabled citizens are also excluded from the benefits of this program, again just because of where we live. I place emphasis on ''where we choose to live'' because the fact that all a low-income Virgin Islands resident has to do to receive SSI or full Medicaid benefits is to move to Miami or New York where a growing number of our residents now reside. We would prefer to keep our poor, sick and disabled residents at home instead of sending them to these districts because of an inequity in the law.

Moreover, it is plain wrong that families must move away from their homes and friends in order to receive a benefit that their fellow citizens on the mainland do not have to leave their home to receive.

Why does this unequal treatment exist? The answer most given is that the Territories do not pay Federal income taxes, but it is not as simple as that. The fact is that people who receive SSI and themselves in the States do not pay Federal taxes because they do not earn enough money.

This Congress in their wisdom, through the earned income tax credit and other tax credits, allow low-income Americans to pay very little Federal taxes. But these same citizens, like my constituents, all pay Social Security and Medicare payroll taxes for which there are no credits or exemptions.

How is it that one group of American citizens, or even residents who are not yet citizens, can receive medical care even though they do not pay Federal taxes while another group does not. Likewise when my constituents are called to serve their country when we are at war or even when we are not, they are not asked whether they pay Federal taxes; and we serve willingly and proudly and in large numbers.

Mr. Speaker, a recent report, the Access Improvement Project of the Virgin Islands, revealed that great disparities exist for Medicaid eligible children in the Virgin Islands compared to the continental United States. The report shows that while the Nation as a whole spends an average of $76 for EPSDT screening per Medicaid eligible child, the U.S. Virgin Islands only spent $1.20. Additionally, the total Medicaid expenditures per child also shows an astonishing disparity. In the age group 15 to 20, national Medicaid expenditures were approximately 599 percent more than what is being spent in the Virgin Islands. We also received a 50 percent match, despite a State like Mississippi where the average income is $1,500 higher than ours. They receive 80 percent match. And the Virgin Islands Medicaid program cannot provide wheelchairs, hearing aids or prosthetic devices, and only provides physical and occupational therapy to a limited degree because of the limited funding.

Mr. Speaker, the gentleman from Guam (Mr. UNDERWOOD) and I pledge to work to remove the Medicaid cap and to right this injustice on behalf of the poor and disabled in our districts. I hope that our colleagues will agree that it is not right to penalize American citizens of similar circumstances only because of where they live, and that they will join and support our efforts.

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NATIONAL ENERGY POLICY

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). 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, before I start this evening on the main subject

of which I intend to spend the majority of my time on, I want to tell you that today I had a visit from the Future Farmers of America, several young people from Delta, Colorado; Cortez, Colorado; Dove Creek, Colorado. As many of you know, my district is the Third Congressional District of the State of Colorado. That district basically consists of almost all the mountains of the State of Colorado.

It is refreshing to have young men and women like this and young men and women of the different groups, not only Future Farmers of America but the different groups that come in to see us, the leadership groups and so on. It does tell you that there is a lot of promise with this new generation, that there is sure a lot more going in favor of that generation than there is going against it. So I felt pretty good. It recharges somebody in my kind of position to see that the generation following behind us, which is something that we become very dedicated to, because, after all, whether you are a Democrat or a Republican, regardless of where you fall down on the issues, if you really looked at the heart of why most of us are here, it is because we do care about the greatest country on the face of the earth and we do care about being able to hand this country over to a generation that will deliver the same kind of promise to this great country as have the previous generations.

With that, Mr. Speaker, I want to address this evening energy. We have got to talk about energy. I will tell you why I am concerned about what is happening with energy. We are actually seeing energy prices begin to drop. In fact, energy prices are dropping rather dramatically here just in the last couple of weeks. My concern about energy becoming more affordable, which of course benefits all of us, is that we begin to forget the shortage of energy that we have had in the last several months, that we begin to forget the necessity to conserve and to continue to conserve, not just for the period of time that we had the shortage but for the sake of future generations like these Future Farmers of America that were in my office today. I think that we have to adopt permanent conservation methods for future generations as an investment. It is an investment in the future. I think we have to stand up to some of the realities of the shortages that were created over here in the last year. Why did they come about? What is happening? What are we going to do to secure this Nation's future as far as its energy needs?

As the price begins to fall, people begin to take energy and push it off their plate. It is not such a priority. Gasoline alone has fallen 20, 30 cents a gallon in my district. By the way, if my colleagues happen to be anywhere in the United States where gasoline has not dropped in price, they better take a look at the operator, because somebody is making a lot of money. Natural gas prices have begun to drop fairly dramatically. Electric prices have begun to drop rather dramatically. Why? Because, number one, we are coming out of the winter season, obviously we are into summer right now but, two, the supply is beginning to catch up with the demand. Why is it beginning to catch up with the demand? One, we have had increased production overseas, and, two, people are beginning to exercise energy conservation, so the demand and the economy has brought that demand down. In other words, conservation and the slowness of the economy have begun to bring the demand down while the supply goes up. So as supply and demand come closer together, that is where your price matches. If in fact at some point it looks like supply will exceed demand, in other words, you have more than you can sell, prices drop rather dramatically.

So this summer the good news is we are going to have reasonable gasoline prices so that you can go on your summer vacations and you can go to work, et cetera. But I do not want that to hide the necessity for each and every one of us in here to continue to take a look at what is necessary for this country to conserve and to continue to look for resources that we think are necessary so that this country can stay on an even keel with the needs that it has in the future. It would be a dramatic mistake, a dramatic and serious mistake, for us to assume that everything is fine once again and we go whistling off into the forest. In fact, that was a warning, a warning shot that was fired over our bow, so to speak, in the last few months. It was a message to us that we need to look with an approach utilizing common sense of, one, how can we conserve, number two, probably more important than anything I have discussed so far this evening, the importance of having an energy policy for this Nation.

Let me spend just a few moments on the energy policy for this Nation. The problem in the last 8 years under the previous administration is that we really never had an energy crisis. During the Clinton days in office, there never really was an energy crisis. So as a result, that administration never really did set forth on trying to come up with some type of energy policy. Why? When you decide to come up with some kind of energy policy, that is controversial. You take a lot of heat. Because if you want to have a good energy policy for this Nation, you need to put all of the issues on the table. You need to talk about hot subjects like ANWR. You need to talk about hot subjects like nuclear utilization of energy. You need to talk about hot subjects of where you store waste. You need to talk about and have some discussions with the auto manufacturers about increasing the mileage that we get on our cars. A lot of those conversations are going to be the subject of very heated debate as this administration, the Bush administration, begins to put together an energy policy. So it is a debate that any smart politician would like to avoid. Why take the heat when you do not really have to? If the energy prices are reasonable, in fact, they were not only reasonable over the years of the Clinton administration, they were cheap, why take on the heat of dragging this country through the debate of an energy policy?

Well, things have changed. We know, of course, in the last 5 or 6 months, it seems only a few weeks after President Bush and Vice President CHENEY took office, that we began to feel a shortage. They did not run from it. That is important to note. I have seen a lot of criticism lately of our President and our Vice President, most of it quite unjustified but nonetheless it is out there. Criticism about how dare they say we go and look for future energy resources. How dare they say a program that has not worked in 20 years have its budget cut? What is this new administration thinking by putting on the table the different areas of energy and energy reserves in this country and at least asking the question, should we or should we not drill, for example, in those particular areas? Should we or should we not begin to take a second look at nuclear and say maybe we ought to consider it, like France, by the way, of which most of the energy in Europe, by the way, is generated by nuclear. Some of the conservation methods. It is controversial to go out to those car manufacturers and say, we need better mileage for those vehicles.

But this administration was willing to do it. Not only because they have had to. And, by the way, now that energy prices are dropping, the political heat on coming up with an energy policy is not near as great as it was just 3 weeks ago. Just 3 or 4 weeks ago when the prices were still up there, the heat was fairly extensive in these chambers. But what really will test us is if we are willing to continue to work with the President and the Vice President in putting together an energy policy despite the fact we are not under a lot of heat in these chambers to do exactly that. And I think we have an obligation to do that. Because, as I said, in those last few months what came over the bow of our ship was a warning shot. It did not hit the side of the ship. Our economy did not sink as a result of this energy. We have had some blackouts in California but that really focuses more on negligence by the leadership out in California. It did not occur in 49 other States, by the way, which does make California stand out, saying, ''California, 49 States must be doing something right. You must need to adjust something you're doing.''

The key here is that while we got a warning shot, let us not ignore it. I have got some ideas this evening and some things I would like to go over with my colleagues. This evening, my remarks really are going to focus on what I call common sense and resource development. It does not read common

sense of resource development. It reads common sense, resource development. In other words, we have got a lot of conservation, for example, and that is the first one I have got down here. Conservation.

Let us talk about conservation for a couple of minutes. There are a lot of commonsense things in conservation that we can use. And it does not create a lot of pain with the American people. As I have said numerous times on this House floor, the average American driver that owns an automobile, you do not have to change your oil every 3,000 miles. Now, you may have been convinced by marketing efforts that your engine is going to fall out of your car or the engine is going to blow up if you are not down there at Quick Lube getting your oil changed every 3,000 miles, but the fact is if you read the owner's manual, you are going to discover that your car only needs its oil changed maybe every 6,000 miles. In some cases 7 or 8 or 9,000 miles. Now, you can begin to become a participant in this conservation by simply changing your oil when the owner's manual tells you to change it. That is not painful to the American people. It is not painful to my colleagues. That is what I call common sense. That is an example of common sense approach to our resource development that we need. Part of that resource development is conservation.

There are a lot of other things. Of course the simplest thing that anybody can think of which absolutely causes you no pain is shut off the lights when you leave the room. Shut off the lights when you leave the house. I said the other day in Europe, when you go into a hotel in Europe, you actually have a little card. When you walk into the room, you slide that card into a slot. As long as that card is in that slot, your hotel room lights are on. But as you leave the hotel, you pull the card out and the lights go off so you do not forget to leave lights on in your hotel room. Does that cause you any pain? No. Does it impact your life-style in a negative fashion? No. In fact, it will actually save you money if you do this in your own home, watch out to turn out those lights, and it also helps you become a reasonable and responsible participant in conservation efforts. That is a key part, I think, in resource development.

Some people would like you to believe that the only way you can have resource development is to exclude conservation, that when the President and the Vice President talk about resource development, that they have ignored conservation, they have drawn a line through it. That is just political propaganda. That is all that is. It is bogus. I have talked to the Vice President. I know what the President's policy on energy is and conservation plays an important part in it. But the President and the Vice President have had enough courage to say, look, you cannot do it on just one of these elements alone. You cannot make up the gap that we have or the gap that we might have in the near future simply through conservation. You can make a significant dent in it, but you cannot make it up with just simply conservation. Nor can you make it up with alternative forms of energy.

I want to point out that if you go all throughout the world, you pick every alternative form of energy you can find, solar, wind, other types of renewable energy generation, take a look at that. If you took all of that renewable alternative energy in the world and you applied it all to the United States, in other words, only the United States got that alternative energy, that would only meet at the most 3 percent of our needs. That is not going to be an answer, but it is an important part of the answer. It is a critical piece of the puzzle when combined with conservation.

Then you have got to take a look at other renewables. What is a good renewable source out there that generates electricity and provides recreation and provides fisheries and prevents flooding and allows us any other number of benefits? Hydropower. Now, I speak of hydropower with great admiration because I come from the West. My family has had many generations on both sides out of the mountains in Colorado. The mountains in Colorado, believe it or not, it is an arid area. I think almost half the geographical area of the country only gets about 14 percent of the water. Out here in the East, in some areas you sue to get rid of the water. You try and shove the water over on your neighbor's property.

Out in the West we need storage. We have about 6 weeks every year out in the West, out in those Rocky Mountains, you have all been out there, you have skied in my district, Aspen, Vail, Telluride, Beaver Creek, Steamboat, Glenwood, Durango. You have skied out there. You think the snow never ends. You think there is lots of moisture out there. First of all, we do not need the moisture in the winter. We need the moisture primarily for agriculture, municipal use, et cetera. For about 6 weeks as that snow melts off those high mountain peaks, and my district happens to be the highest district in the Nation, as the snow melts into that cold water and comes rushing down, for about 6 weeks we have all the water we want. But we do not exactly, because we have not figured out that direct connection with the good Lord, we do not know how to time that. We cannot control the timing of that. Sometimes it comes early, sometimes it comes late. Mostly it comes early. So we have to have the capability to store it. So while we are storing that water, water which we have to have, remember that in the West we have got to store it, not only just for flood control but for our drinking water. So why not while we are storing the water use the renewable assets of the water and generate electricity.

I am going to show you exactly how hydropower works here in just a few minutes. It is probably the cleanest energy generator we have got out there. What we do is we take the water as it drops, we grab that energy from the water as it goes down, we spin a generator and we create electricity. Keep in mind one thing with hydropower, when we have a generator, a turbine, that is natural gas. We use a fuel. We have to use natural gas.

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So we consume one part of our environment to create the electricity. Same thing with coal generation. On coal generation facilities, we burn coal to spin that turbine to create electricity, but hydropower is different. On hydropower, we do not use any fuel. We do not have to consume any natural gas. We do not have to consume any coal. It is in the water, and it is in the drop of the water. That is where we pull our energy from so it makes a lot of sense. You keep going on here, oil and gas.

I read a very interesting poll today, or saw a poll. I do not know whether it was taken today but I looked at it on the computer.

By the way, speaking of computer, if you want to help conserve just go on to search and hit ''conservation ideas.'' I pulled up 19,000 hits. I did not look at each hit but up came 19,000 hits on conservation ideas. So your computer really at home can help you help us conserve energy in this country.

I took a look at the words that have negative thoughts to them in regard to energy-related. I can say that oil and gas has a pretty negative connotation to it. Same thing with coal, same thing with nuclear. There are some people out there, again using strict rhetoric, political rhetoric in a lot of occasions, will lead you to believe that, look, exploration for oil or natural gas or nuclear generation for electricity or hydropower, that that is bad; that we can get our power by simply conserving or simply using alternative or solar. Do not buy into this argument that solar is going to replace at least in the near term, and near term meaning the next 10 to 20 years, do not buy into that argument that solar alone is going to do it. The reason we all do not have solar generation in our homes today, although a few of them have it with those panels on the roof but it is not very efficient and it is not very effective. That is why most homes do not have it.

I can assure you that once somebody masters how to put that solar energy into a home to generate, for example, your electricity or to provide the energy needs that you have, we are going to go solar. That is where the market will take us. That is the beauty of the capitalistic market that we have. It will go for the best product but right now it is not the best product, and you are being led down a path without a good return at the end when people say that solar, or renewable energy, or other factors or even conservation will solve our problem.

The fact is, we have to have oil and gas until we are able to make some fairly significant technological advances in solar and other alternative fuels so that at some point in the future we can replace oil and gas, but today you need oil and gas. We have to face up to the fact that we have to have further exploration.

Here is a chart to give you an idea. This is energy production. It is a flat line at our growth rates last year, flat line energy production. This is energy consumption, the red line. Look at the angle of the red line compared to the flat green line. You say, all right, Scott, there is the energy consumption. There is the energy production. What fills in the gap? Well, what fills in the gap, of course, is foreign oil. We become more and more dependent on people like Saddam Hussein to provide for that gap.

Let us take a look. How do we close that gap? What do we do to minimize, to minimize this gap, to bring consumption in with production? That is, by the way, what brings your price down. Well, we can conserve and conservation will make a significant dent in that. Vice President Cheney has said that on a number of occasions. The President himself has talked about the importance of conservation, but it will not wipe out this gap.

Here is my angle with my pointer, conservation maybe brings it down maybe around like that. It will take care of a good chunk of that gray area but it will not take care of the biggest portion of it.

Then if we take a look at alternative energy like the solar and so on, maybe a little tiny fraction. Certainly, the technological advances we have today, for example, on solar or other alternative energy will not make at all the kind of dent that conservation will make but it will help a little. So after you take that into consideration you still have a significant gap here.

What does that significant gap represent? Well, it represents energy. It represents whether you have air conditioning for elderly people. It represents whether we have refrigeration for storage of food. It represents vehicles and I am not just talking about your car. I am talking about the ability for everything, to run ambulances, to drive semis, to move food from one point in the country to the other point in the country. I do not have to say what needs we have as far as oil and gas, but we cannot pretend to let it always happen in the other person's backyard. We cannot pretend that we do not really need to drill for oil and gas, that somehow oil and gas pipelines are going to fall out of the sky because we need it and we do not have to go through the pain of having to look for it.

The fact is, in this country, we have to continue to do that or we can make a conscious decision, as they did in California over the years, we can make a conscious decision not to explore for that and become dependent on other sources. In other words, in the United States we can make that decision not to continue to explore for more oil and gas and to continue to become more reliant. The trade-off is we then become more reliant on foreign oil.

Now there are all kinds of risks to that and we ought to be aware of that. What happened in the State of California is they adopted a policy for many, many years, in fact ironically today the governor or yesterday the governor of California, Mr. Davis, switched on a new power plant. First one I think they have had in 13 or 14 years. Well, it is about time, California. It is about time, Governor, because the policy that California adopted was, look, let us deregulate and we do not have to build any generation in our State. We do not have to have natural gas transmission lines in our State. We do not have to have it in our backyard. Let somebody else do it. We will become dependent on somebody else. So that is a conscious decision that the leadership in California, by the way on both sides of the aisle, but today it is headed by the Democrats, but that was a decision made many years ago and it has been continued through the years, hey, let us not drill in our State; let us not build electrical generation in our State; let us not put a gas transmission line in our State here in California; let us depend on somebody else. They did that and look what happened. It went along real well for awhile until the person they depended on decided they wanted a little more for their energy and then pretty soon they wanted a lot more for their energy, and pretty soon the market changed. The reason they wanted a lot more for their energy is if California did not want to buy it somebody else was willing to pay that price to take it. That is the risk of us in this Nation and for the future generations of becoming dependent on foreign oil. We can do it, but remember what happened in California could happen to all 50 of the States if in fact our dependency on foreign oil is some foreign dictator who overnight decides he is going to shut off the oil tab. That is why it is important within our boundaries to continue to explore our reserves.

Now does that mean explore our reserves at any cost? Of course it does not. You cannot go into Yellowstone or into a national park, into the Black Canyon National Park or up on the Colorado Canyons National Monument or the national conservation area. You cannot go up in there and explore. There is a lot of country, though, however, that we can drill in this country. I know it has a negative connotation to it. The easiest thing you can do on this House Floor is to stand up and say, we do not want to drill here; we do not want to drill there; we are against drilling; we are against any kind of exploration.

Leadership, however, requires that you stand up here and say, we need conservation; we need alternative fuel, but we do have to continue to explore for oil and gas. We need to do it in an environmentally sensitive method, a responsible method, which not only mitigates the impact to the environment.

The days of mitigation for the environment are pretty well gone, where you go in and you have a project and you are supposed to mitigate for the environment. Those days are pretty well gone. We have now accepted the responsibility for future generations that we have a higher standard, not just mitigation but enhancement, enhancement of the environment. We have done this with wetlands. We have done it with our endangered species, any number of different things. We have actually, because we are concerned about the environment for future generations, we have lifted it to a higher standard, a standard which we think will be of benefit to future generations while at the same time allowing utilization, say, of a resource.

Well, let me go on here. We have a very negative connotation based on coal. Coal generates a lot of power in this country and it generates a lot of jobs in this country and it can be done in a doggoned responsible way. Now you have to exercise oversight over it.

I am not too sold on taking off a mountaintop, for example. I am not too sold on burning coal without the most modern efforts we have, the smoke stack technological instruments that we have, technological instruments that we have to clean that coal, to make sure that the area that comes out has a minimum impact on our environment if we are going to burn coal.

What we can do today? We can do a lot of that. Now some of my colleagues, because coal has a negative connotation to it, say shut it down. My guess is they are not relying on coal. My guess is they do not have jobs dependent on coal. My guess is they have never been in a coal-powered generation facility. That is a responsibility that each and every one of us have. In fact, it is incumbent upon us to go out when we talk about these things, when we talk about hydropower or when we talk against hydropower we ought to go look at a dam. You ought to go out and see what kind of impact, both negative and positive, it might have. We have to weigh it out. That is exactly what the President and the vice president have said on their energy policy. Put it all on the table. Put it down on that table. Then let us debate it. If it does not work, take it off. But everybody has an obligation to put their idea on the table so that we can have this debate, so that we can develop some kind of energy policy for this country.

As I said earlier, I am concerned that because energy prices are dropping that us, Mr. Speaker, in leadership positions will begin to say well, that is not as important as it was three or four months ago. Prices are down. Our constituents are not concerned. The complaints are not out there. Let us move

on to something else. We cannot do that. We just got a warning shot. Do not let that go unnoticed because of the fact that our energy prices have dropped.

Let me just reemphasize right here. I know I brought this chart up a couple of minutes ago but I just want to reemphasize one thing. That is our production. That is energy production today. That is demand. Now demand came down just a little but the fact is this is our projected shortfall, right there, projected shortfall. Every one of us can make that projected shortfall. We can drop that through conservation. We can drop it somewhat through alternative energy like solar, and we can also drop that shortfall by allowing continued exploration in this country under reasonable oversight, using common sense an enhancement to an environment. Now, it is very interesting to hear about people. I mentioned this the other day when I was making comments because I find it kind of ironic. I, of course, get out in the mountains. I love the mountains. Most of you who visit the mountains can understand that, but I have a lot of heritage and I feel a lot of deep bonding to my district, as do all of you with your districts. So I get out in the mountains all the time, and I was out talking with a mountain biker the other day. Now I mountain bike, too. I ride my bike and so I enjoy the sport a lot, but I was talking to a colleague of mine who was riding a mountain bike and they were complaining about the fact, boy, we cannot continue to drill, we cannot continue to use oil and gas, very negative about mining; you have got to get mining out of here; we cannot have mining. It is interesting comments from somebody on a mountain bike made of titanium.

I said to my friend, I said that bike you have got is one of the most technically advanced bikes in the world. That thing you can lift it, no matter how strong you are, even a child can lift that thing up it is so light. But you know why that is? Because we have mines, we have minerals. We are able to have oil and gas production. We are able to come up with things like this device which, by the way, utilizing your bicycle is a good way to conserve. In fact, by using that resource we in the long run can use less of it by developing something like a bicycle that is comfortable to ride and a bicycle of which people can recreate on without having to use a gasoline-powered engine, for example.

The fact here is, look at this, our demand for product, this is our demand for product right here. U.S. crude production, these bars right here of production, that is production, 1990, 1991. This right here is the petroleum demand. Take a look at what demand has done to production. When you have that kind of gap, your price skyrockets. That is the kind of gap that begins to lead to a crisis.

Now we did not have an energy crisis this last few months, with the exception maybe in California, blackouts in New York. New York City may face some. We do have a drought up in the northwest on the Columbia River.

□ 1945

Mr. Speaker, the fact is 49 out of the 50 States were in pretty good shape. We had an energy crunch, not an energy crisis. That energy crisis is just sitting out there waiting to fire right into the center of us, unless we do something to prepare for it.

I mentioned earlier if we make the conscience decision, which we are free to do, that is why we are on this floor, that is why we have this debate, if, in putting our energy policy together, as the President and Vice President have said we need to do, we need an energy policy, if my colleagues out here make a conscience decision not to have further exploration of our natural gas and our oil reserves in this country, only one thing can happen, you cannot fill the gap in with conservation. It helps, but it does not fill the gap.

You cannot fill the gap in with solar energy. The only way you can fill in the gap between supply and demand, when you decide not to drill or further explore in our country, is right here, foreign countries like Iraq.

Take a look at our dependence on Iraqi oil exports to the United States. Take a look at that line. The more you decide not to find alternative resources, the more you decide not to conserve in our country, so you have more consumption, the more you try and mess with the market, like price controls, and I am going to talk about that in a few moments, the more you become dependent on people like Saddam Hussein over here in Iraq.

That is not the answer. That is not the answer. That is what is going to lead us from an energy crunch to an energy crisis.

Mr. Speaker, let us talk for a moment about the State of California. I told you that I love the State of Colorado. I am very proud of the State of Colorado. I want you to know that I like the State of California.

California is a beautiful State and California has a lot of wonderful people in it. But, frankly, the California leadership has done a pretty poor job of planning for their energy needs. The governor of California and other elected officials, you are going to hear them blame everybody else for this. But the fact is, there are 49 States in this country that are not in the predicament that California is in.

Lightning did not just strike California and they got picked out of the bunch for this to occur. California brought it on themselves. We have several things we ought to discuss since California brought it on themselves.

Number one, a fair question for us to ask to California, to ask the governor of the State of California, ''what are you doing to pull yourself up by your bootstraps?'' In other words, that word called self help, what are you doing, California leadership, to pull your people in that State out of the energy crisis that you have?

We have to be careful. I am critical of the governor of California, whom, by the way, has blamed everybody else but himself. I never heard him once say that he accepts at least a part of the blame for their shortage out there. That is why I am so critical of the leadership of the State of California.

I want to tell all of my colleagues that we are very dependent on that State. It is not a foreign country. We should not walk away from California. It is a State. We have an inherent obligation to help California. That help should not come without some kind of matching grant, so to speak, matching effort.

They have to make their own effort, but when you look at it from an economic point of view, California is the sixth most powerful economy in the world, we better not walk away from them; not only do we have what I think is an obligation to help California because they are a State. They are our brothers. They are our sisters. They are our neighbors. They are a State of the United States.

We do not walk away when another State is in trouble, so we also cannot walk away from California, because California is the sixth most powerful economic unit in the world.

What does California have to do to get help from the rest of us? First of all, California, and I hope the governor of California has an opportunity to visit with me at some point, you have a lot of power generation facilities to be built in your State. You cannot continue to demand energy and have energy demand continue to grow while at the same time say ''not in my backyard.''

You cannot continue to depend on people outside your State lines to supply your generation inside your State, unless you want to subject yourself to the ups and downs of price fluctuations. That is exactly what happened.

California deregulated, well, not really deregulated. They called it deregulation. They sold their generation outside. Outside owners run it, because they thought they could save money by buying the spot market, which means the prices go up and down by the hour in power, by the hour in electrical power.

They thought they could outsmart the market. What did they do? They bought spot power. The people now control the power, the price goes up. You have to be able to build your own resources within the State of California.

I know that California is now looking at that. They opened their first power plant in 13 years, as I understand it, as I mentioned earlier in my comments, yesterday or today. That is good; not enough, but it is good. You are headed in the right direction.

Mr. Speaker, I want my colleagues from California to know that the rest

of us feel an obligation to help your State. But, by gosh, California, you have to help yourself. You have to allow some natural gas lines. You have not allowed a transmission line, not natural gas to your house, but a transmission line to move large volumes of natural gas in 8 years.

You have put price caps. That is one of the problems I am going to go through in a little more detail. Let us just real quickly go to that while we are on the subject.

Let us talk about price caps. I can tell you in fairness of disclosure, I am a student of Adam Smith, the Wealth of Nations. That is the capitalistic system where you have supply and demand. You have to have some oversight so you do not have monopolies, but you have to be careful of abuses, and I understand that. You have to understand, especially in the government, we are not business experts in the government.

None of us are business experts. In fact, a lot of us in these chambers, I happen to have been, but a lot of the people in these chambers have never operated a business.

Where do you think we develop the expertise to go into the marketplace which has been tested in this country for hundreds of years? Where do you think we can go into it and decide that government manipulation of the market is for the benefit of the consumer, then, in the end, how to beat the market?

The government never beats the market. Let us take a look at how they think they can. Price caps. You know what makes me upset about price caps right off the bat? I am a big proponent of conservation. Price caps encourage waste. Price caps do not encourage conservation.

It is like leasing. I will give you an analogy here. It is like you own a house and you rent the house to a tenant. You rent it to somebody and you say to the person you are renting to, look, you pay me $500 a month rent for the house, and, by the way, I will pay all the utilities.

Do you know what is going to happen with the person that is renting your house since you are paying their utilities? The air conditioning will be set at 50 in the summer, and the heat will be set so high in the winter you will look over at your house and you will see the windows open so they can get rid of the heat.

Price caps encourage waste of energy. Take a look. Price caps are bad for consumers, the economy and the environment.

The polling in California, and maybe throughout the country, but 70 percent of the American people say they like the idea of price caps. That is where leadership comes in. That is where we as leaders have to say, look, on the short-term basis, you are asking for a short-term return and a long-term risk.

The risk is substantial. The risk is substantial that more waste will occur. Mr. Speaker, the risk is substantial that you cannot artificially hide prices. I know it is painful.

Let me say we do not have price caps in Colorado. Do you know what has happened to my wife and my family here in the last 6 months? We have conserved energy. Why have we conserved energy? Because we did not have price caps.

Do you know that not having price caps what happened to our bill? Our bill went through the ceiling with our natural gas bill. We were stunned. We got a $500 natural gas bill one month and you want to bet that we did not start conserving immediately. Of course, we did.

If we would have had a price cap where it said, look, no matter how much you use, we are only going to have to pay a cap of this amount, it defeats the purpose.

It is a manipulation of the market. That never has happened in the history of this country. I know it is popular. I know it is popular. Seventy-five percent of the people support it.

I am telling you, take a look at the history. Seventy-five percent of you supported it, but there has never been successful price caps in the history of this Nation ever.

It is always popular when it is suggested, because, of course, it is only suggested when prices go up. But it has never, ever worked. That is where we have a leadership obligation to at least stand up to the popular opinion and say, I know we want to jump on board, but before we do jump on board, take a look at what the long-term risk of putting price caps on it does.

Price caps impede energy conservation and drive away new energy supplies. Some have called for regionwide price caps, including costs-of-service ratemaking. That is part of California's effort. Simply put, wholesale and retail price caps prevent markets from working properly.

It is a manipulation of the market and is a politically expedient solution that has exaggerated problems that they are supposed to fix. Price caps create an imbalance between supply and demand by preventing utilities from passing along market prices.

Retail price caps disrupt the natural relationship between supply and demand and prevent markets from operating efficiently. It eliminates incentives for conservation and harms the environment.

Retail price caps eliminate consumers' incentives to conserve in times of tight supply, because consumers are not paying the true cost of the electricity, for example. Without incentives to reduce consumption, older, dirtier plants are kept running longer.

Let me say that price caps sound good, but think about it. If you artificially keep the price low, you are not putting the investment out there that you need for further supply and reserves for further supply exploration.

If you keep price caps, you have no encouragement at all for people to conserve because they are not feeling the pain in the price. As I mentioned earlier, the primary reason I would like to say is because we wanted to do the right thing and so on.

In fact, I think all of us would admit that the primary drive outside of the State of California, where you do not have price caps, the primary drive for conservation was the fact that because we did not have price caps, our bills went through the roof. You can bet that the energy conservation immediately went into place.

Mr. Speaker, I hope that as prices begin to drop that all of us continue our responsibility for energy conservation.

Let me just summarize my position on California. California is a very important State. We cannot walk away from them. They are a State after all.

They are the sixth most powerful economic power in the world, but California has to deploy or employ their own self help. They should not look at the other 49 States, which, by the way, are not in the situation California is, because they did not say ''not in my backyard,'' because they did not refuse to allow generation plants in their State, because they did not refuse to allow gas transmission lines in their State, but California cannot expect the other 49 States to bail them out.

We ought to help, but California has to pull itself up by its own bootstraps. California, from an agricultural point of view, from any number of different point of views, is critical for the economy of this country, but, by gosh, the leadership out there in California has to quit shifting the blame to everybody else and accept the fact that this is going to be a painful process, that you are going to have some trade-offs.

You are not going to get electricity without electrical generation plants. You are not going to have natural gas without natural gas transmission. That is the point I am making about California.

Let me talk for just a moment here about another common sense approach, and that is hydroelectric, hydropower electricity conservation combined with common sense. Worldwide, 20 percent of all electricity is generated by hydropower.

We are the 2nd largest producer of hydropower in the world. Canada is first. Hydropower makes a lot of sense. Let us take a look at how hydropower works. It is really pretty simple.

□ 2000

Here is a dam. You have to have a dam. As I mentioned earlier in my remarks, out in the west, for example, we have got to have the capability to store the water. Here in the east, you need dams to control flooding. You also need storage water.

But in this country, our dams provide us a lot of generation of electricity. Remember, with hydropower, we do not have to have a coal burning facility. We are not using natural gas. In fact,

we are not using any fuel at all to generate electricity. This is a renewable resource.

What we are grasping, what we are grabbing is the energy that is created as a result of the fall of the water. You put the water here, it end up here, and the energy that is created between the two points is what we grab to spin a turbine to create electricity. That is exactly what hydropower is about. That is the beauty of the nature of this thing. It is a renewable resource.

The storage of the water that is necessary provides for recreation. In fact, our largest recreational water body in the West is Lake Powell. That provides for a tremendous amount of family recreation. It provides for fisheries. It helps us control floods, et cetera, et cetera.

So the water comes in, the water drops through, turns the turbine here, and the turbine generates the electricity, and out it goes on these power lines. But do you know what? You have got to be able to let these power towers come. You have got to be able to allow transmission lines come into your area. You cannot always think that the burden is going to be on your neighbor's property. You cannot always think that the burden is going to be on every other State of the union, which is exactly the policy that the leadership in California adopted. That is why one out of 50 States has got a real serious problem.

Now, up in the northwest, of course, the Columbia River is way down because of the drought. I think, frankly, going back to California, you have got to commend the people in California. In the last month, we have seen a tremendous amount of conservation in California.

I think because they have some of these price caps and they are also selling bonds, they are indebting future generations to pay for this generation's use of power. Talk about unfairness. For years here, when I was in the Congress, we talked about how future generations do not deserve the debt that we are putting on them, that we should balance the budget.

In the State of California, they are using the power today, and they are selling bonds, they are indebting their State and letting future generations pay for the power. That is not right. We ought to absorb the pain as we go.

It is the same thing with hydropower. You have to have transmission towers. There is a lot of common sense that can be deployed here that will give us results where one State does not suffer at the expense of other States, where some people do not suffer at the expense or benefit at the expense of other people. There is a lot we can do.

Let us take a look at, real quickly, hydropower. This is a very important statement that I wanted to cover. Take a look at what utilizing hydropower does, this first statement. Hydropower is clean. It is clean. It prevents the burning of 22 billion gallons of oil or 120 million tons of coal each year.

The hydropower that we have in place in this Nation, we are the second largest user in the world, Canada is the first, our utilization of hydropower saves us and prevents the burning of 22 billion, 22 billion gallons of oil, and 120 million tons of coal. That is a lot of coal that we do not have to burn because we have used a common sense approach and we have built hydropower.

Now, as with exploration of coal, as with conservation, you need to use a reasonable approach and you need to use an approach that is sensitive to the environment. I do not propose for a moment that we go out and build a dam anywhere we want to build a dam, but I do propose that we do not reject it on its face.

I do propose that hydropower be something that we consider, that it go on the table for this energy policy that we have all determined is absolutely necessary for future generations of this country. Our leadership obligations require us to begin and complete the process of an energy policy.

Take a look at what it does. Hydropower does not produce greenhouse gases or other air pollution. We have heard a lot about air pollution. We have heard a lot about greenhouse gases. Hydropower does not produce that. Hydropower leaves behind no waste. Think about it. When you burn gas or oil or any other resource, you leave some waste. Hydropower, you do not leave any waste. The water goes through, turns the turbine, generates the electricity.

Reservoirs formed by hydropower projects in Wisconsin, for example, have expanded water-based recreation resources. It is renewable, and it is common sense. That is the kind of policy that we have to put in place for energy in this country.

Let me just kind of summarize my comments this evening and what I think is essential. First of all, I pointed out at the beginning in my remarks energy prices are beginning to drop. In fact, it is my prediction that we will actually have an electricity glut, an electrical glut here in the next year or so.

Believe it or not, last year we had 158, now this is not in California, but throughout the rest of the Nation, we had 158 new generation plants come online last year, 158. What you have been reading in the media or hearing from some of the political rhetoric is that there had not been any electrical generation facilities. We had 158.

In fact, if we build out everything that is planned for the next 5 years, if you take weekends out, we will have a new generation facility open every day for the next 5 years if you do not count weekends and if all of those projects that are planned are built out. We are going to have an excess of electric generation, but that is part of the market. It will work itself out.

But the key is this, you cannot have good energy policy by having artificial price on the product. You cannot have price caps. I know it is popular. I know it is the politically correct thing to be talking about.

I know I am going against the wave of popular thought, but the reality is, by going out and selling bonds or by putting an artificial cap or a price, one, you do not help at all in conservation, you encourage waste; and, two, somebody has to pay for it.

Remember basic accounting. Every time you have a debt, you have a credit. Every time you have a credit, it has got to balance out. Every time you sell something at an artificially low price, you have to subsidize it. Somebody is paying for it. In California, they are selling bonds to raise the cash to buy the electricity that is being used today. Those bonds are going to be paid by the working people of tomorrow. A little unfair, a little inequitable in my opinion.

But to come back to my main point, we have an obligation to help California. California has an obligation to help itself. We have an obligation in this country to conserve. That is part of it.

Probably the most important poster is this poster right here because I think this diagram illustrates our energy production if it is going to remain flat, I think it will go up a little, but if it is going to remain flat, and our energy consumption is going to continue to climb at that angle, we are going to have this projected shortfall. Common sense will allow us to fill in that shortfall. Remember, we have got to fill in all the blue on this chart. Common sense allows us to do it.

How do we do it? Conservation will fill in a part of that chart. Alternative fuel like solar generation or alternative generation will fill in a little gap of it. But the rest of it, it is going to have to be filled in by further exploration of natural gas resources or nuclear resources or coal resources.

We can combine. Our answer is not any one of those things I mentioned, not coal, not nuclear, not conservation, not solar. None of those standing alone can solve the energy crisis that we could have in the future. Certainly it is not solving the energy crunch that we have today.

But combined, when you combine conservation with alternative fuels, with renewable energy like hydropower, with further oil and natural gas exploration, when you put that combination, you can construct a model. You can construct a model that can deliver the energy needs to this Nation without requiring undue sacrifice on the lifestyles of the people of this Nation. You can create a model that will provide energy for future generations.

After all, our discussions on this floor, our discussions are not just focused on this generation. This generation has an obligation to think about future generations. We have an obligation to provide energy just as much as we have an obligation to provide a

strong defense, just as much as we have an obligation to provide a strong educational system.

It is no less of a responsibility to take a look at our future energy picture than it is to take a look at education or health care or any other issue you want to talk about for future generations. We have that opportunity today.

So I would urge my colleagues that, even while the price of energy is dropping, we have an obligation to continue to urge people to conserve. We have an obligation to continue to try and assist our colleagues in California and every other State in this country, to say just because energy has become more affordable does not mean that our energy crunch does not still exist.

We have got to plan for the future. We had that opportunity today in our hands. Now it is going to require leadership. It is going to require an energy policy which we have not seen for 8 years.

We have got a President. We have got an administrative team and many of my colleagues on both sides of the aisle that are prepared to put together an energy policy. That debate has already begun. Now we need to take it to its logical conclusion, and that is to come up with a policy for this generation and future generations of this country in regards to energy.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 933

Mr. JEFFERSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 933.

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DIGITAL DIVIDE ELIMINATION ACT OF 2001

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

Mr. JEFFERSON. Mr. Speaker, I am here today to discuss the digital divide that is plaguing our country and to garner support for legislation my colleagues and I have introduced to help alleviate this crisis, H.R. 2281, The Digital Divide Elimination Act of 2001.

Computers are becoming the crucial link to education, information, and to commerce. For all Americans, personal and economic success will depend on having the ability to understand and use these powerful information tools. However, according to the Department of Commerce, less than 10 percent of households with income below $20,000 own computers or have used the Internet, an absolutely alarming statistic. Unless this changes, these poor families in both urban and rural areas will be left behind.

Educators and industry leaders alike realize a serious problem associated with the digital divide and are taking steps to bring computer technology to schools and libraries across America. We, as public officials, applaud these efforts. However, these efforts are not enough.

If we are going to truly give every American access to technology and improve the way our children learn, the Federal Government must join in to bolster these efforts and, more importantly, to help extend technology and technology access to every home in America. Only then will these children and their families gain an appreciation for technology and the Internet in the home, unfettered by the constraints of an institutional setting.

The legislation my colleagues and I have reintroduced this year provides additional tax incentives to induce private companies to donate computer technology and to induce poor families to purchase computers.

First, the legislation increases the special deduction for computer donations from three-fourths of the computer's sales price to the higher of the full sales price or its manufacturing cost. For example, if the manufacturing cost of a computer is $500 and the sales price is $1,000, the charitable deduction is increased from $750 to $1,000.

The special deductions for computers has already induced computer manufacturers to donate thousands of computers to schools across America. Now, as a result of this provision, computer manufacturers will have an even greater incentive to donate unsold computers because they can deduct the full value of the computer.

In addition, non-manufacturers will also have a greater incentive to donate computer equipment even where the depreciated cost of the computer exceeds its market price. Under current law, it is more economical for many non-manufacturers to throw away used computers than to donate them to charity because they can take a higher tax deduction for disposing of the computer than for donating it. That is clearly bad tax policy. Thankfully, this provision will change that result.

Second, the legislation will extend the special computer deduction through 2004 and expand it to include donations, not only to libraries and training centers, but also to nonprofits that provide computer technology to poor families. Nonprofits such as Computers for Youth in New York City have placed computers into the homes of hundreds of low-income families. We need to encourage similar efforts by nonprofits across the country. Only then can we make our mutual goal of bringing technology into every home in America a reality.

Finally, the legislation will provide a refundable credit equal to 50 percent of the cost for computer purchases by families receiving the earned income tax credit up to $500. While the cost of computers and Internet access are dropping, the cost of computers still remains a barrier for many low-income working families. Returning half of the cost of the computers to these families will go a long way towards helping working families help themselves and provide a brighter future for their children.

□ 2015

In fact, the $500 refundable tax credit makes computers more affordable than ever for the working poor. Here is an example. In the June 17 edition of The Washington Post, which I have an example of here, Circuit City advertized a Pentium II computer for $1,099. The price is slashed by the manufacturer and retail rebates to $499. With this $500 tax credit, the actual cost of that computer would be reduced to nothing, a free computer to a poor family. Computer companies and retailers will get business from a segment of the population that did not have affordable access before, and the working poor will receive affordable access. It is a win-win situation.

Mr. Speaker, bringing technology to all our children is key to our Nation's future and prosperity. I implore my colleagues to recognize the long-term negative impact that could result from not eliminating the digital divide and urge their support of this legislation. Together, we can ensure a much brighter tomorrow for our children and give them the tools necessary to compete and lead the next generation to an even brighter future.

HMO REFORM

The SPEAKER pro tempore (Mr. MCINNIS). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Mrs. CAPPS) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CAPPS. Mr. Speaker, I rise this evening to speak about the need for a strong and enforceable patient's bill of rights for the American people.

I am one of three nurses currently serving in the House of Representatives, and there are other health professionals of all stripes among my colleagues, from doctors to public health specialists and microbiologist, from psychologists and social workers to psychiatrists. Together, in all of our experience and training, we know that we need to pass a real patient's bill of rights, a bill of rights that offers the American people real protection from the hard edges of managed care organizations or HMOs.

Tonight we are going to share with our colleagues our firsthand experiences and make the case for the Ganske-Dingell bill. We have seen firsthand the damage caused by the excesses of the bean counters and the men in green eyeshades when they are too aggressive in containing costs. These bureaucrats have often done real harm to real people when they have taken on the role of medical professionals. Those of us here in Congress

with medical backgrounds want to give our constituents the ability to fight back, and we think that the Ganske-Dingell bill is the best way to do this.

This legislation guarantees access to high quality health care, including access to emergency or specialty care, to clinical trials, and direct access to pediatricians and OB–GYNs. It also holds health plans accountable when they interfere in the medical decisions of a trained medical professional. It provides for a strong external review process by medical professionals; and then, after that process, and if that process is exhausted, patients will have access to State courts.

The HMOs have bitterly criticized this proposal on the grounds it will lead to frivolous lawsuits. The Ganske-Dingell bill is based on one now in practice in the State of Texas which has allowed patients to sue their HMOs and there have been only a handful of lawsuits of any kind. There is no evidence that this bill will lead to frivolous lawsuits, but it is an essential protection that our patients need because of the deterrent factor that it provides.

Managed care organizations are operating in an environment designed to keep costs low, and we do need to control costs to keep health care affordable, but HMO administrators are under an incredible amount of pressure to cut corners. Often this pressure is excessive and leads to bad decisions and insensitive, inappropriate, and sometimes very damaging actions. Abuses of patients' rights to quality health care are very common, too common. There needs to be a counter force on the side of quality care, on the side of the patients, and that counter force has, at the bottom line, the threat of going to the courts.

Access to the courts will help to restore the balance to the scales and will prevent the need for efficiency outweighing the need for quality care. It is what gives the patient's bill of rights its teeth. Without it, HMOs are free to continue their current practices without fear of the consequences. My constituents do not want to go to court to get the health care that they need, but HMOs do not always want to provide that care. And HMOs do not want to go to court either. The threat of appropriate litigation is how average Americans will keep the HMOs honest. We need to give patients that tool.

Mr. Speaker, if the ceiling in this room were to collapse today because of a contractor doing shoddy work to save money, those of us who were injured would be able to sue that contractor in State court. This provides an important incentive for contractors to do their work well. The same should apply to managed care.

And so I support this legislation, as do many of my colleagues with medical backgrounds. We know our patients. We know the HMOs. We know this issue and its importance. We know the challenges we face and we know how to overcome them. We know this bill is the right thing to do. So we are here this evening, Mr. Speaker, to help our colleagues see this example as well. We have an obligation to our constituents to do our duty and to pass this legislation.

I want to now introduce and invite to the podium a colleague of mine, the gentlewoman from New York (Ms. SLAUGHTER). She is going to present her viewpoint as a microbiologist with a master's degree in public health. She is particularly respected for her efforts on genetic nondiscrimination and women's health.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from California for taking time this evening and for yielding to me.

In my judgment, one of the most important aspects of the patient's bill of rights gets the least attention, and it is the potential impact on public health. Now, although most people think of this initiative as one involving individual patients and their access to care, there are major public health implications as well.

In our Nation, public health has become something of a forgotten stepchild of the health care system. In other industrialized nations, public health goes hand-in-hand with individual health care: Communicable diseases are reported in a standardized fashion, all children receive vaccinations during their regular checkups, and public health professionals can track the incidence of disorders like cancer based on geography.

None of that is true in the United States. In this country, we have created an artificial division between individual health care and public health. Children are supposed to receive immunizations on a certain schedule, but many fail to receive some or all of their shots because they move, switch insurance plans, or lose coverage. Different States track and report different disorders in different ways, and the health of the individual is examined in total isolation from the health of the community.

The patient's bill of rights has the potential to address some of these problems. For example, the Ganske-Dingell bill contains a solid proposal giving women direct access to an OB-GYN. This provision can help us attack rates of sexually transmitted diseases by allowing women to go directly to the right doctor without having to waste the time, the effort, and the money of passing through a gatekeeper physician. If we can help women get treatment for sexually transmitted diseases quickly and effectively, we can reduce the rates of transmission.

Similarly, the Ganske-Dingell bill has provisions regarding direct access to pediatricians for children. Parents need to be able to get their children to the right doctors as quickly as possible, especially in the cases of communicable diseases, which often can be mistaken for other sicknesses in their early stages and spread like wildfire in settings like day care and schools. If we can prevent the transmission of diseases like these and many others when the patients can get timely care under their insurance plan, we benefit the whole community. Sick people create sick communities. When we delay care, we place numerous other individuals at the risk of illness. A patient's bill of rights would help patients directly to get the care they need.

I would like to note that State, local, and Federal governments have a major financial stake in the patient's bill of rights as well. When patients cannot receive timely care under their insurance plan, they often seek care in other places, such as clinics and emergency rooms. And in many cases the cost of their care must be absorbed by the facility, the State assistance plans, and Medicaid. The Federal Government spends tens of millions of dollars each year to fund the so-called disproportionate share hospitals, which treat high numbers of patients lacking coverage. If we could reduce the amount of unreimbursed care in this Nation by even a small fraction, it would make a tremendous difference to many struggling hospitals and facilities, and that in turn would allow those facilities to dedicate more resources to public health goals, like indigent care and outreach.

Finally, as a public health professional, I find it deeply troubling that Congress would consider allowing insurance companies to continue practicing medicine without a license. Insurance company bureaucrats have no business inserting themselves into the doctor-patient relationship. Middle managers should not second-guess M.D.'s. If insurers want to practice medicine, then they must be responsible for the consequences when things go wrong, and that means being held liable for medical decisions.

I am pleased that our colleagues in the other body are debating a strong, responsible patient's bill of rights. The House majority leadership bill, H.R. 2315, does not pass muster, and I hope that all of my colleagues will pass up this anemic version in favor of a real patient's bill of rights, H.R. 522, the Ganske-Dingell Patients' Bill of Rights.

Mrs. CAPPS. Mr. Speaker, I want to thank my colleague, the gentlewoman from New York (Ms. SLAUGHTER), and particularly for her perspective from a public health point of view.

I know many of us, when we saw the managed care plans coming on the horizon as a cost containment method applauded the program for its preventive care aspects, and some HMOs still do offer these, and they are to be commended. But many, in their cost cutting methods, have curtailed the prevention aspect and the guidance and some of the extra programs that are offered through counseling and health education, advice for families, and the periodic checkups that are part of a good developmental program for children in favor of cost containment. So I

think we should go back and accentuate.

We need to point out that this patient's bill of rights is not an attempt to do away with managed care, but to reform it and to bring it back into the arena of the responsibility of health professionals for the care of their patients and the ability of patients to get the kind of care that will be in their best interest in health care.

I wish now to give time to my colleague, the gentleman from Ohio (Mr. STRICKLAND). He is a psychologist and now is my colleague on the Subcommittee on Health of the Committee on Commerce. He has been a leader for a long time on the patient's bill of rights and comes to Congress with his perspective, coming right out of his work in psychology in his Congressional District. I am happy to yield to him.

Mr. STRICKLAND. I thank the gentlewoman for yielding to me.

Before coming to this House, I practiced psychology in a maximum security prison, working with mentally ill inmates; I worked in a community mental health center; I worked in a large psychiatric hospital; and I have worked with emotionally disturbed children. The fact is that we do need a strong patient's bill of rights. And it is puzzling to me, it is truly puzzling to me that today in America patients can be abused by managed care organizations and have no legal recourse.

I would like to share with my colleagues tonight a story of one of my constituents. Every one of us here in the Congress, whether we are Democrats or Republicans, regardless of what part of the country we are from, have constituents who come to us with their problems, and I would like to talk this evening about a young woman who is 31 years of age. She lives in a small town in Highland County, Ohio. Her name is Patsy Haines.

Patsy's husband called my office several weeks ago and he asked if we could be helpful. He told us that his wife suffered from chronic leukemia and that she had worked for 5 years at this company until she became too ill to work. She was diagnosed with this life-threatening illness. Her doctor told her that she needed a bone marrow transplant. Patsy has a brother who is willing to participate, who is willing to help her, and he is a perfect match for such a transplant surgery.

□ 2030

The problem is that Patsy cannot get her insurance company to agree to pay for this surgery.

I went to the James Cancer Hospital in Columbus, Ohio, possibly one of the premier cancer facilities in this Nation. I spent half a day there, and I talked with the doctor who is over the entire transplant program at the center, and I spent a couple of hours with a young doctor, a very inspiring doctor, who is a specialist when it comes to bone marrow transplant surgery. This young doctor was incredibly sympathetic to Patsy Haines' condition, and agreed to talk with her and her physician.

After his consultation, he agreed that this young woman needs this surgery. He told me that if she receives this surgery, she has a very good possibility of recovery, of living a long life, of being a mother to her child, a wife to her husband. But the sad fact is if Patsy Haines does not receive this surgery, she very likely will lose her life.

This past Saturday I went to a high school in Hillsboro, Ohio. Community members had brought together items to auction off for Patsy. Patsy was there in a wheelchair because her illness has progressed to the point where her legs are badly swollen and she needs a wheelchair in order to get around. People sat on those high school bleachers, and they bought items which had been offered for auction. Patsy Haines is an incredibly inspiring young woman.

I do not know if she is watching tonight or if her family or community members are watching tonight, but she inspires me. I said something at that auction that I truly believe, that none of us are islands. None of us in this world stand alone. As Members of Congress, we should have the attitude that each constituent's joy is joy to us, and each constituent's grief is our own.

I feel grief for Patsy Haines tonight. It is shameful in the United States of America in the year 2001 that we have car washes and sell cupcakes and auction off small household items to get the resources necessary to help a young woman get the medical attention that she so desperately needs. The American people do not want us to be in this set of circumstances. The American people are with us on this issue. Poll after poll shows that the American people believe if an HMO or an insurance company makes a medical decision and deprives a person of necessary and needed medical treatment, that they ought to be held responsible in a court of law.

As the gentlewoman said, the State of Texas has such a law, the State from whence our President came and where he was governor. During the last Presidential campaign I remember the President talking about the Texas Patients' Bill of Rights, and he displayed some pride in the fact that Texas had done this.

What we are trying to do in this Congress with the Ganske-Dingell bill and on the Senate side with the McCain-Kennedy-Edwards bill is to do basically what they have done in Texas. The gentlewoman is right, in Texas this law has been in effect for 2 years, and there have been literally half a dozen lawsuits. The reason for that is, I believe, once this law is in place and the insurance companies know they are subject to going to court and having to face the consequences of that, it makes them much less likely that they will deny necessary treatment.

So tonight we are talking about something really important. I hope the American people are watching. I believe the American people of every persuasion, conservative to liberal, Republican, Democrat, Independent, strongly believe that citizens of this country should be protected from this kind of awful, terrible, treatment.

I hope as a result of what we are trying to do here Patsy Haines and her family, and Americans like her, will no longer be subject to this kind of mistreatment. What we are doing in the next 2 or 3 weeks here in Washington is as important as anything that this Congress has done in perhaps decades because we are taking the necessary step to see that American citizens, regular moms and dads and kids, get the kind of care they need.

I will close by saying this. A couple of days ago a colleague of mine held a press conference in Columbus, Ohio, and came out in opposition to the Patients' Bill of Rights because of the ability to bring suit that is given to the patient in this legislation.

There was a business executive there that had suffered a serious illness and was there to talk about the fact that he had been taken care of by his company. But not all of us are business executives. Some of us are just ordinary citizens like Patsy Haines. Our responsibility here in this Congress is to make sure that ordinary citizens are protected.

I thank the gentlewoman for this special order and giving me the chance to talk about my constituent. I believe that the American people are watching, and as a result of the fact that they are watching us, I believe we have a very, very good chance of actually getting this legislation passed and signed into law.

Mrs. CAPPS. Mr. Speaker, I thank my colleague from Ohio for sharing such a moving story. It is remarkable in this land of ours we have some of the best possibilities for health care in the world, and some of that is due to funding for research which has been promoted and supported from this House, this very body. We stand behind the great advances in our medical technology and our skills and opportunity. Yet at the same time we have such a gap between our ability to give health care and those who are actually able to get it.

Mr. Speaker, one of the barriers are those without access to any health insurance. That is the subject for another conversation here on the floor, but there are barriers even to those who have health insurance and how tragic it is to have an employer-sponsored plan and go to one's doctor, and sometimes it is a matter, as with the gentleman's young friend Patsy, of a life-and-death matter. To have that doctor's recommended plan denied by an HMO, to me that is practicing medicine; and particularly now with the legislation like we are supporting and proposing which would involve strong

external review so it would not just be the view of one doctor, actually we need to protect against frivolous medical decisions, but a panel of one's peers, and to have that still set aside by an HMO, that to me calls for some kind of last resort that can only be handled in a court of law. We do not want any more stories like the one that the gentleman from Ohio (Mr. STRICKLAND) shared with us about his friend, Patsy Haines.

Mr. Speaker, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN). She is the first woman physician ever elected to Congress. She is the Chair of the Congressional Black Caucus Brain Trust, and is always willing to speak and share her information in our efforts to pass this national Patients' Bill of Rights.

Mrs. CHRISTENSEN. Mr. Speaker, it is a pleasure and honor to join the gentlewoman from California, and I thank her for yielding to me to speak on this issue.

I am a family physician. I have almost 25 years of experience providing health care, mostly in the United States Virgin Islands, and knowing the importance of early access to quality health care to the overall health of this Nation, I never thought that 4 years after we began efforts to pass a strong Patients' Bill of Rights we would still have to take to the floor to plead for its passage.

This is another instance, as the gentleman from Ohio said, the people of this country know best. Americans have lost confidence in the current managed care system. They are calling upon us to fix it and to place the medical decisionmaking back in the hands of those trained to make those decisions, the physicians, and the hands who have most at stake, the patients. As late as today patients traveled from New Jersey to meet with Members of Congress, to meet with the Health Care Task Force to once again make the case for the need for the full provisions of the Dingell-Norwood-Ganske bill.

They talk about health care delayed and denied and lives lost or destroyed. Two of them told us of having to fight for needed health care while also having to fight at the same time the physically and emotionally devastating disease of cancer. All of their energy and attention was needed at that time and should have been directed to fight the illness and not an insensitive health care system.

We also talk about the plight of those who accepted their denials because they felt powerless to fight the large systems. I would say as a physician who has been involved in public health, I know that prevention is worth a pound of cure, but it does not take an M.D. degree to know that. Our grandparents told us that over and over again.

If we are ever to rein in the high cost of medicine, we can only do it by ensuring that everyone in this country, regardless of income level or ethnicity, has access to good primary care, secondary care and tertiary care when they need it. To do this the bipartisan Patient Protection Action of 2001, the Patients' Bill of Rights that we are discussing this evening sponsored by the gentleman from Iowa (Mr. GANSKE), the gentleman from Michigan (Mr. DINGELL) and the gentleman from Georgia (Mr. NORWOOD) and Senators MCCAIN, KENNEDY and EDWARDS is an important step, long overdue, but better late than never, and a step that we must take now.

Even after the Patients' Bill of Rights becomes law, we will still have to provide health care coverage to the 43 to 45 million Americans who do not have health care coverage. We have to close the gap of color and those who live in rural areas. We have to make sure that our young people of color have access to health care careers, and can go back and serve their underserved communities.

A lot of debate is being focused on the liability causes that my colleagues referred to, and I think it is important to make it clear that this is not about lawsuits and large awards, it is about putting the necessary teeth in the legislation to make sure that the HMOs and insurance plans put the patient and his or her medical needs in front of their profits. Money cannot buy back the ability to walk to the paraplegic who lost mobility because of delayed health care, or bring back a loved one because they did not receive the diagnostic treatment that they needed.

The bill that we support does not, nor has it ever held employers who do not participate in making medical decisions to be liable. Employers if they do not intervene in making those decisions have never been held liable by the Patients' Bill of Rights that was introduced even in the last Congress by the gentleman from Iowa (Mr. GANSKE) and the gentleman from Michigan (Mr. DINGELL).

On the other hand if a managed care organization makes a decision about health care, they should be held liable. Providers have been liable for years, and managed care organizations or insurance plans who make decisions about medical care should be liable as well.

□ 2045

There is so much wrong with the managed care system that needs to be corrected, I know we could probably go on for longer than an hour. But we in this body do have the opportunity to put it back on the right track by passing H.R. 526, the Ganske-Dingell-Norwood bill which is also called the Bipartisan Patient Protection Act of 2001. We are here this evening to join you to say, let's do it.

Mrs. CAPPS. I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for sharing her story. She brought up something that I want to accent, because I think it is such a sadness to see what I call revictimization that so often occurs with people and their bureaucratic paperwork that they need to do. Often facing terrible diagnoses with sometimes horrendous outcomes and strenuous treatment regimes that they must go through and then on top of that, to need to struggle with the insurance company to provide the coverage. It is like doing battle on every front. It must feel to the patient and also to their family like being kicked when you are down, when you have such a battle and such a struggle with your health care itself, and trying to save your life or trying to get back on track again with your health and then to be constantly nit-picked or told no, not this, and so many hoops to go through, I really feel like we need to get it back into the priority and to streamline many of the approval processes and to make it so that we are treating people with the dignity really that all of us know as American citizens that we want to have. For this to be so completely, not always, but so frequently gone down a different path, that is a most humiliating experience for someone who has to go through it. That is certainly part of what we want to correct in this Ganske-Dingell patients' bill of rights.

Now it is a pleasure for me to yield time to one of my fellow nurses here in Congress the gentlewoman from New York (Mrs. MCCARTHY). She represents one extreme end of the country and I am out there in the other end but we are both nurses. That means we are joined at the heart. We have worked together to make sure that the patients' bill of rights, for example, includes whistleblower protection for nurses and other important pieces. It is no surprise to either the gentlewoman from New York or I that the American Nurses Association and so many of the other nurse groups around the country are strongly in support of this particular patients' bill of rights.

Mrs. MCCARTHY of New York. I thank my colleague from California and my fellow nursing partner and certainly our friends that are physicians.

You have heard stories tonight from us. You have heard us tell stories about our constituents. But I think if you hear and have listened to us, why are we so passionate about this? Why are we backing the patients' bill of rights? I am going to tell you a story, also, but this story is very personal. Even before I ever came to Congress, I had spent over 32 years, my life, as a nurse. All of us, we went into health care because we care about taking care of people. And we see our doctors today, they still care about their patients. They are fighting for their patients on a daily basis.

But I want to tell you a personal story on why this bill is personal to me. Going back several years ago, something happened in our family. My son ended up being in the hospital. I have to say when he was in the hospital and he was in the intensive care unit, he got the best care you could possibly

ever see. Because he was in the hospital, everything was approved. Then Kevin had to spend a long time in rehab. They told me he was actually going to spend a year in rehab. My son was only 26 years old at that time. He went through the sessions in the morning. I would be there with him 18 hours a day. By lunchtime, I am saying to myself, ''Well, he's not tired, let's do rehab again.''

Of course, I went to the head of the unit and I said, ''Let's do the whole session all over again.''

''Well, we can't.''

I said, ''What do you mean you can't?''

''Well, the insurance companies will never pay for a double session.''

I kind of sat down and I thought about it for a while and I said, well, I can do a lot of this stuff on my own with him, I had the training for it, I knew what I was doing. But then I went pack to the director and I said, Wait a minute. My son is 26 years old. He can do more. And if we actually look at it, if he has double sessions, that means he is going to get his therapy, twice as much in one day and he is going to be out of here twice as fast. As I said to you, they had told me he would be in rehab for a full year.

Well, we won that battle. I got him the double sessions because the hospital decided even if the HMO at that time would not pick up the cost, they would. So Kevin started with double sessions. We were out of rehab in 3 months. Obviously he had to go to rehab for a good several more months as an outpatient but that was only the beginning of our battle. Because every single thing that we had to have done for Kevin as far as rehab and everything else, we had to fight for those services. But here is where the kicker came in as far as I am concerned. Kevin had to have a procedure done. He had to go back in the hospital. Five doctors, five of their doctors, their doctors, said Kevin had to go in the hospital for a surgery. We were turned down. Each doctor went to bat, said, wait a minute, he has to go in the hospital and he has to have this surgery done. And he was turned down, he was turned down, turned down. All the way up to the point where I finally talked to the medical director of the HMO and I said, ''Why are you denying him this operation?''

''We do not feel he needs it.''

I said, ''Who are you to make that decision when five of your doctors, a neurosurgeon, a neurologist, the surgeon himself, the cardiologist and the vascular man said he had to be in the hospital for this operation?''

I said, ''Do you know what my son's medical history is?''

He said, ''Well, actually I have it.'' By the way, his medical history was a little bit larger than the Manhattan telephone book. He did not understand it. He could not understand it.

Now, we were kind of lucky. The company that Kevin worked for happened to own the HMO that Kevin was covered under. Well, I found out who the CEO was of that company and I called him up. I said, this is ridiculous. And he agreed with me and he called and Kevin was in the hospital in a couple of days.

My point is, why did we have to go through this? Why did I have to spend that time trying to get the care for my son that he needed? If anyone even thinks that Kevin wanted to go back in the hospital or I wanted him back in a hospital, believe me, that is not the place we wanted to be. We would have been happy if we had never seen another hospital the rest of our lives. Now I am in Congress and on a daily basis we have to fight for my constituents to get the care, number one, that they deserve. They deserve. Because the decisions are made by our doctors. And unfortunately when we talk about the patients' bill of rights, people out there do not even realize the consequences that are going on in the health care system today because of the rights that doctors do not have anymore. Doctors are not encouraging their children to become doctors and we are seeing that falling over to where nursing is falling off short because nurses are not going to go into the health care system because they see what is going on. There has been a trickle-down effect for the last several years.

We have all worked with our health care providers. We have all worked with everyone that comes in to see us because they know we are in a health care position. By the way, we might be in Congress, but our first job still is to provide the health care system to all of our constituents across this Nation. That will always be my first priority, because that is an oath that we have all taken, to provide care for those. Now our jobs are just bigger.

You took care of all your patients back on the island. You certainly took care of all the children in the schools. I certainly took care of my floor full of patients. Now all of us have hundreds and thousands of more patients to take care of. That is why we are backing the real patients' bill of rights. That is why we are involved in this so passionately. We want our doctors to be able to make the decisions. We want our nurses to be able to give the care that they need without ramifications, that if they report something, they are not going to be fired or they are not going to be, what we call rotated around to floors that we did not want to be on. These are important protections.

All you are unfortunately hearing about in the newspapers is the suing thing. Again, let us go back to our President and his State of Texas. They have a patients' bill of rights, and they have not been sued. The amount of lawsuits in Texas since it was implemented is so tiny it is not even worth talking about. I will be very honest with you, if the correct care is given to all of our patients, no one is going to sue.

If you have the time and certainly my colleague from California, I would love to have a colloquy, because I happen to think we, is it not amazing it is three women, but we really have firsthand experience on how this real patients' bill of rights is going to help the American people.

Let me say one other thing. Many people think their HMOs are terrific, and there are some good ones out there. We are not slamming all of them. What we are saying is, though, until you come up with a situation where it might be chronic health care or maybe a life and death situation, or maybe it is a bone marrow transplant which they still consider experimental, but if you fight it long enough, you are going to get it, it is just that they want you to fight for it, and that is wrong. All of us have seen families going through so much. They should not have to worry, can I do this, can I raise the money to have it done. America is better than that. We know America is better than that.

Mrs. CAPPS. I want to thank my colleague from New York for sharing her personal story of her son and remark that she fought hard, she had to make a lot of phone calls. Some folks do not have that facility. Maybe there are language barriers. Maybe there are other barriers or they give up. That is compromised health care. That is health care that goes unmet, health needs that go unmet. Her son happened to work for the HMO, the president or whatever the situation, so that she had a personal connection. How about the thousands and thousands of families that do not have that privilege and have that opportunity? We need to speak for them. We need to have this be legislation that really does address the issues so that situations can be relieved just as a matter of course, not as a matter of exception.

But I want to bring up and am happy to have the gentlewoman from the Virgin Islands join us as well, but I do not want to leave another topic that the gentlewoman from New York brought up in her time as a nurse, and, that is, the important measure in this bill, the whistleblower protection. Let me make a couple of statements about it and ask our colleague who is a family physician to respond as well from the hospital perspective.

I am concerned now as many in this House and many across the country are about the shortage of nurses. We have a crisis. We have 126,000 positions going vacant today in our hospitals and health care facilities across this land. We have many things we need to do to address this. But one of the issues that is of real concern to those who work at the front line and in the health care settings is the demoralization that occurs when a person with professional standards has been trained and goes to work in a setting and sees and observes something which is not to that standard and has no recourse. It is the most awful experience to go through and

think, this is wrong, and sometimes you are there and you have to participate, and, for fear of your job, you cannot go to someone in higher authority or to an outside agency and a place without fear of retaliation. So this whistleblower protection which has been included in the Ganske-Dingell patient protection bill is vital. I know from my own personal experience in public health out in the community to have this accountability so that the confidence that you have when you go through training, which is hard enough, and then go out to work, which is also challenging. This kind of work that we are talking about that nurses and doctors and health care professionals provide is not the easiest in the world. It has its tremendous rewards. But when you feel that barricade, that you see something and you cannot report it because your livelihood will be on the line, well, that demands correction. That piece in this bill I believe we need to stand up for. Maybe either of my colleagues would like to comment.

Mrs. CHRISTENSEN. Let me just say that the nurses from the Virgin Islands are up this week as well and this is something they are very concerned about. I wholeheartedly agree with everything the gentlewoman said about needing to keep that in the patients' bill of rights, the fact that it is included only in the Ganske-Norwood-Dingell bill. But I wanted to say something about something else that our colleague said. She said that when her son was in rehab, if I heard her correctly, the rehab facility decided that even if they were not going to get reimbursed they would provide the service and soak up the cost.

□ 2100

We find that happening more and more where either the provider or the facility is saying, well, we know this is necessary.

So we are going to take the chance. We are going to provide it to the patient even if we do not get reimbursed. Well, hospitals cannot afford not to be reimbursed and still be able to provide quality service to the patients that come to them, and providers on the other hand, they are also taking the risk and saying well, I know my patient needs this, I am going to go ahead and do it, make the referral or order the diagnostic test but when they come up for review later on they run some risks as well.

We find that more and more providers, whether it is a hospital or a physician or another health provider, they are making those decisions to provide the care and take the risks but it also puts the patient under some stress that again they do not need to know, well, am I going to have this paid for. I am really glad we are here tonight supporting the Ganske-Dingell-Norwood bill because this bill provides for access to specialists. The decision is going to be what is medically necessary, access to emergency room services, just using your prudent layperson's judgment so that people can get care and get it early and that our facilities and our providers can be reimbursed for the services they provide.

Mrs. CAPPS. It is really common sense legislation. Those of us who have been doing health care work, I have spent 2 decades in my school community in the public schools of my community on the front lines every day with families that were seeking medical care and doing battle with their HMOs. This is not to do away with them. We are not trying to give insurance a bad name. We need it.

There are good plans, but when excesses occur and when people step over the line, companies do and providers do, then they have to be held accountable because the bottom line is a matter of basic common sense and what is right for families, for individuals, for this country really in terms of access to health care and good quality health care. I appreciate the comments of the gentlewoman on that.

I want to also make sure that we include in this discussion another very important piece of the Patients' Bill of Rights which includes the opportunity to have clinical trials be continued and be able to continue your insurance.

I have some personal experience myself, so many families do, with members of family who are confronted with the most awful diagnosis, one of the most awful of all, which is the word cancer, and to know that many of the treatments that work for cancer are so recent in their discovery that they have not yet been fully implemented or approved under the Food and Drug Administration and, therefore, they are still under the clinical trial phase but if your doctor tells you that without treatment and without this particular kind of treatment, as our colleagues stated earlier in this hour, that there is no chance really for life to even continue, you might have a few months at best but you could try this clinical trial, you could embark on that course, I know personally, with my own family, that you do not hesitate for a minute; give me that chance; give me that straw to hang onto, particularly if it is one that has gone through several phases but it is still not approved yet and yet it has offered hope to others and treatment and good results to others; oh, you cling to that with your life. You do anything to get that treatment for your loved one, and in yet that very dark hour in your life, so many of insurance companies give you this ultimatum: You go down that path and you seek that medical treatment and we are cutting your insurance; you are losing all of your insurance.

That is like a death sentence. That is an amazing position to be put into as a person, or with your loved one sitting there beside you having to make those terrible choices. We should not be forcing our patients to make this kind of choice. So that is why this Ganske-Dingell bill will require that insurance companies continue their basic coverage of patients when they elect to participate in clinical trials.

Now that makes sense. That is a good thing to do. That is what we should be doing for those with the awful diagnoses that many are facing. We want to make sure that new and different treatments are available to all patients without having them lose their ability to have coverage for regular treatments. This is a good measure within this Ganske-Dingell bill. So I offer it as one of the reasons I am supporting it and perhaps either the gentlewomen with me tonight would like to comment on that or any of the other topics that we have left out.

Mrs. MCCARTHY of New York. One of the things I would like to comment on, and I support the words that the gentlewoman has just said, again we as health care providers know a lot of times that when our patients are certainly looking for something to hang onto, and God knows we have seen our patients fight for every breath that they take and they want to try something to continue to be with their loved ones, but it is the loved ones that unfortunately are faced with this fighting most of the time; a lot of the patients do not. We have become their advocates. We are still taking our oath very seriously; the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) as a doctor, myself and the gentlewoman from California (Mrs. CAPPS) as nurses. We are there to protect our patients, as I said earlier, and we will continue to do that.

I think again what I am seeing, which really starts to scare me because are we coming into a society for those that have really good insurance and those that have minimum insurance, those that have really good insurance will get the health care that they need; those that do not they are not going to get the health care. I spent, like I said, 32 years in nursing. We did not know who was wealthy. We did not know who was poor. Everybody got the same kind of treatment in the hospital.

Going back to earlier what we were saying about where the hospitals would pick up because they felt the treatment was needed, that is their obligation because, again the good hospitals, the good health care providers know their job is to take care of the patient.

Mrs. CHRISTENSEN. Absolutely.

Mrs. MCCARTHY of New York. The majority of hospitals in this Nation do not make money. They are always in the red because every penny they get goes back into the infrastructure of the hospital.

Now, I think the three of us, once we get this Patients' Bill of Rights through, we could come back and talk about all the other ills that we are seeing in the health care system, things that all of us are working on for future bills, because we have to start addressing them and we have to face them. We cannot hide our heads in the sand anymore.

Five years ago, when the gentlewoman came in, we started talking about the whole collapse of our health care system; 5 years ago. Here we are now finally having a bill out there that can make a difference, but we have a long way to go. We have to bring the health care system back to the way it was. Certainly our hospitals have learned to cut down on costs. Certainly we have to make sure there is not fraud and abuse. We will do that, but we still can deliver good health care system to our patients. The Patients' Bill of Rights will do that.

This is the only true bill because it has the protections in there for our health care workers, our nurses, our doctors. It is certainly going to make our HMOs stand up and take their responsibility and if they do their job right they will be fine. It is a shame, it is a shame that we have had to come this far to do legislation in this great House that we work in but sometimes that is why we are here, to make them, whether it is the HMOs, whether it is the auto manufacturers, or different corporations, to do the right thing.

The Patients' Bill of Rights does the right thing for the American people.

Mrs. CHRISTENSEN. As I said earlier, too, this is something that the people of America have clearly said they want. All of the provisions that are included in the Ganske-Dingell-Norwood bill are direct responses to what the people of this country have said they want to see in their health care system. I agree that this is an important beginning, but it is a beginning because we do have to go out and provide insurance coverage because there are 43 or so million people that will not even be touched by what we do here.

This is an important part of making sure that health care and quality health care is accessible to the people who are covered within this system and accessible when they need it. We do have other issues.

Mrs. CAPPS. Yes.

Mrs. CHRISTENSEN. When one talks about containing costs as the driving force or making profits on the other end, the driving factor for pursuing managed care, a lot of people are left out for whom it is very expensive to provide health care. They are largely the poor people who have not had access to health care for many years; people of color in this country who have not had access to health care; people in our rural areas. So we have to end this two-tiered system that our colleague just referred to of health care in this country and make sure that that quality health care is equally accessible to all of our citizens and residents in this Nation.

Mrs. CAPPS. I want to make sure, just as we draw this to a close, I have a pledge I want to make with my two colleagues, but I want to make sure that we leave on the record the answers to a couple of myths that are out there. One is on the part of employers that where there is this fear that if we do this Patients' Bill of Rights that the employer who provides the insurance will be liable, that the lawsuit will include them. We have been assured that they are in the business of providing insurance plans for their employees, who are also occasionally patients. Then if their employees choose that plan and they give them often that range of plans to choose from that, then they are not themselves liable when the insurance company itself makes decisions which are not in the patient's best interest.

The insurance company is the one who must be held accountable, not the employer in that case.

The other myth that is out there is, and I have heard it on the floor, I have heard it among some of our colleagues who say it is just going to drive up the cost of health care insurance, and there are so many particularly small businesses who are struggling now to provide it, they want to provide it but that is another topic that we are going to address another time about making health care available in a variety of ways, not just putting it on the backs of mostly small business providers.

The cost of the premiums in Texas, in the plan that this Patients' Bill of Rights, this Dingell-Ganske plan is based on, that the premiums went up, I think they characterized it as a Big Mac a month, or actually just a very small amount of an increase in a premium that most constituents, most employees, would be happy to make if they knew that they had the benefits that we have been outlining as part of this Ganske-Dingell Patient Protection Act.

So we want to make sure that it is clear that we do in this country hold people accountable when they make mistakes. Doctors, health care providers, all of us had insurance policies because we knew that we could make a mistake and we wanted our patients to have recourse, and health care providers are very knowledgeable about the need to have that.

On the other hand, HMOs, and insurance companies like HMOs, are the only sector of our economy now that is not able to be touched by accountability. That is clearly out of focus for our country's pattern of holding accountability. This bill will correct that. It only holds those insurance companies liable when they practice medicine. If one practices medicine, they are held liable. If an insurance company chooses to practice medicine, they will be held liable as well. That is what this is all about.

Within the Patients' Bill of Rights, access to emergency care, access to obgyn without having to go through a gateway, these are not debatable. These are understood as needed reforms within managed care today, and we need to embrace all of it as a package, which is really about common sense.

Mrs. MCCARTHY of New York. I would just like to follow up. When the gentlewoman was talking about our small businesses, I was on that committee for 4 years and we certainly all know how we have all fought to protect our small businesses. That is the engine that is driving this country, by the way. Our small businesses are doing well. The gentleman from Georgia (Mr. NORWOOD), certainly the gentleman from Michigan (Mr. DINGELL), at that time even when I had concerns about is this going to hurt our small businesses, and that is why the language is in our bill. If they want to clarify it a little bit more, we can probably work that out. We are not out to hurt our small businesses because that is not going to help any of us.

As the gentlewoman said, we have to make sure that our small businesses can open up and offer health care insurance to all their employees so let us take that myth out of there. The gentlewoman is absolutely right on that. The protection that is in the Patients' Bill of Rights, especially with the gentleman from Georgia (Mr. NORWOOD), if anybody knows the gentleman from Georgia (Mr. NORWOOD), believe me he is going to protect small businesses. So that is a myth.

Unfortunately, there is too much politics dealing with this health care issue and we should take the politics out of this issue and certainly do the right thing for the American people. That is what has to be done.

Mrs. CAPPS. I so appreciate my colleagues being here. I think we are almost out of time, but I will yield further to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for some comments.

Mrs. CHRISTENSEN. I am glad that the gentlewoman made the clarification about the employers not being liable, the fact that the premiums and lawsuits do not rise, because we have that experience. It is also important to point out that this is a real bipartisan bill. There has been a lot of work and a lot of compromise to bring this bill forward that addresses issues and has addressed some of the concerns of people on both sides of the aisle. This is a bipartisan effort to address something that has been of great concern to the American people.

Mrs. CAPPS. Mr. Speaker, we will now close and remind our colleagues that we did pass this very bill before in this House. So let us just do the right thing and pass it again. This is my pledge that I want to make to my dear colleagues who have joined us here this evening, the gentlewoman from New York (Mrs. MCCARTHY), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), let us pass the Patients' Bill of Rights and then let us gather on the floor to discuss some other needs in health care, such as the nurse and professional shortage, such as those without any access to health care because we still have a long way to go. We are willing and we are prepared, we are going to be here until we can address each of these issues. So I will join my

colleagues again on the floor at a further time.

□ 2115

ENERGY CRISIS

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, tonight, I want to talk about a couple of subjects.

First of all, I cannot help but reflect upon some of the prior speakers and what they have talked about, especially in terms of our energy crisis. I will only spend a couple of minutes on that, because I addressed it a couple of times in the past also.

It is undeniably true we have an energy crisis in the United States. It is undeniably true that gas prices are rising, that blackouts, rolling brownouts, all kinds of things are occurring throughout the United States, but especially in California and on the West Coast.

We spend a great deal of time in this body debating as to exactly why that has occurred, and, in fact, there are a number of reasons, of course. They deal mostly with supply problems. We just do not have enough energy. We do not produce enough.

AMERICA'S POPULATION GROWING AT A RAPID RATE DUE TO IMMIGRATION, LEGAL OR ILLEGAL

Mr. TANCREDO. There is a basic problem and there is something below even all of that, which we must identify and talk about from time to time, and that is the fact that America's population is growing at a rapid rate.

That population growth is a result, not just of the birth rate of the people who have lived in the United States for some period of time, it is the result that over 50 percent of that population growth in the last decade is a result of immigration into the United States, both legal and illegal.

California is a prime example of the problem. It has an enormous population. It has enormous growth in the population primarily as a result of immigration. The United States Congress has a responsibility. It is to establish immigration standards, immigration quotas.

We are the only body that can do that. No State can do it. California cannot determine how many people it will let in. It has to deal with however many people come in, and in dealing with it, it has to build more power plants, whether they like it or not.

It has to encourage conservation, and it has to, in fact, tap the natural resources available to it. We will be doing that throughout this Nation as a result of the dramatic increase in population brought about primarily by immigration both legal and illegal.

No one likes to talk about this. It is an issue that oftentimes evokes a lot of emotion on both sides of the issue. There are people who would suggest that even to bring it up is an indication of some sort of ulterior motive that is akin to and always likened to racism.

I have said here on the floor many times, I will repeat it tonight. It is not where we come from, it is the number of people who come. In fact, we must deal with it.

We may not like having to deal with it, but we may not like the debate that will ensue as a result of any change in our immigration policy, but it must be done. It is for the good of the country, and it has absolutely nothing to do, as far as I am concerned, anyway, with racial-related issues. It is a matter of quality of life. It is a matter of energy resources that we have been talking about here.

As I sat here and prepared my remarks, I listened to others speak. The gentleman from Colorado (Mr. MCINNIS) talked for an hour about the energy crisis. Although, he is absolutely correct in all of the things he said in terms of why we are here, I must admit to the gentleman that the one thing that he left out, which I think is extremely important, is the fact that the reason we have this crisis and the reason it will grow throughout the United States is because of the number of people we have in the country and the number of people coming in.

A little over, I will repeat, a little over 50 percent of the growth of this Nation in the last decade was a result of immigration, legal and illegal; 50 percent of the cars on the road; 50 percent of the houses that are popping up in neighborhoods all over the country and what was at one time a pristine landscape; 50 percent of the problem you have getting in to national parks, any of the other kinds of issues come about as a result of population pressures are, in fact, a direct result of this immigration issue.

Mr. Speaker, I cannot come before the House tonight without bringing that particular issue to the attention of the Speaker and to those who may be listening.

LIMIT GOVERNMENT FUNDING RELATING TO ART

Mr. TANCREDO. Mr. Speaker, but that was not the original intent, that was not the original purpose I asked for this time period to address the House.

A short time ago, Mr. Speaker, in Colorado, there was a rock star, ''an artist'' of some sort, and I put the term ''artist'' in quotation marks, by the name of Marilyn Manson.

I admit I do not have any of this person's, I was going to say gentleman, but I am really not positive what he or she or it is, I am just saying, I do not have their particular records in my cabinet. I had read something about this person's particular ''artistic'' accomplishments.

I had a call one day, this was about 2 weeks ago or 3 weeks ago, I guess, from a gentleman in Colorado who was concerned about the fact that this person Mr. Manson, Mrs. Manson, Ms. Manson, whatever, was coming in, and he was concerned. Because in the past, this particular rock idol had offered to come in and do some sort of concert for the people who were responsible for the deaths of the children at Columbine High School.

Hear me, Marilyn Manson would come in to do a concert for the people who killed them. There was concern about this kind of individual coming in to Colorado again and spewing his filth. So this person called our office here. The gentleman that called, I believe, was Jason Janz.

Mr. Janz said, look, we are trying to organize some sort of boycott. We think that people should just avoid going to hear this particular performer. He said, can we use your name in our, ad or whatever they were going to do, and I cannot remember now whether it was as a person who would support our efforts or not.

I said to Mr. Janz, well, yes, you can. I can certainly understand why you would be concerned. I do not think people should go myself; whether they do or not is, of course, their own decision to make.

Anyway, Mr. Janz used my name in some sort of advertising or publication, I do not know what it was, saying that these people have also suggested that people should not go to this particular concert.

We had a storm of reaction to that. There was a lot of protests, a lot of people called our office here and in Colorado, in Littleton and said, how dare you? How dare you, a Member of Congress, try to sensor this particular performer?

I was, in a way, shocked, because, of course, censorship is a term that can be defined. It is defined in the dictionary. It is pretty clear what censorship is. It means someone preventing someone from expressing themselves.

Mr. Speaker, I tried to explain to the people who called my office that, in fact, I really was not trying to sensor this particular ''artist''; that I really could not care less what he or she or it did. It was just that when I was asked whether people should participate in this kind of garbage, I would say, no, they should not. That is my opinion.

Their point of view was that I should be censored; that I should not be allowed to say such a thing; that I should not be allowed to criticize this particular performer or anybody else, I suppose, that they felt was a particularly important personage in the entertainment world.

This whole thing was a fascinating sort of phenomenon, because eventually Manson came to Colorado. It was just last week or so, did his or her thing. I am sure there was a large crowd and everything was, you know, just pretty fine.

I do not know if people enjoyed it or not. I do not know, and I truly do not

care. But the debate surrounding this whole event was characterized, I think, perfectly in an article that was in the Rocky Mountain News last week.

I am going to read it here. It is relatively short. It was written by a friend of mine, his name is Mike Rosen. He does a daily radio show in Colorado and writes a weekly column for the Rocky Mountain News.

And it goes as follows: ''Greet Manson with due scorn,'' that is the title. It says ''personally, I think the rank demagoguery of Senate Majority Leader Tom Daschle is far more dangerous to the well-being of our republic than the sordid rantings of shock rocker Marilyn Manson. But the thing I'd do is silence either of them.

If you're going to allow free speech, you must take the risk that someone might listen. While incitement-to-riot, slander, and yelling 'fire' in a crowded theater are not tolerated in our society, the expression of ideas that are merely offensive is.

If we voted on who could speak and who couldn't, Billy Graham would probably win and Marilyn Mason probably would lose. But we don't put it to a vote because this isn't a democracy. Our constitutional republic protects the rights of individuals, even unpopular ones.

Actually, Manson's June 21 Denver appearance at Ozzfest is not really a First Amendment issue. The First Amendment restricts government's abridgement of free speech.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that the rules of the House prohibit characterization of Members of the Senate even though not their own remarks.

Mr. TANCREDO. ''The First Amendment restricts government's abridgement of free speech. But government hasn't threatened to muzzle Manson. He will not be barred from performing by any government officials.

The opposition to his performance here has come from private groups led by Baptist youth minister Jason Janz, and others, employing moral persuasion, as is their right, to discourage and disparage Manson's act.

I'm no fan of Manson, or, for that matter, his inspirational namesake Charles Manson. I don't like his music, his lyrics or his message. I've heard and read enough of it, dutifully, to get the point. This from his newest CD 'Antichrist Superstar:' I will bury God in my warm spit. I went to God just to see. And I was looking at me. When I'm God everyone dies.'' Very enlightening.

□ 2130

''I find Manson neither thought-provoking nor profound. He offers mostly sophomoric dribble (not that the work of Dion and the Belmonts, from my era, was exactly Shakespeare, but it was good to dance to and at least it wasn't destructive.) To be sure, there's demand for Manson's kind of bilge from troubled, confused, angry, defiant, depressed, macabre, antisocial and sociopathic adolescent and arrested-adolescent audiences. And when you're high on drugs, gibberish can pass for wisdom.

''If it weren't for Manson playing this role, someone else would, and others do. He claims to be an artist, crafting a poetic, philosophical message. More likely, he's just another crass entertainment opportunist capitalizing on a market niche. You might say the same of Alice Cooper, but Cooper has always done his thing with a wink, not to be taken seriously. It was obvious shtick. Heck, Cooper's a Republican, a big baseball fan, and a 4-handicap golfer. Compared to Manson, Alice Cooper is Dr. Laura. In his heyday, Cooper sold the bizarre; Manson spews the depraved. (And I'll throw in my psychological diagnosis of Manson: he's screwed up in the head, too.)

''Is Manson's influence on troubled and impressionable young minds potentially destructive? I imagine it is for some. While for others, listening to Manson may be benign, providing an outlet for emotional venting that might substitute for acts of physical destructiveness. Teen-agers are attracted to Manson as an act of rebellion against conventional society precisely because he appalls their parents. I have no remedy for this. It's one of the tradeoffs we make in a free society.

''It's not a question of whether Manson should be condemned or allowed to perform. Of course, both of these things should happen. Manson debases our values, culture and civil conventions. Jason Janz's criticism of him is wholly appropriate. Someone needs to say that. Our indifference would be more disturbing. To most who attend, Ozzfest will be little more than a fun summer concert featuring a variety of performers. The Manson acolytes there will be in the minority. And while they snigger at the establishment's attack on their idol, it still serves a purpose. They may understand when they grow up.''

Again, that is Mike Rosen in the Rocky Mountain News.

Now, this leads to another issue and even a much bigger issue than this particular event in Denver Colorado in last week. This leads us to a debate we were having on the floor of the House here last week. It was a debate on whether or not we should be funding the National Endowment for the Arts and Humanities.

It was fascinating from a number of standpoints. We have done this every year. The debate occurs every single year. Much of the same objections are heard over and over again as to whether or not government funds should be used to support ''art''.

Now, what if this had happened in Colorado, everything that I just described, and this particular event had been paid for entirely with tax dollars? Would there not have been a different kind of debate? Would we not have been able to enter into the discussion an argument that, although, certainly, this person, Manson, should be allowed to perform, no one, certainly I would never prohibit him from doing his thing by law. But the question remains is whether or not someone should be forced to pay for it through the taking away of their tax dollars, providing it for this experience.

Certainly there would have been an outcry. Certainly people would have said absolutely not. You know, I do not care whether this person does its thing on the stage and spews forth its bilge, I do not care about that. If people want to do it, want to see it, that is their business, and I certainly agree. But making me pay for it through my tax dollars, that is something else entirely.

Now, that would have been an interesting debate, and I wonder how it would have come out. I wonder if the City of Denver, I wonder if the mayor of the City of Denver had agreed to something like that, had put tax dollars into it, I wonder whether or not the mayor would not be in political trouble the next election.

Would not people in the City say, how could you possibly make me pay for something like this? I think it is horrible. Or even, I do not have an opinion on it, I just have absolutely no desire to fund this particular expression of this particular ''artist''.

Well, I think that that would be a legitimate argument. Do my colleagues not, Mr. Speaker? I think that, in fact, that would be a legitimate debate had we paid for that with tax dollars. I think there would have been significant political ramifications and repercussions to such a decision made by the political leaders in Denver.

But it did not happen that way. It was totally voluntary. People went, paid their price at the door, and went in; and I say, of course, that is fine. They can do what they want to do. If you ask me whether someone should do it, I would tell you no. It does not matter. I would never stop anyone from either going to see this person or, on the other hand, I would never try to stop this person from actually getting on stage and doing whatever it is it does.

So the question, then, comes as to how we can, every single year, take money from Americans, hard-working Americans, many of whom have to make decisions about, you know, if they are going to pay the rent this month or if they are going to pay their gas bill.

How can we take money from them to support the, quote, artistic endeavors of others of a similar, well no matter what. No matter if there was absolutely no argument as to the value, quote, value of the art. It is still absolutely wrong for any of us here to make that sort of elitist decision for all members of society, that we would take away their money and give it to a particular kind of art or a particular kind of artist. How can we justify that?

I guess, to a certain extent, I am going to have to actually talk about

what we have been funding over these years. I almost hate to say it, but I wish we could put up here one of these signs that say ''be careful, the following may not be suitable for viewing by young people'' or whatever, because it is certainly some of the nastiest sort of thing. I will try to avoid being too incredibly graphic, but I guess it is pretty hard to suggest that this is not appropriate for us to discuss here since we paid for it, since we took money from Americans, from hard-working citizens and paid for this stuff that I am going to tell my colleagues about.

Let us start with 1998, the National Endowment for the Arts was criticized for funding this New York theater which staged the play ''Corpus Christi'', a blasphemous play depicting Jesus having sexual relations with his apostles.

By the way, a great deal of what has happened here, a great deal of what the NEA chooses support has a decidedly homo-erotic, anti-Christian, and certainly not just anti-Christian, but a hatred of Christianity, and the most bizarre kind of sexual connotation, not just connotation, but aspects that you can imagine. That really a lot of this stuff that they choose to do. Okay.

One would have thought that the NEA might refrain from funding the Manhattan Theater Club ever again given the theater's decision to present ''Corpus Christi''. Not so. The very next year, the theater was awarded another grant of $37,000. This year, the theater received, not one, but two separate grants, each for $50,000.

In 1996 and 1997, the NEA received sharp rebukes for funding this group, the Women Make Movies, that is what it is called, by the gentleman from Michigan (Mr. HOEKSTRA), chairman of the Committee on Education and the Workforce Subcommittee on Oversight and Investigations.

At the time, the gentleman from Michigan (Mr. HOEKSTRA) noted that the NEA gave over more than $100,000 over a 3-year period to Women Make Movies, that is the name of this organization, which distributed numerous pornographic films such as ''Sex Fish'', ''Watermelon Woman'', and ''Blood Sisters''. These films included depictions of explicit lesbian pornography, oral sex, and sadomasochism.

In 1997, the American Family Association distributed to most Members of Congress clips of some of these and other pornographic films distributed by Women Make Movies.

Criticism of the NEA for funding a group that distributes pornographic works was dismissed by the agency which continue to fund Women Make Movies as late as 1999, giving two grants, one for $12,000, one for $30,000. The Women Makes Movies continues to distribute hard core pornography.

Then there is the Wooly Mammoth Theater Company, a Washington, D.C. theater, a frequent recipient of NEA money, generated controversy in the past for NEA when it staged Tim Miller's one-man performance titled ''My Queer Body''. This play describes what it is like to have sex with another man, climbs into the lap of a spectator. I do not even want to read this.

Shrugging off the controversy this year, the NEA gave the theater $28,000. Wooly Mammoth's 2000 season, this was last year actually, will include the production ''Preaching to the Perverted'', written and performed by Holly Hughes, who herself has been the cause of controversy.

Hughes sued the U.S. Government for refusing to fund her indecent work and lost. The Supreme Court ruling was that NEA was not obliged to fund pornography. Despite this Court's ruling, the NEA is still choosing to pay for Holly Hughes' offensive work through its support of Wooly Mammoth. In the Wooly Mammoth's Internet catalog.

''Preaching to the Perverted'' is described as follows: ''If you loved the solo extravagances of Tim Miller'', the fellow I just mentioned, ''you won't want to miss this unique and irreverent evening of legal and sexual politics.''

Then there is the Whitney Museum of American Art. It has been a regular recipient of NEA funds for over the years and several times provided fodder for the critics. This in recent years included a work by Joel-Peter Witkin titled ''Maquette for Crucifix'', a naked Jesus surrounded by sadomasochistic obscene imagery and many grotesque portrayals of corpses and body parts.

Another Whitney exhibit was a film by Suzie Silver titled ''A Spy''. It depicts Jesus Christ as woman standing naked with breasts exposed.

Again, this is hard it even go through, it is certainly hard to describe. But we paid for it. We appropriated money in this House. We took money from citizens in this country and paid for this. So it is only right that we should be forced to have to hear what we paid for as grotesque as it is. It is hard for me to read it. I am sure it is hard for many people to hear it. I do not like having to do it. But, in fact, you paid for it, America. You might as well understand what you bought.

Incredibly, Whitney also included ''Piss Christ'', Andres Serrano's photograph of a crucifix in a jar of urine, the very same work which began the NEA controversy in 1989, as well as a film by porn star Annie Sprinkle entitled ''The Sluts and Goddesses Video Workshop or How to be a Sex Goddess in 101 Easy Steps'', on and on and on.

Walker Art Center, a performance at this Minneapolis theater and NEA recipient outraged Senator BYRD even, Democrat from West Virginia, and many other Members of Congress.

To make a statement about AIDS, artist Ron Athey, who was HIV positive pierced his body with needles, cut designs into the back of another man, blotted the man's blood with paper towels and set the towels over the audience on a clothes line. Then NEA chair Jane Alexander defended the performance, and the Walker Arts Center has continued to receive NEA funds for several years. This year's take, this was a couple years ago, this year's take for the avant-garde center is $70,000.

The NEA was criticized in 1997 for funding the Museum of Contemporary Art in New York because of the work of Carollee Schneeman, an artist credited with inspiring Miss Sprinkle whose pornographic funding have caused a lot of problems for the NEA also. I hesitate to even go into what that one was about.

Franklin Furnace, New York. This New York theater frequently receives NEA funds. The theater's performance often promotes homosexuality and blast traditional morality. Its year 2000 grant, $10,000.

The Theater for New York City, the Catholic League for Religious and Civil Rights brought this New York's theater to national attention recently because of its anti-Catholic bigotry. The theater staged the play ''The Pope and the Witch'', depicting the Pope called John Paul, II, as a heroin-addicted paranoid advocating birth control and the legalization of drugs. The theater received a grant in 1997. The Americans paid for this, $30,000 in 1997 and $12,000 in the year 2000.

Really, I have just pages and pages of this kind of thing. I will enter them into the RECORD, but I will not go on with that in description here audibly tonight. It is just too revolting even for me to deal with.

But my point is this, that all of this I consider to be absolute garbage. That is my opinion. I cannot imagine anyone wanting to see it. I cannot certainly imagine wanting to participate in it. I certainly cannot believe that anyone would have the audacity to suggest that we have to take money from people who have the same feeling as I do about this and give it to these performers in order for there to be a good art thriving in America.

□ 2145

It is ridiculous. It is idiotic.

We have had an interesting discussion, as I say, over the whole issue as it came through the Congress of the United States, and there are many aspects of this that I think need to be discussed. Now, by the way, I suppose I should mention, that those of us who were opposed to funding for National Endowment for the Arts failed in our attempt to reduce the funding of $150 million. But it is not just this kind of pornographic trash that it funds with which I take exception. I believe it is absolutely wrong for us to be making a decision in this body as to what is appropriate, what is good art or what is good television programming or radio. I refer now, of course, to National Public Radio, National Public Television, which we again take money from everyone in America and we fund.

Now, I happen to listen to National Public Radio. I enjoy many, many of

its programs. My point is, however, the idea that my taste in either television or radio is something that should be the standard for the Nation. Because I happen to enjoy National Public Radio I will tax everyone in this country to help support it. Is that not somewhat bizarre?

Let me read from the Constitutional Convention in Philadelphia August 18, 1787. This is incredibly amazing and profound in a way because, as we see, the Founding Fathers dealt with all the problems that we confront every single day and they really had an insight that bears reflecting upon. 1787, August 18. Charles Pinckney of South Carolina rose to urge that Congress be authorized to ''establish seminaries for the promotion of literature and the arts and sciences.'' Modest proposal; right? He suggested that the Congress of the United States be authorized to establish seminaries for the promotion of literature and the arts and of science.

Now, remember, seminaries had a different connotation in this particular time period. We are not talking about necessarily religious institutions. In this case he was talking about intellectual pursuits, educational institutions solely. His proposal was immediately voted down. In the words of one delegate, the only legitimate role for government in promoting culture and the arts was ''the granting of patents, i.e. protecting the rights of authors and artists to make money from their creations.'' That, he said, was the only legitimate role for government in promoting culture and the arts.

The framers treasured books and music, but they treasured limited government far more. A federally approved artist was as unthinkable to them as a federally approved church or newspaper. This is why the Constitution does not so much as have a hint at subsidizing artists or cultural organizations. It is why Americans have always been skeptical about the entanglement of art and State. And it is why so many artists have snorted at the notion that art depends upon the patronage of a Washington elite.

And that is a very good way of portraying what happens here. It is incredibly elitist for us to say we know in this body, the 435 Members of the House, the 100 Members of the Senate and the President of the United States, we know, at least a majority of us know, what is the best kind of art for the American citizens to observe or participate in. Incredibly elitist. Incredibly elitist for us to suggest that the particular television programming that we believe to be uplifting or stimulating or whatever is appropriate enough to tax everybody to support.

What gives us this incredible attitude? It is the fact, of course, that we make many decisions here all the time that tend to make us all feel, I suppose, pretty omnipotent and omniscient, because we know everything and we have power over everything and, naturally, we should be able to determine what is good art; what is good television; right?

The argument for television especially is the one that confounds me. Every year people come into my office and talk about the need to support, publicly support, public television. We need to take tax dollars away from people and do that. And I always suggest to them that maybe, maybe 20 years ago they could have made an argument for some sort of alternative television programming, because there were only three major broadcasting systems and relatively little choice, I suppose, among those three different broadcasting systems. They could have perhaps made the point, well, there is just a need for a different kind of television programming and no one is going to produce it, so, therefore, let us go ahead and take tax dollars away from people and provide it.

They could have made that point. I would not have agreed with them, but it would have been a much more logical position to take than coming in here today, today, to this House, in this year of 2001, and saying there is not enough diversity on television; we need to take money from everybody in America to fund my brand of television because it is better, it is better for people, it is more intellectual, more highbrow, it is good for people to have this available to them, when there is, what, 150, or heaven knows how many actual stations there are out there with cable television. I certainly have lost count myself. All I know is there is no one, I believe, no one that can argue that there is not diversity in programming on television today. And yet our particular brand, our particular idea of what good television is is what we say in this body everyone is going to pay for. Again, it seems a bit peculiar to me.

I actually did a program in Colorado on public television, a sort of talking head show. I used to do it every Friday, and I enjoyed it. And every year they had a period of time that the station would devote to fund-raising, and all the participants and everybody that wanted to, I suppose, could come on for an hour or two and stand up in front of people and ask for money, ask for support for the station. I called it a beg-a-thon. And I would do it. Every single year I would go on and say, if you want to support this, if you think that we in fact are doing something good enough in terms of television that you believe it should be continued, then I encourage you to get out your checkbook and send this station money. And I am more than willing to do that. I did that, as I say, every single year, because that is exactly the way ''public television'' should be funded, by donations.

They then would come to me, the same station would come to me as a Member of Congress and say, how could you not then vote for funding for our station when you were on it? And I would always say, look, if the program I was on was not worth it, if we could not get people to watch that program and we could get them to contribute, then of course it was not good programming and I probably should have been kicked off and you should have found somebody else.

But the idea that I would come here to the Congress and vote for money to make sure that that particular station stayed on the air is crazy, any more than I would vote for money for any other particular station to stay on the air. Again, it is certainly not because I am particularly opposed to the kind of programming they have. It is maybe fine. Some of it is fine, some of it is lousy from my point of view. But that does not matter. It is just my opinion. But it is absolutely wrong for me to come to this body and vote to force everyone in this country to support my brand of programming.

Dr. Robert Samuelson said some time ago that the funding of cultural agencies by the Federal Government is highbrow pork barrel, and I certainly agree. We are taking from the poor to subsidize the rich. It is the reverse Robin Hood theory here. In fact, most of the programming on these stations, even a lot of the ''art'' of the NEA has absolutely no appeal whatsoever to the bulk of America, the majority of Americans, certainly Americans of low income. They are not really interested by and large in that kind of entertainment. Again, if they are, that is fine. They can make their own decisions about it, but it is incredible to me that we can do this; that we can take money from them and provide support for materials and for programming that is only really enjoyed, I say only, but primarily enjoyed by a different group of people, and most of the time people more well off.

There is also the issue of the corruption of the artists and scholars that we fund. It is I think absolutely true, no one I think who has been around here for any length of time disagrees with the fact that government funding of anything involves government control. That insight of course is part of our folk wisdom. He who pays the piper calls the tune, as they say. And it is quite true. We never give out a dollar here in this body without also saying how it should be spent. Those are the strings we attach to it. And when we do that for the ''arts,'' it has a corrupting influence on it. Artists and want-to-be artists begin to gravitate toward what they think the government is going to fund and find themselves sort of chasing the government dollar.

The influence of government funding of the arts is a negative one and a corrupting one. The politicization of whatever the Federal cultural agencies touch was driven home by Richard Goldstein, a supporter of the National Endowment for the Humanities himself. But he pointed out that ''the NEH has a ripple effect on university hiring and tenure, and on the kinds of research undertaken by scholars seeking

support. Its chairman shapes the bounds of that support. In a broad sense he sets standards that affect the tenor of textbooks and the content of curriculum. Though no chairman of the NEH can single-handedly direct the course of American education, he can nurture the nascent trends and take advantage of informal opportunities to signal department heads and deans. He can 'persuade' with the cudgel of Federal funding out of sight but hardly out of mind.''

Then, finally, every time we debate this issue we are confronted by people who will say that we must do this, we must in fact provide money for the arts community, the National Endowment for the Arts and Humanities, because of the effect that the arts have on our spirit, the soul, the uplifting nature of the arts; that to provide public funding for this is a good because of the way it in fact changes the culture, and they would suggest, for the positive. Well, what if, Mr. Speaker, I came before the body and suggested that there was another kind of experience that does exactly that; that provides a tremendous amount of benefit to the Nation; that does amazing things for the soul, uplifting in nature; that it can change a person's attitude about life; that it can motivate you to do great things, all these things I have heard on the floor as to the reason why we have to fund the arts?

□ 2200

Mr. Speaker, I suggest that there is another argument I could make using exactly the same logic. What if I were to come before the body and say, I know something that we should be doing that does all of the things I have just said, is an incredible influence on our lives, that provides an outlet for emotional needs of millions of people, and it is called religion and I am going to ask this body to appropriate $150 million this year for religion.

Now, the first thing that someone would say is we cannot do this because there is this wall of separation that exists in the minds of many, but nowhere in the Constitution, by the way, that separates church and State. But the real reason why we cannot do it and the reason I would never suggest it because the minute we decide to fund religion in this body, we will then begin to decide whose religion, what brand of religion. What about this particular denomination? Why should they not be funded as opposed to that denomination?

Someone somewhere would have to make a decision. So we would establish an Endowment for Religion, and we would appoint some people to it. We would say we will give them the money because Congress does not want to get into the battle about which religion to fund. We will give $150 million to the National Endowment for Religion, and they will make the decision because they are the experts. They know what is best. If they give it all to the Baptists, that is fine. If they split it up with the Jews, the Catholics, the Presbyterians, whatever, it is their decision to make. It is their $150 million. They will make the decision. How many Members in this body would agree with such a thing? No one. I suggest that we would not get very many votes for such a proposal. And rightly so.

It is not our place because the minute that we start doing that, we are automatically discriminating if we pick one over another, which must be done. There is absolutely no difference, Mr. Speaker, none whatsoever, in the funding of the arts and the funding of religion. Each one of those things has its particular brand. It appeals to certain individuals and not others. Somebody has to make a decision about which one of these things gets funded, and then we will come to the House and hold up a list of things that has been funded by that organization and some people will be outraged by it, as I imagine there were some tonight as I was reading through the list of things that we have funded that the government has paid for. Some people will listen and say that is great stuff. I wish a billion dollars was put into it.

What happens is there is discrimination in this because every time somebody gets one, every one artist gets funded, some artist does not, and that means somebody is making a decision about which is better. I suggest that is an impossible decision to make for everyone. It is absolutely appropriate for me to do it for myself; it is not appropriate for me to do it for all of my constituents.

Mr. Speaker, the hypocrisy that rears its head here, certainly daily, but on this particular occasion when we debate the NEA, the National Endowment for the Arts, public broadcasting and all of the rest, this hypocrisy is overwhelming. It is so stark.

Mr. Speaker, I suggest that we are undeniably in the middle of a culture war. We have heard that term many times. It is a war of competing ideas and world views. On one side we have people who believe in living by a set of divinely moral absolutes; or the very least, they believe that following such a moral code represents the best way to avoid chaos and instability.

On the other side, we have people who insist that morality is a moral decision and any attempt to enforce it is viewed as oppression. That war is a real one which is carried out every single day in the halls of our schools, around the watercooler of our businesses, in the newspapers of the Nation, on television. In every form of communication, the culture war is ongoing. There is a battle for the soul, for the mind, for the actual personality, if you will, of the Nation.

Mr. Speaker, I think that is pretty much accepted as being true. We know that there are these competing sets of values out there trying to grab us and get us on their side, whatever that might be.

Now, I happen to believe completely that there is such a thing as good art, good music. I believe that it can be all of the things that people say. I believe we can be inspired by it. We can be motivated by art to do wonderful things. But I also suggest, Mr. Speaker, that if there is such a thing as good art, good music, good literature, then there is such a thing as bad art, bad music and bad literature. And it has the opposite effect of the good art. I believe that is true. That is my personal observation, my personal belief.

I choose not to impose that belief on anyone by law, but I will make the case when I am allowed here on the House floor, allowed to debate this issue in any public forum, I will talk about the fact that I believe we are in the midst of a culture war and there are competing sides in that war that are actually grappling for the soul of the Nation. I will try my best to defend what I believe to be the good side as opposed to the bad side, but that is my decision to make. And it rests on my ability to convince my friends or relatives, as well as it does with any one of us here as to who is right and who is wrong.

Even as a Member of the Congress of the United States, it is not in my authority to force anyone out there to agree with it by the power that is vested in me as a Member of this House to vote for a tax to enforce my particular view of who should be helped in those culture wars. We have to do it through the power of persuasion.

This place, Mr. Speaker, is the place in which the battle occurs oftentimes, maybe even daily. Because this is the place in which we have determined that a great debate should go on about the nature of our society, about the kind of people we are. It is the place of ideas. It is certainly the free marketplace of ideas. And we are allowed to come before the body as I have tonight to express our opinions. I hope that we have to a certain extent, anyway, even a small extent tonight, made a case for allowing that debate to occur without the influence of the power of government to tax and help one side in it as opposed to another.

Let us simply talk about it here, but, Mr. Speaker, I suggest to you that there again is no more hypocritical thing that we do here in the Congress of the United States than to take money away from people in support of a particular brand of art or music and then argue about whether or not that should happen with regard to religion.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. THOMAS (at the request of Mr. ARMEY) for today after 2:00 p.m. on account of attending a funeral.

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 Ms. SOLIS) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 28, 2001, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2689. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bifenazate; Pesticide Tolerances for Emergency Exemptions [OPP–301143; FRL–6788–5] (RIN: 2070–AB78) received June 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2690. A letter from the Deputy Director National Institute on Disability and Rehabilitation Research, Department of Education, transmitting Final Priority—Assistive Technology Outcomes and Impacts, Assistive Technology Research Projects for Individuals with Cognitive Disabilities, Resource Center for Community-based Research on Technology for Independence, and Community-based Research Projects on Technology for Independence, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2691. A letter from the Regulations Coordinator, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Medicaid Managed Care: Further Delay of Effective Date (RIN: 0938–AI70) received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2692. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors [FRL–7001–8] received June 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2693. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities and National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities [AD–FRL–6997–9] (RIN: 2060–AG91) received June 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2694. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Mountain View, Arkansas) [MM Docket No. 01–45; RM–9997] received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2695. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hewitt, Texas) [MM Docket No. 01–24; RM–10052] received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2696. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Linden, White Oak, Lufkin, Corrigan, Mount Enterprise, and Pineland, Texas, and Zwolle, Louisiana) [MM Docket No. 00–228; RM–9991] received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2697. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Exmore and Cheriton, Virginia, and Fruitland, Maryland) [MM Docket No. 99–347; RM–9751, RM–9761] received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2698. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Creation of a Low Power Radio Service [MM Docket No. 99–25; RM–9208, RM–9242] received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2699. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2700. 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.

2701. 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.

2702. 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.

2703. 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.

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2711. 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.

2712. 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.

2713. 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.

2714. 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.

2715. 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.

2716. A letter from the Chief Operating Officer/President, Financing Corporation, transmitting the Financing Corporation's Statement of Internal Controls and the 2000 Audited Financial Statements; to the Committee on Government Reform.

2717. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Grants to States for Construction and Acquisition of State Home Facilities (RIN: 2900–AJ43) received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2718. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Withdrawal of Notice of Federal Tax Lien in Certain Circumstances [TD 8951] (RIN: 1545–AV00) received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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:

Mr. SENSENBRENNER: Committee on the Judiciary. House Joint Resolution 36. Resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (Rept. 107–115). Referred to the House Calendar.

Mr. BONILLA: Committee on Appropriations. H.R. 2330. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–116). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules, House Resolution 182. Resolution providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period (Rept. 107–117). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules, House Resolution 183. Resolution providing for consideration of the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–118). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself, Mr. HYDE, and Mr. HUTCHINSON):

H.R. 2325. A bill to establish the Antitrust Modernization Commission; to the Committee on the Judiciary.

By Mr. BOEHLERT:

H.R. 2326. A bill to establish an alternative fuel vehicle energy demonstration and commercial application of energy technology competitive grant pilot program within the Department of Energy to facilitate the use of alternative fuel vehicles; to the Committee on Science.

By Mr. RYAN of Wisconsin (for himself, Mr. SOUDER, Mr. TOOMEY, Mr. HOSTETTLER, Mr. LARGENT, Mr. BARTLETT of Maryland, Mr. CANTOR, Mr. SCHAFFER, Mr. ISTOOK, Mr. AKIN, Mr. SHADEGG, and Mr. ADERHOLT):

H.R. 2327. A bill to repeal the sunset of the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Ways and Means.

By Ms. BALDWIN (for herself, Mr. FRANK, Mrs. MINK of Hawaii, Mr. STARK, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. EVANS, Ms. CARSON of Indiana, Mr. KUCINICH, Ms. PELOSI, Ms. MILLENDER-MCDONALD, Mr. SANDERS, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Ms. KAPTUR, Mr. BONIOR, Mr. BRADY of Pennsylvania, Mr. NADLER, Ms. WATERS, and Mrs. MALONEY of New York):

H.R. 2328. A bill to amend the Family and Medical Leave Act of 1993 to eliminate an hours of service requirement for benefits under that Act; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. OBERSTAR, Mr. QUINN, Mr. CLEMENT, Mr. KING, Mr. RAHALL, Mr. CUMMINGS, Mr. CASTLE, Mr. DEFAZIO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCHUGH, Ms. NORTON, Ms. BROWN of Florida, Mr. SHAYS, Mr. LIPINSKI, Mr. SWEENEY, Mr. CARDIN, Mr. BORSKI, Mr. COSTELLO, Mr. GILMAN, Mr. CANTOR, Mr. BARCIA, Mr. BACHUS, Mr. ISAKSON, Mr. MENENDEZ, Mr. HORN, Mr. BLAGOJEVICH, Mr. RUSH, Mr. OWENS, Mr. LATOURETTE, Mr. BOSWELL, Mr. EHLERS, Mr. PAYNE, Mr. FARR of California, Mr. ACEVEDO-VILA, Mrs. ROUKEMA, Mr. KILDEE, Mr. MCGOVERN, Mr. GUTIERREZ, Mr. SCHROCK, Ms. DUNN, Mr. BARRETT, Mr. ENGLISH, Mr. TOWNS, Mr. CAPUANO, Mr. NADLER, Mr. BECERRA, Mr. NORWOOD, Mrs. JONES of Ohio, Ms. BALDWIN, Mr. ANDREWS, Mr. MEEKS of New York, Mr. KIRK, Mr. BOUCHER, Mr. DOYLE, Mr. PASCRELL, Ms. MILLENDER-MCDONALD, Mr. BLUMENAUER, Ms. PELOSI, Mr. FILNER, Mr. LARSEN of Washington, Mr. BACA, Mr. BAIRD, Mr. FERGUSON, Mr. BALDACCI, Mr. BROWN of Ohio, Mr. DICKS, Mr. UPTON, Mrs. TAUSCHER, Mr. HINCHEY, Mr. INSLEE, Ms. KAPTUR, Mr. BOEHLERT, Ms. KILPATRICK, Mr. WELLER, Ms. LEE, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. BUYER, Mr. MORAN of Virginia, Mr. HOLDEN, Mr. FORD, Mr. GOODLATTE, Mr. MATSUI, Ms. MCCARTHY of Missouri, Mr. DOOLEY of California, Mr. MASCARA, Mr. SERRANO, Mr. CARSON of Oklahoma, Mr. HOLT, Mr. MCNULTY, Mr. FORBES, Mr. DAVIS of Illinois, Mr. EVANS, Mrs. THURMAN, Mr. HILLIARD, Mr. SANDLIN, Mr. SAWYER, Mr. BRADY of Pennsylvania, Ms. BERKLEY, Mr. BERRY, Ms. CARSON of Indiana, Mr. SCOTT, Mr. PRICE of North Carolina, Ms. HOOLEY of Oregon, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Ms. SLAUGHTER, Mr. FRANK, Mr. ALLEN, Mr. BISHOP, Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, Ms. DELAURO, Mr. MARKEY, Ms. RIVERS, Mr. KUCINICH, Mr. LAMPSON, Mr. ETHERIDGE, Mrs. CAPPS, Mr. LAFALCE, Mr. GEORGE MILLER of California, Mr. CALVERT, Mr. LANTOS, and Ms. WATSON):

H.R. 2329. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, to amend title 49, United States Code, to provide for approval by the Secretary of Transportation of projects to be funded by those bonds, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONILLA:

H.R. 2330. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

By Mr. HORN:

H.R. 2331. A bill to provide for oversight of the activities of the Federal Energy Regulatory Commission by the Comptroller General, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 2332. A bill to amend title 10, United States Code, to provide for expanded eligibility for participation by members of the Selected Reserve and their dependents in the TRICARE program; to the Committee on Armed Services.

By Mr. BURR of North Carolina (for himself, Mr. STUPAK, and Mr. CHAMBLISS):

H.R. 2333. A bill to amend the Public Health Service Act to provide for a National Disaster Medical System, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURR of North Carolina (for himself and Mr. JONES of North Carolina):

H.R. 2334. A bill to amend the Internal Revenue Code of 1986 to dedicate revenues from recent tobacco tax increases for use in buying out tobacco quota; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself, Mr. HAYWORTH, Mr. KILDEE, and Mr. BONIOR):

H.R. 2335. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Ways and Means.

By Mr. COBLE (for himself and Mr. BERMAN):

H.R. 2336. A bill to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers; to the Committee on the Judiciary.

By Mrs. CUBIN (for herself and Mr. MCINNIS):

H.R. 2337. A bill to amend the Internal Revenue Code of 1986 to provide an election for a special tax treatment of certain S corporation conversions; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. LANTOS, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. NADLER, Ms. MCKINNEY, Mr. PASCRELL, Mr. OWENS, Mr. SERRANO, Mr. PALLONE, Ms. WATERS, Mr. KUCINICH, Mr. TOWNS, Mr. SANDERS, Mr. MEEKS of New York, and Mr. HONDA):

H.R. 2338. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit

against the income tax for the amount paid in rent in excess of 30 percent of income; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. DOYLE, Mr. SMITH of New Jersey, Mr. HORN, Mr. SHOWS, Ms. BROWN of Florida, Mr. BLAGOJEVICH, Mr. KING, Mr. SPENCE, Mr. TIAHRT, Mr. FOSSELLA, Mrs. ROUKEMA, and Mr. GREENWOOD):

H.R. 2339. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit against tax with respect to education and training of developmentally disabled children; to the Committee on Ways and Means.

By Mr. FOLEY (for himself and Mr. SANDLIN):

H.R. 2340. A bill to prohibit discrimination or retaliation against health care workers who report unsafe conditions and practices which impact on patient care; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. BOUCHER, Mr. SENSENBRENNER, Mr. MORAN of Virginia, Mr. ARMEY, Mr. STENHOLM, Mr. HYDE, Mr. DOOLEY of California, Mr. BRYANT, Mr. HOLDEN, Mr. COX, Mr. CHABOT, Mr. CRAMER, Mr. OXLEY, Mr. SUNUNU, Mr. BACHUS, Mr. BARTLETT of Maryland, and Mr. GOSS):

H.R. 2341. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes; to the Committee on the Judiciary.

By Ms. GRANGER:

H.R. 2342. A bill to amend title XXVII of the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to assure patient access to primary pediatric care through pediatricians under group health plans and group health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. CLAYTON, and Mr. REYES):

H.R. 2343. A bill to support research and development programs in agricultural biotechnology and genetic engineering targeted to addressing the food and economic needs of the developing world; to the Committee on Agriculture.

By Mr. MCINNIS:

H.R. 2344. A bill to provide for the implementation of an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. BOUCHER, Mr. TOM DAVIS of Virginia, Mr. SCOTT, and Mr. SCHROCK):

H.R. 2345. A bill to extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Tribe, and the Nansemond Tribe; to the Committee on Resources.

By Mr. MURTHA:

H.R. 2346. A bill to amend title XVIII of the Social Security Act to increase by 20 percent the payment under the Medicare Program for ambulance services furnished to Medicare beneficiaries in rural areas; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUSSLE:

H.R. 2347. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes; to the Committee on Ways and Means.

By Mr. PASTOR (for himself, Mr. PALLONE, and Ms. JACKSON-LEE of Texas):

H.R. 2348. A bill to render all enrolled members of the Tohono O'odham Nation citizens of the United States as of the date of their enrollment and to recognize the valid membership credential of the Tohono O'odham Nation as the legal equivalent of a certificate of citizenship or a State-issued birth certificate for all Federal purposes; to the Committee on the Judiciary.

By Mr. SANDERS (for himself, Ms. LEE, Mr. MCHUGH, Mr. RUSH, Mrs. CLAYTON, Ms. MCKINNEY, Mr. ISRAEL, Mr. FILNER, Mrs. MEEK of Florida, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Mr. ENGEL, Mr. COYNE, Mr. CONYERS, Mr. OWENS, Mr. SCHIFF, Mr. CAPUANO, Mr. FROST, Mr. STARK, Ms. CARSON of Indiana, Mr. DELAHUNT, Mr. KUCINICH, Mr. CUMMINGS, Mr. CLAY, Ms. VELAZQUEZ, Ms. RIVERS, Ms. PELOSI, Mr. BLUMENAUER, Mr. MCDERMOTT, Mr. BALDACCI, Ms. MCCOLLUM, Mr. LARSEN of Washington, Ms. MCCARTHY of Missouri, Mr. FRANK, Mrs. JONES of Ohio, Mr. HASTINGS of Florida, Ms. WATERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRADY of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. ALLEN, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. FARR of California, and Mr. NADLER):

H.R. 2349. A bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the development, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Financial Services.

By Mr. SHAW (for himself, Mr. TANNER, Mr. FOLEY, Mrs. JOHNSON of Connecticut, Mr. WATKINS, Mr. LEWIS of Georgia, Mr. COYNE, Mr. MATSUI, Mrs. THURMAN, Mr. MCNULTY, Mr. KLECZKA, Mr. CARDIN, Mr. POMEROY, Mr. MCINNIS, Mr. MCDERMOTT, Mr. COLLINS, Mr. BARCIA, Mr. JEFFERSON, Mr. LEWIS of Kentucky, Mr. HERGER, Mr. SESSIONS, Ms. DUNN, Mr. PAUL, Mr. BRADY of Texas, Mr. RAMSTAD, Mr. BECERRA, Mr. HAYWORTH, Mr. NEAL of Massachusetts, Mr. ENGLISH, Mr. STARK, Mr. NUSSLE, Mr. LEVIN, Mr. HULSHOF, and Mr. WELLER):

H.R. 2350. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers; to the Committee on Ways and Means.

By Mr. SPRATT (for himself and Mrs. TAUSCHER):

H.R. 2351. A bill to establish the policy of the United States for reducing the number of nuclear warheads in the United States and Russian arsenals, for reducing the number of nuclear weapons of those two nations that are on high alert, and for expanding and accelerating programs to prevent diversion and proliferation of Russian nuclear weapons, fissile materials, and nuclear expertise; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 2352. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs that fail to provide certain information or to present information in a balanced manner, and to amend the Federal Food, Drug, and Cosmetic Act to require reports regarding such advertisements; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Mr. LARGENT, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. TERRY, and Mr. HEFLEY):

H.R. 2353. A bill to revise certain policies of the Army Corps of Engineers for the purpose of improving the Corps' community relations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA (for herself, Mr. GALLEGLY, and Mr. SHAYS):

H. Con. Res. 175. Concurrent resolution expressing the sense of Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals; to the Committee on Agriculture.

H. Con. Res. 176. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Ms. SOLIS (for herself, Ms. KAPTUR, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. BACA, Mr. HINOJOSA, Ms. LEE, Mr. GEORGE MILLER of California, Mr. CONYERS, Mr. BERMAN, Ms. CARSON of Indiana, Mrs. NAPOLITANO, Mr. HONDA, Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, Mr. STARK, Mr. MENENDEZ, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Ms. SANCHEZ, Mr. BECERRA, Ms. DEGETTE, Mr. PASTOR, Mr. DAVIS of Illinois, Ms. MCKINNEY, Mr. REYES, Mrs. MINK of Hawaii, Mr. GEPHARDT, Mr. SCHIFF, Mr. DOOLEY of California, Mr. KLECZKA, Mr. FRANK, Mr. GONZALEZ, Mrs. MEEK of Florida, Mr. ORTIZ, Ms. VELAZQUEZ, Mr. SERRANO, and Mr. MCINNIS):

H. Con. Res. 177. Concurrent resolution expressing the sense of the Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.; to the Committee on Education and the Workforce.

By Mr. BALLENGER (for himself, Mr. HYDE, Mr. MENENDEZ, Mr. DELAHUNT,

Mr. FALEOMAVAEGA, Mr. LEACH, Mr. HASTINGS of Florida, Mr. SHERMAN, Mr. BERMAN, Mr. CROWLEY, Mr. HUTCHINSON, Ms. WATSON, Mr. DAVIS of Florida, Ms. PELOSI, Mr. ORTIZ, Mr. KUCINICH, Mr. DEFAZIO, Mr. TIERNEY, Mr. CAPUANO, Mr. UDALL of New Mexico, Mr. RYUN of Kansas, Ms. WOOLSEY, Mr. LANGEVIN, Mr. THOMPSON of California, Mr. PETERSON of Minnesota, Mr. FARR of California, Mr. OLVER, Mr. KENNEDY of Minnesota, Mr. ETHERIDGE, Ms. HARMAN, Mr. CONDIT, Ms. SOLIS, Mr. MORAN of Virginia, Mr. GALLEGLY, Mr. HERGER, Mr. BROWN of South Carolina, Mr. DUNCAN, Mr. GRAHAM, Mr. JENKINS, Mr. SAXTON, Mr. CRANE, Mr. CALLAHAN, and Mr. FLAKE):

H. Res. 181. A resolution congratulating President-elect Alejandro Toledo on his election to the Pre sidency of Peru, congratulating the people of Peru for the return of democracy to Peru, and expressing sympathy for the victims of the devastating earthquake that struck Peru on June 23, 2001; to the Committee on International Relations.

By Ms. PRYCE of Ohio:

H. Res. 182. A resolution providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period.

By Mr. HASTINGS of Washington:

H. Res. 183. A resolution providing for consideration of the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

120. The SPEAKER presented a memorial of the General Assembly of the State of Illinois, relative to House Resolution No. 385 memorializing the United States Congress to ensure ethanol and biodiesel are included as part of any lasting energy policy; to the Committee on Energy and Commerce.

121. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 105 memorializing the United States Congress to urge the Secretary of State to increase efforts to urge the People's Republic of China to recognize and protect the human rights of its citizens and halt the persecution against practitioners of Falun Gong; to the Committee on International Relations.

122. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 136 memorializing President and the United States Congress to work for the admission of Latvia into NATO; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. DEFAZIO.
H.R. 85: Mr. MANZULLO.
H.R. 91: Mr. GREEN of Wisconsin.
H.R. 116: Mr. HINCHEY.
H.R. 159: Mr. STEARNS.
H.R. 238: Mr. BAIRD.
H.R. 267: Mr. BERRY, Mr. ORTIZ, and Mr. BORSKI.
H.R. 287: Mr. HASTINGS of Florida and Ms. LOFGREN.
H.R. 303: Mr. HAYWORTH.
H.R. 382: Mr. KERNS and Mr. PUTNAM.
H.R. 460: Mr. PASCRELL.
H.R. 478: Ms. HART.
H.R. 479. Ms. HART.
H.R. 480: Ms. HART.
H.R. 527: Mr. PHELPS, Ms. ROS-LEHTINEN, Mr. JENKINS, Mr. CANTOR, and Mr. SCHROCK.
H.R. 529: Ms. VELAZQUEZ.
H.R. 530: Ms. VELAZQUEZ.
H.R. 635: Mr. LATOURETTE.
H.R. 656: Mr. TANCREDO, Mrs. CHRISTENSEN, and Mr. KERNS.
H.R. 713: Mr. STARK.
H.R. 717: Mr. NUSSLE, Mr. BUYER, Mrs. CAPPS, Ms. KILPATRICK, and Mr. TAUZIN.
H.R. 746: Mr. PICKERING.
H.R. 770: Mr. LAFALCE and Mr. THOMPSON of Mississippi.
H.R. 774: Mr. EHRLICH and Mr. LEACH.
H.R. 794: Mr. BAIRD.
H.R. 804: Mr. BURR of North Carolina and Mr. ISAKSON.
H.R. 808: Ms. ESHOO, Mr. MEEHAN, and Mr. SWEENEY.
H.R. 822: Mr. UPTON, Mr. GANSKE, Mr. WELDON of Florida, Ms. ROS-LEHTINEN, Mr. FARR of California, Mr. KINGSTON, and Mr. GOSS.
H.R. 826: Mr. BRYANT and Mr. CRENSHAW.
H.R. 828: Mr. LATOURETTE.
H.R. 848: Mr. PLATTS, Mr. BRYANT, Mr. ABERCROMBIE, Mr. BISHOP, Mr. HOBSON, Mr. CROWLEY, and Mr. THOMPSON of California.
H.R. 854: Mr. SCHIFF, Mr. BLUMENAUER, Mr. BISHOP, Mr. GRAHAM, Mrs. NAPOLITANO, and Mrs. JONES of Ohio.
H.R. 876: Mr. PRICE of North Carolina, Mr. GREEN of Wisconsin, Mr. ENGEL, and Mr. LANTOS.
H.R. 914: Mr. ROHRABACHER, Mr. AKIN, Mrs. BIGGERT, Mr. CALVERT, Mr. TIAHRT, Mr. WELDON of Florida, Mr. PENCE, Mr. TANCREDO, Mr. HEFLEY, Mr. BARR of Gorgia, Mr. KOLBE, Mr. RADANOVICH, Mr. MILLER of Florida, Mr. ARMEY, Mr. KELLER, Mr. EHRLICH, and Mr. ANDREWS.
H.R. 933: Mr. BOUCHER.
H.R. 990: Mr. INSLEE.
H.R. 1060: Ms. ROYBAL-ALLARD.
H.R. 1110: Mr. BRADY of Texas, Mr. GILCHREST, and Ms. MCCOLLUM.
H.R. 1140: Mr. CULBERSON, and Mrs. DAVIS of California.
H.R. 1143: Mr. DAVIS of Illinois and Ms. WATERS.
H.R. 1149: Mr. STICKLAND, Mr. MCDERMOTT, Mr. HINCHEY, Mr. ROSS, Mr. BALDACCI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, and Mr. FRANK.
H.R. 1170: Mr. BECERRA.
H.R. 1193: Mr. MCGOVERN, Mr. JACKSON of Illinois, Mr. HINCHEY, Mr. BISHOP, and Mr. DOOLEY of California.
H.R. 1265: Mr. KUCINICH, Mr. MALONEY of Connecticut, Ms. MCKINNEY, Mr. HINCHEY, Mr. LIPINSKI, Mr. OWNENS, Ms. BALDWIN, Ms. SCHAKOWSKY, Mr. PAYNE, Mr. DAVIS of Illinois, and Mr. GOODE.
H.R. 1266: Mr. PALLONE, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SERRANO, and Mr. TIERNEY.
H.R. 1271: Mr. SKELTON.
H.R. 1287: Mr. LARSEN of Washington and Ms. ROS-LEHTINEN.
H.R. 1305: Mr. BLUNT, Mr. OSE, and Mr. COMBEST.
H.R. 1317: Ms. DUNN.
H.R. 1342: Mr. HOBSON.
H.R. 1343: Mr. ACEVEDO-VILA.
H.R. 1362: Mr. BROWN of Ohio and Ms. PELOSI.
H.R. 1363: Mrs. CUBIN and Mr. BURTON of Indiana.
H.R. 1401: Mr. OSE.
H.R. 1405: Mrs. MORELLA.
H.R. 1412: Mr. HOSTETTLER.
H.R. 1427: Mr. LAMPSON.
H.R. 1468: Mr. SCHIFF.
H.R. 1481: Mr. CLEMENT.
H.R. 1494: Ms. WATSON.
H.R. 1592: Mr. REHBERG.
H.R. 1594: Mr. DOYLE.
H.R. 1601: Mr. NUSSLE.
H.R. 1609: Mr. WAMP.
H.R. 1610: Mr. CLYBURN.
H.R. 1642: Ms. ROYBAL-ALLARD, Mr. UDALL of Colorado, and Mr. DAVIS of Illinois.
H.R. 1644: Mr. MCNULTY, Mr. BUYER, and Mrs. NORTHUP.
H.R. 1645: Mr. CUNNINGHAM, Mr. FROST, Mr. BALLENGER, Mr. GREEN of Texas, Mr. HINCHEY, Ms. KAPTUR, Ms. LEE, Mr. HORN, Mr. LAFALCE, Mr. SPENCE, and Mr. EHRLICH.
H.R. 1657: Mr. CAMP and Mr. BRADY of Texas.
H.R. 1690: Ms. WOOLSEY.
H.R. 1694: Mr. BARR of Georgia.
H.R. 1700: Mr. MATHESON, Mr. TIERNEY, Mr. WAXMAN, and Mr. LARSEN of Washington.
H.R. 1718: Mr. TANCREDO and Ms. GRANGER.
H.R. 1739: Mr. MCGOVERN, Mr. STARK, and Mr. GRUCCI.
H.R. 1774: Mr. SHAW, Mrs. JONES of Ohio, and Mr. PHELPS.
H.R. 1784: Mrs. CLAYTON, Mrs. LOWEY, Mr. SANDERS, and Mr. PAYNE.
H.R. 1790: Mr. LEVIN and Mr. PLATTS.
H.R. 1810: Mr. ABERCROMBIE, Mr. BALDACCI, Mr. BARRETT, Mr. PRICE of North Carolina, Mr. STARK, Mr. KLECZKA, Mr. WALSH, and Mrs. CAPPS.
H.R. 1822: Mr. GONZALEZ, Mr. HORN, Mr. FROST, and Mr. BALDACCI.
H.R. 1823: Mr. SERRANO, Mr. BECERRA, Mr. GUTIERREZ, and Mr. ORTIZ.
H.R. 1839: Ms. BALDWIN, Mr. CAPUANO, and Mr. ISAKSON.
H.R. 1840: Ms. LOFGREN.
H.R. 1864: Mr. EHLERS and Mr. ISAKSON.
H.R. 1881: Mr. GREEN of Wisconsin.
H.R. 1948: Mr. ISAKSON.
H.R. 1972: Mr. WELDON of Florida, Mr. PAUL, Mr. SOUDER, Mr. DEAL of Georgia, and Mr. TOOMEY.
H.R. 1987: Mr. CAPUANO.
H.R. 1988: Mr. SAWYER, Mr. CROWLEY, and Mr. STUPAK.
H.R. 1990: Mr. RANGEL.
H.R. 2001: Mr. SANDLIN.
H.R. 2004: Mr. CLAY.
H.R. 2008: Mr. DAVIS of Illinois, Mr. JEFFERSON, Ms. KILPATRICK, Mr. RANGEL, Mr. RUSH, and Mr. TOWNS.
H.R. 2013: Ms. SCHAKOWSKY, Mr. LANTOS, and Mr. LEWIS of Georgia.
H.R. 2022: Mrs. TAUSCHER, Mr. CROWLEY, Mr. FARR of California, and Ms. SCHAKOWSKY.
H.R. 2030: Mr. GILMAN.
H.R. 2035: Ms. SOLIS, Mr. ROSS, Mr. BISHOP, Mr. GEORGE MILLER of California, Mr. MURTHA, Mr. OBERSTAR, Mr. RAHALL, Mr. DUNCAN, Mr. BROWN of Ohio, Ms. NORTON, Mr. GONZALEZ, Mr. CONDIT, Mr. OLVER, Ms. VELÁZQUEZ, Mr. STARK, Mr. KILDEE, Mr. FROST, Ms. MCKINNEY, Mr. HINCHEY, Mr. PLATTS, Mr. LATOURETTE, Mrs. EMERSON, Mr. BLAGOJEVICH, Mr. BOUCHER, and Ms. MCCARTHY of Missouri.
H.R. 2036: Mr. GILLMOR, Mr. BRADY of Texas, Mr. LANTOS, Mrs. CAPPS, and Ms. BALDWIN.
H.R. 2037: Mr. COLLINS, Mr. MCHUGH, Mr. CAMP, Mr. UPTON, Mr. SKELTON, Mr. OXLEY, Mrs. EMERSON, Mr. BAKER, Mr. CHAMBLISS, Mr. TOOMEY, Mr. SCARBOROUGH, Mr. ARMEY, Mr. KINGSTON, Mr. MCCRERY, and Mr. ENGLISH.
H.R. 2070: Mr. NORWOOD, Mr. STENHOLM, Mr. BALLENGER, Mrs. BIGGERT, Mr. SAM JOHNSON of Texas, Mrs. MYRICK, Mr. SMITH of Texas, and Mr. ISAKSON.
H.R. 2081: Mr. KANJORSKI and Mr. WAXMAN.
H.R. 2096: Mr. MOLLOHAN.
H.R. 2117: Mr. GONZALES.
H.R. 2125: Ms. MCKINNEY, Mr. ENGLISH, Mr. ANDREWS, and Mr. BALDACCI.

H.R. 2126: Mr. COSTELLO, Mrs. EMERSON, Mr. GRAHAM, and Mr. SMITH of Texas.
H.R. 2138: Mr. BARRETT and Mr. BECERRA.
H.R. 2143: Mr. GOODLATTE and Mr. KERNS.
H.R. 2145: Mr. LANTOS.
H.R. 2149: Mr. TERRY, Mr. GOODLATTE, Mr. FLETCHER, Mr. OSE, and Mr. GREENWOOD.
H.R. 2164: Mr. CASTLE and Mr. COYNE.
H.R. 2173: Mr. COOKSEY.
H.R. 2175: Mr. PUTNAM, Mr. SKELTON, and Mr. HUNTER.
H.R. 2219: Mr. FILNER, Mr. PAUL, Ms. JACKSON-LEE of Texas, Mr. BALDACCI, and Mr. FROST.
H.R. 2243: Mr. FILNER, Ms. MCKINNEY, and Mr. RANGEL.
H.R. 2279: Mr. MCINNIS.
H.R. 2290: Mr. MCINNIS.
H.R. 2315: Mr. SWEENEY, Mr. ISSA, and Mr. CANTOR.
H.R. 2319: Mr. FRANK, Ms. JACKSON-LEE of Texas, Mr. GILMAN, Mr. STARK, Ms. LEE, and Mr. KUCINICH.
H.J Res 36: Ms. BERKLEY.
H. Con. Res. 26: Mr. NADLER.
H. Con. Res. 60: Mr. TOWNS, Mr. LEWIS of Georgia, Mr. SHERMAN, and Mr. COYNE.
H. Con. Res. 89: Mr. HASTINGS of Washington, Mr. BURTON of Indiana, and Mr. MCGOVERN.
H. Con. Res. 102: Mrs. MEEK of Florida, Mr. WYNN, Ms. MILLENDER-MCDONALD, Mr. WATTS of Oklahoma, Mr. UPTON, Mr. STARK, Mr. BAIRD, Mr. MOORE, Ms. MCCOLLUM, and Mr. WAXMAN.
H. Con. Res. 132: Mr. MATSUI, Mr. ISAKSON, Mr. DOOLEY of California, Mr. CANTOR, Mr. BOUCHER, Mr. ENGLISH, Mr. SMITH of Texas, and Mr. SCHIFF.
H. Con. Res. 160: Mr. GILMAN, Mr. ORTIZ, Ms. JACKSON-LEE of Texas, Mr. BRADY of Texas, and Mr. SHIMKUS.
H. Res. 152: Mr. SHERWOOD, Mr. BAIRD, and Mr. LANTOS.
H. Res. 173: Ms. MCCARTHY of Missouri.

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. 2180: Mrs. BONO.

PETITIONS, ETC.

Under clause 3 of rule XII,

30. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 254 petitioning the United States Congress to enact legislation maintaining the Medicaid intergovernmental transfer program for County nursing facilities; which was referred to the Committee on Energy and Commerce.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2311

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5: At the end of the bill (before the short title) add the following section:

SEC. . No funds in this Act may be used to drill for oil and gas, through, in or under, the Mosquito Creek Reservoir, Trumbull County, Ohio.

H.R. 2330

OFFERED BY: MR. ALLEN

AMENDMENT NO. 4: At the end of title VII, insert after the last section (preceding any short title) the following section:

SEC. 7___. None of the amounts made available in this Act for the Food and Drug Administration may be expended to approve any application for a new drug submitted by an entity that does not, before completion of the approval process, provide to the Secretary of Health and Human Services a written statement specifying the total cost of research and development with respect to such drug, by stage of drug development, including a separate statement specifying the portion paid with Federal funds and the portion paid with State funds.

H.R. 2330

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 5: At the end of the bill (before the short title), insert the following new section:

SEC. 738. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''AGRICULTURAL PROGRAMS—AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS'', by reducing the amount made available for ''AGRICULTURAL PROGRAMS—COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' (and the amount specified under such heading for competitive research grants (7 U.S.C. 450i(b)), by reducing the amount made available for ''AGRICULTURAL PROGRAMS—FARM SERVICE AGENCY—SALARIES AND EXPENSES'', and by increasing the amount made available for ''AGRICULTURAL PROGRAMS—COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' (and the amount specified under such heading for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University), by increasing the amount made available for ''AGRICULTURAL PROGRAMS—COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' (and the amount specified under such heading for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222)), and by increasing the amount made available for ''AGRICULTURAL PROGRAMS—OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS'', by $5,521,000, $10,000,000, and $7,007,000, respectively.

H.R. 2330

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 6: In title III, in the item relating to ''Rural Housing Insurance Fund Program Account'' add at the end the following:

Of the amounts made available under this heading in chapter 1 of title II of Public Law 106–246 (114 Stat. 540) for gross obligations for principal amount of direct loans authorized by title V of the Housing Act of 1949 for section 515 rental housing, the Secretary of Agriculture may use $12,000,000 for rental assistance agreements described in the item relating to ''Rental Assistance Program'' in such chapter.

In making available for occupancy dwelling units in housing that is provided with funds made available under the heading referred to in the preceding paragraph, the Secretary of Agriculture may give preference to prospective tenants who are residing in temporary housing provided by the Federal Emergency Management Agency as a result of an emergency.

H.R. 2330

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 7: In title I, under the heading ''COMMON COMPUTING ENVIRONMENT'', insert after the first dollar amount the following: ''(reduced by $1,990,000)''.

In title I, under the heading ''ANIMAL AND PLANT HEALTH INSPECTION SERVICE''—''SALARIES AND EXPENSES'', insert after the first dollar amount the following: ''(increased by $1,990,000)''.

H.R. 2330

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 8: Insert before the short title the following new section:

SEC. ___. None of the funds appropriated or otherwise made available by this Act shall be used to eliminate employment positions (or alter the tasks assigned to the persons filling such employment positions) related to the operation of the American Heritage Rivers Initiative.

H.R. 2330

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 9: In title II, under the heading ''CONSERVATION OPERATIONS'', insert before the period at the end the following: '': *Provided further*, That $200,000 shall be available to continue the cooperative agreement between the GIS Consortium and the Natural Resources Conservation Service''.

H.R. 2330

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 10: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. (a) The Secretary of Agriculture shall continue in fiscal year 2002 the Global Food for Education Initiative program implemented in fiscal year 2001, at the level implemented in fiscal year 2001.

(b) For all purposes under the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985, the Congressional Budget Office and the Office of Management and Budget shall treat the budget authority and outlays associated with continuing the Global Food for Education Initiative at the level implemented in fiscal year 2001 as part of the baseline costs of the Commodity Credit Corporation in fiscal year 2002 and shall not attribute any additional new budget authority or outlays to this Act because of the directive contained in subsection (a).

H.R. 2330

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 11: Add before the short title at the end the following new section:

SEC. ___. In addition to amounts otherwise appropriated or made available by this Act, $500,000,000 is appropriated to the Secretary of Agriculture to carry out and support (utilizing existing authorities of the Secretary and subject to the terms and conditions applicable to those authorities) research, technical assistance, loan, and grant programs regarding the development of biofuels (including ethanol, biodiesel, and other forms of biomass-derived fuels), the production of such biofuels, the establishment of farmer-held reserves of fuel stocks, and demonstration projects regarding such biofuels, as part of a Biofuels and Biomass Energy Independence effort and to augment the President's National Energy Policy: *Provided*, That the entire amount shall be available only to the extent an official budget request for $500,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

H.R. 2330

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 12: Add before the short title at the end the following new section:

SEC. ____. Of the amount provided in title I under the heading ''EXTENSION ACTIVITIES'', $500,000 shall be available to support the National 4–H Program Centennial Initiative, as authorized by the Act entitled ''An Act to authorize funding for the National 4–H Program Centennial Initiative''.

H.R. 2330

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 13: At the end of title VII, insert after the last section (preceding any short title) the following section:

SEC. 7____. None of the funds made available in this Act for the Food and Drug Administration may be used for the approval or process of approval, under section 512 of the Federal Food, Drug, and Cosmetic Act, of an application for an animal drug for creating transgenic salmon or any other transgenic fish.

H.R. 2330

OFFERED BY: MS. LEE

AMENDMENT NO. 14: In the item relating to ''AGRICULTURAL RESEARCH SERVICE– SALARIES AND EXPENSES'', after the second dollar amount, insert the following: ''(decreased by $1,000,000)''.

In the item relating to ''FOOD AND NUTRITION SERVICE—CHILD NUTRITION PROGRAMS'', after the first dollar amount, insert the following: ''(increased by $1,000,000)''.

H.R. 2330

OFFERED BY: MS. LEE

AMENDMENT NO. 15: In the item relating to ''AGRICULTURAL RESEARCH SERVICE—SALARIES AND EXPENSES'', after the second dollar amount, insert the following: ''(decreased by $2,000,000)''.

In the item relating to ''FOOD AND NUTRITION SERVICE–CHILD NUTRITION PROGRAMS'', after the first dollar amount, insert the following: ''(increased by $2,000,000)''.

H.R. 2330

OFFERED BY: MR. LUCAS OF OKLAHOMA

AMENDMENT NO. 16: Insert before the short title the following new section:

SEC. ____. The amounts otherwise provided by this Act are revised by increasing the total amount provided in title II under the heading ''WATERSHED AND FLOOD PREVENTION OPERATIONS'' (to be used to carry out section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), as added by section 313 of Public Law 106–472 (114 Stat. 2077)), and none of the funds made available in this Act may be used to pay the salaries of personnel of the Department of Agriculture who carry out the programs authorized by section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524) in excess of a total of $3,600,000 for all such programs for fiscal year 2002, by $5,400,000.

H.R. 2330

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 17: Insert before the short title at the end the following new section:

SEC. ____. Of the amount for the Department of Agriculture provided under the heading ''AGRICULTURAL RESEARCH SERVICE''–''SALARIES AND EXPENSES'' in title I, the Secretary of Agriculture shall provide $950,000, the same amount as was provided for fiscal year 2001, for the Hawaii Agriculture Research Center to maintain competitiveness and support the expansion of new crops and products.

H.R. 2330

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 18: Insert before the short title at the end the following new section:

SEC. ____. Of the amount for the Department of Agriculture provided under the heading ''AGRICULTURAL RESEARCH SERVICE''–''SALARIES AND EXPENSES'' in title I, the Secretary of Agriculture shall provide $1,603,000, the same amount as was provided for fiscal year 2001, for tropical aquaculture research for the Oceanic Institute of Hawaii for continuation of the comprehensive research program focused on feeds, nutrition, and global competitiveness of the United States aquaculture industry.

H.R. 2330

OFFERED BY: MR. ROYCE

AMENDMENT NO. 19: Insert before the short title the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to award any new allocations under the market access program or to pay the salaries of personnel to award such allocations.

H.R. 2330

OFFERED BY: MR. SANDERS

AMENDMENT NO. 20: At the end of title VII, insert after the last section (preceding any short title) the following section:

SEC. 7____. None of the amounts made available in this Act for the Food and Drug Administration may be used for enforcing section 801(d)(1) of the Federal Food, Drug, and Cosmetic Act.

H.R. 2330

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 21: Add before the short title at the end the following new section:

SEC. ____ Section 135(a)(2) of the Agricultural Market Transition Act (7 U.S.C. 7235(a)(2)) is amended by striking ''2000 crop year'' and inserting ''2000 and 2001 crop years''.

H.R. 2330

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 22: In title I under the heading ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE''—''RESEARCH AND EDUCATION ACTIVITIES'' insert after the dollar amount relating to ''competitive research grants (7 U.S.C. 450i(b))'' the following: '', including grants for authorized competitive research programs regarding enhancement of the nitrogen-fixing ability and efficiency of plants''.

H.R. 2330

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 23: Add before the short title at the end the following new section:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used to pay the salaries of personnel of the Department of Agriculture who permit the payment limitation specified in section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(2)) to be exceeded pursuant to any provision of law, except in the case of loan deficiency payments and marketing loan gains received by a husband and wife who participate in the same farming operation.

H.R. 2330

OFFERED BY: MR. TIERNEY

AMENDMENT NO. 24: In title I, under the heading ''AGRICULTURAL RESEARCH SERVICE—SALARIES AND EXPENSES'', insert at the end the following:

SEC. ____. REPORT REGARDING GENETICALLY ENGINEERED FOODS.

(a) IN GENERAL.—Not later than one year after funds are made available to carry out this section, the Secretary of Agriculture, acting through the National Academy of Sciences, shall complete and transmit to Congress a report that includes recommendations for the following:

(1) DATA AND TESTS.—The type of data and tests that are needed to sufficiently assess and evaluate human health risks from the consumption of genetically engineered foods.

(2) MONITORING SYSTEM.—The type of Federal monitoring system that should be created to assess any future human health consequences from long-term consumption of genetically engineered foods.

(3) REGULATIONS.—A Federal regulatory structure to approve genetically engineered foods that are safe for human consumption.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture $500,000 to carry out this section.

H.R. 2330

OFFERED BY: MR. WEINER

AMENDMENT NO. 25: Insert before the short title the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel of the Department of Agriculture to make any payment to producers of wool or producers of mohair for the 2000 or 2001 marketing years under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–55).

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, You give us inner eyes to see You and Your truth. Today we celebrate the birthday of Helen Keller, born on this day in 1880. Thank You for her courageous life. With Your help she overcame tremendous obstacles of being born blind and deaf. We are grateful for people like Anne Sullivan who taught her to read braille so that later she could attend Radcliffe College and eventually become a prolific author.

Our spirits are lifted today as we ponder Helen Keller's words, ''I thank God for my handicaps, for, through them, I have found myself, my work, my God.'' We intentionally adopt for our lives four things Helen Keller urged us to learn in life: ''To think clearly without hurry or confusion; To love everyone sincerely; To act in everything with the highest motives; To trust God unhesitantly.'' And for our work, Keller's words ring true: ''Alone we can do so little; together we can do so much.'' Thank You, Father, for the memory of this great woman. Help us today to use all that we have to do as much good as we can in as many circumstances and to as many people as we can. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON 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 27, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

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 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:

Kyl amendment No. 818, to clarify that independent medical reviewers may not require coverage for excluded benefits and to clarify provisions relating to the independent determinations of the reviewer.

Allard amendment No. 817, to exempt small employers from certain causes of action.

THE ACTING PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes of debate in relation to the Allard amendment, No. 817, prior to a vote on or in relation to the amendment.

The Senator from Nevada.

SCHEDULE

Mr. REID. On behalf of Senator DASCHLE, the Senate is advised that the Senate will resume consideration of the Patients' Bill of Rights that has been called by the Chair. There is going to be an hour of debate on the Allard amendment and thereafter on the Kyl amendment. There will be votes on those two matters this morning.

Madam President, I have been advised by the managers of this bill that there has been progress made during the night. If things go as expected, we should be able to meet the deadline that has been set by the leadership; that is, we are going to finish this bill by the Fourth of July break and we can also do the supplemental bill and organizing resolution.

Mr. ALLARD. Will the Senator yield?

Mr. REID. I will be happy to yield.

Mr. ALLARD. My understanding is we have an hour for the Allard amendment equally divided between both sides; is that correct?

Mr. REID. That is true.

I would just say, Madam President, the managers of this legislation, the Senator from Arizona, Mr. MCCAIN, and the Senator from North Carolina, Mr. EDWARDS, and the Senator from Massachusetts, Mr. KENNEDY, have done outstanding work. Senator GREGG and the people he has been working with have been very cooperative. I think this is a good sign for this legislation and movement of this legislation generally.

The ACTING PRESIDENT pro tempore. Who yields time?

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Mr. ALLARD. Madam President, I would like to yield 2 minutes to the senior Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator from Colorado. I will be very brief. I would just like to say to all my colleagues, on this issue I think we have made significant progress. Overnight we have the outlines of an agreement, thanks to Senators SNOWE and DEWINE, NELSON, LINCOLN, and others, on the issue of employer liability. We hope we can get the final details of that ironed out soon. I thank those four Senators and others on this issue.

On the issue of scope, I think we are close to an agreement on that major issue.

I thank all involved, including Senator FRIST and many others, for the serious negotiations that have been ongoing.

We may end up with a couple of issues that simply require votes on the floor to resolve them and the majority of the Senate will prevail. But I am very hopeful, and frankly very pleased at the progress we have made. All parties are seriously negotiating. That is the only way you can resolve an issue that has this much detail and this much complexity associated with it.

Again, I echo the sentiments of the Senator from Nevada. I think we could easily complete this in the next couple of days with the kind of willingness that has been displayed so far.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. One thing I forgot to mention, Senator KENNEDY and I, late last night, spoke to Senator JUDD GREGG—well, it wasn't late; it was in the evening. He indicated he would try today to get a list of amendments so we would have a finite list of amendments so we could work through those. If we can do that, it will be very easy to schedule what we will be doing in the next couple of days. If that doesn't happen, there is no question we will have to work late tonight and tomorrow night. Everyone should be advised Senator GREGG said he would try to get a finite list of amendments to us this morning.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. If I could just proceed for a moment, I just thank all our Members for their cooperation. We have made some progress. There is a lot of work to do on this. We are encouraged by the cooperation of all our Members. But having been around here a long time, we have a lot of work to do. We have to keep at this job. There are very important matters before us.

We ought to just recognize we have a lot of work to do and we will have a chance to see where we are as we take this step by step. We have important debates this morning, and we have some additional issues on employer liability that we will address, on medical necessity, and hopefully on the areas of scope.

Those are being worked out; I hope are being drafted. As we all know, the key is in the details. I don't want to have any false sense of anticipation. We have still some very important policy issues that have to be resolved. But we are making progress. We are very grateful to all the Members for their help and cooperation, and we look forward to this morning's debate.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. EDWARDS. Madam President, I want to echo the words of my colleagues, the Senator from Arizona and the Senator from Massachusetts.

There is certainly significant work to be done. Important issues need to be resolved. But we spent a good part of the day yesterday working on the issue of scope, making sure that every American is covered by this bill. I think we have, in fact, made great progress on that issue.

On the issue of medical necessity, which is one of the pending amendments—the Kyl-Nelson amendment—we expect to offer our own compromise amendment on that issue later today, something that was worked out yesterday through the process of discussions. As I think everyone knows, Senators SNOWE, DEWINE, and NELSON have worked very hard, along with the three of us, to work out an agreement on employer liability—all of us believing that employers all over this country need to be protected. That is not what this legislation is about. It is about giving patients rights and putting health care decisions back in the hands of doctors and patients and not in the hands of big HMOs. All of us are in agreement that in that process it is important to protect employers so they continue to provide coverage for employees all over this country.

So I echo the words of my colleagues. I do think it is true that we have made great progress. I think it is also true there is work left to be done. We will continue to work diligently with our colleagues. We have had colleagues on both sides of the aisle working on all these issues. We will continue to work on them as we go forward with these votes and this debate. But we are optimistic that we will be able to conclude this bill this week.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Colorado.

Mr. ALLARD. How much time does this side have?

The ACTING PRESIDENT pro tempore. Twenty-eight and a half minutes.

Mr. ALLARD. Madam President, I yield 18 minutes to the junior Senator from Arizona. And I would like to reserve the last 10 minutes for myself.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENT NO. 818

Mr. KYL. Madam President, I do not intend to take the full time right now. There may be others who wish to speak.

Senator ALLARD has been kind enough to allow those who support the Nelson-Kyl-Nickles amendment to take some of the time right now. I would like to change the subject back to that amendment which we brought before this body last night and debated for about an hour, and then we will also have an opportunity to conclude the debate on it after the vote on the Allard amendment. But now that we have a few moments, I would like to discuss that.

For those who were not in this Chamber last night to hear the debate, let me make it clear that there were two essential problems that we saw that needed resolution. We had worked with Senator KENNEDY, Senator EDWARDS, and others—and Senator NELSON had extensive conversations—about how to resolve these issues. One of the issues has apparently been resolved by agreement, although no amendment has yet been proposed to deal with it; and that all has to do with reviewing a case by the external reviewer. In other words, the insurance company has an internal review of an issue, and then if that isn't resolved, it goes to an external reviewer.

I think everybody agrees that if we can resolve the case at that stage and not have to go to litigation, it is better for everybody. So the question is, what exactly can be considered by that independent reviewer? The first problem that we saw was that the independent reviewer actually had the authority, under the bill, to order that benefits be provided to a patient that were excluded by the contract—legally excluded. The insured bought a certain set of benefits, and there were certain benefits excluded, but the independent reviewer would theoretically have the right to order excluded benefits to be provided for a patient.

I think everybody realized that was not what was intended, and it is at least the representation of those on the other side—and specifically Senator EDWARDS has made the point—that there is a way to fix that, and a very specific way, which we all understand. If that amendment is offered, then I think it will be a satisfactory conclusion to that particular matter.

The other matter that remains has to do with the other kind of issue that can come up. There is a benefit which is covered but the question is, what exactly is the appropriate medical service in this case? Here is a very simplistic example. The plan says: We are not sure exactly what is wrong with this person. We will take an x-ray to find out. But the doctor and the patient say: Look, we already had an x-ray, and the x-ray was not definitive enough. We think we need a CAT scan or an MRI.

Those are pretty expensive. The plan says: Look, we just don't think we need the MRI.

That is the dispute. There is no question that the diagnostic service is covered. The question is, which diagnostic service is appropriate or medically necessary in this particular case? So it goes to the internal reviewer. Let's say the internal reviewer says that an x-ray is good enough, but that is not what the doctor or the patient wants to hear. So they go to the independent or external review and make their case.

What is the standard for the external reviewer to decide whether or not an x-ray is good enough or whether or not there should be a CAT scan or an MRI, for example? There should be some kind of standard that is relatively uniform, unless the States have adopted a specific standard for review of plans within their particular State.

I will read the language in the bill that causes us concern because this is the deficiency as we see it. It is on page 37 of the bill. Under ''Independent Determination.—'':

In making determinations under this subtitle, a qualified external review entity and an independent medical reviewer shall—

Let me read the two subparagraphs here.

(i) consider the claim under view without deference to the determinations made by the plan or issuer or the recommendation of the treating health care professional . . .; and

(ii) consider, but not be bound by the definition used by the plan or insurer of ''medically necessary and appropriate'' or ''experimental or investigational''. . . .

''Consider, but not be bound by the definition used by the plan''—of course, that could raise a question of abrogation of contract. When the insurer says: Look, this is the insurance that you bought, and here is the definition under the plan, who has the right to go in and change the definition? So we think that language is inappropriate. The independent reviewer should not be able to just ignore the definition in the plan. But that then raises the question of whether or not a plan's definition could be overly restrictive.

What we basically agreed to, at least some of us believe is an appropriate compromise, is to say: You have to use the definition of the plan, but the plan has to have a reasonable definition. What would that definition be?

First of all, if a State mandates certain language, then obviously we need to use that language. So for the 13 or so States that actually mandate language, that would have to be applied. But for the rest of the States, there would be a definition, and the definition that we use is the definition that the Federal Employees Health Benefits Plan has used, approved by the Office of Personnel Management for fee-for-service plans.

So, Madam President, you and I, and the other Members of this body have an opportunity to acquire health insurance through the Federal Employees Health Benefit Plan just as all other Federal employees do. And there are basically two standards that they use for these contracts. One is for managed care. We consider that to be insufficiently protective of the patients. The other is for the fee-for-service. It is a more strict standard. That is the standard that we use.

For 49 percent of the people who are covered by a Blue Cross-Blue Shield contract—and that language, we believe, is also used by another 23 percent. So almost three-fourths of the people are covered by very specific language. That is exactly the language we have included in the bill.

There are five specific elements of it. The one that matters the most is the second one, which is: ''Consistent with standards of good medical practice in the United States.''

So the reviewer—if you are in a State that does not have a mandatory definition—would then apply this definition. You might say: ''Consistent with standards of good medical practice.'' That is pretty broad. That could be almost anything. It is not almost anything. What it is is good medical practice. And good medical practice can be determined by experts in the field, based upon the standards of the community, what literature suggests should be done in a particular case, and at least affords an opportunity for the independent reviewer to decide whether or not the patient needs the MRI or the CAT scan, in this case, whether good medical practice would ordinarily call for that, or whether, based on the circumstances of this case, it is just not that difficult and an x-ray ought to be good enough.

There are four other elements to it as well, but that is the key one.

There is a third opportunity here. If people do not like that definition, even though it covers three-fourths of us under a Federal plan, then we provide for a negotiated rulemaking procedure whereby all the stakeholders can get together and figure out a definition. I do not know what that would be. If they can all agree on a definition, we provide a mechanism for them to do so. And if they do, then that supplants this other definition. One year after that is agreed to, then this other definition is gone.

So there is an opportunity to come up with something that all of the parties agree is better if, in fact, they can do that. In the meantime, this is the definition that would apply. We think that is reasonable. We think it is an improvement on the legislation. Certainly something has to be done with this particular section.

Senator KENNEDY last night talked to both Senator NELSON and me about some possible changes in that. We are very open to that. I am hoping that in the remaining hour of debate on the Allard amendment—and then we will have the vote on the Allard amendment—and then we have an hour of debate on the Nelson-Kyl amendment—I am hoping in that 120 minutes or so we can come to an agreement as to what exactly this language should be. If we can, we are very willing to change the amendment and adopt whatever we can agree to. Senator KENNEDY had one particular idea last night that both Senator NELSON and my staff are exploring right now.

If we can do this, then we will announce it to the body. We will explain what it is, and hopefully we will have an agreement that everyone can support. If not, then obviously we will need to proceed with this language. In any event, we have identified a problem. We have a reasonable solution to the problem. If somebody has a better idea, we are open to consider what that might be.

I urge my colleagues who are interested to come to the floor and speak to it. We not only have a few remaining minutes under Senator ALLARD's time, but we have additional time when the amendment is debated after the vote on the Allard amendment.

I reserve the remainder of the time. Again, I invite anyone who is interested in speaking to this matter to come to the Chamber and address it.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Madam President, how much time do we have on our side?

The ACTING PRESIDENT pro tempore. Twenty-six minutes.

Mr. KENNEDY. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 817

Mr. KENNEDY. At the start of this discussion, we ought to understand the significance of the sort of carve-out that is offered by the Senator from Colorado. This effectively would eliminate 45 percent of all the workers in this country from the kind of coverage and protections we are trying to ensure through the Patients' Bill of Rights.

It seems to me if you work for a company that employs 48 employees and you happen to have a child who needs a specialist, you should not be denied that protection by an HMO making bottom line decisions more in the interest of profits rather than in the interest of the child and the medical decision.

That is what this issue is all about. Are we going to say if you work in a company with 49 employees, you are not covered, but if you work in a company with 51 employees, you are covered? What kind of fairness is that for the families of America?

We recognize that small business—although employing 50 is probably somewhat larger than most of the small businesses we have in our State—needs help. They pay 30 or 40 percent more in terms of their premiums. They don't deal, in most instances, with the largest of the HMOs, many of which act responsibly. They are dealing with the marginal HMOs that are more driven by profits and the bottom line rather than services to patients.

We know at the present time small businesses have additional burdens in terms of affording health insurance. We

ought to address that. I am all for addressing it. But excluding them from this coverage is not addressing that particular problem. It is not going to change the premiums for this kind of coverage. That is the bottom line. If the Senator wants to give help to those small businesses in terms of additional kinds of financial incentives, or helping them get into various groups so they could purchase their health insurance at more reasonable levels, we are all for it. But first, this is not the way to go.

As the Senator from Colorado pointed out last night, the HMO's premiums have gone up 13 percent last year, 12 percent this year, with the best cost of our proposal being less than 1 percent a year. It is a gross misrepresentation and a distortion to think that this is going to solve their particular problems; it will not.

What we will be doing, if we accept the Allard amendment, is exposing working families all over the country. Families who are working should get the kind of protections we want through this legislation, the kind of protections they thought they were getting when they bought their health insurance. This amendment effectively puts these families on the sidelines and frees them from any of the protections of this legislation.

Mr. EDWARDS. Madam President, will the Senator yield?

Mr. KENNEDY. I am glad to yield to the Senator from North Carolina.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. EDWARDS. Madam President, as the Senator is aware, we are continuing to work very aggressively with Members on both sides of the aisle, led by Senators SNOWE, NELSON, and DEWINE on this issue, specifically to provide protection for employers, including small employers. As somebody who has been involved with this issue for many years, I wonder if the Senator believes we can have a real patient protection act, real Patients' Bill of Rights, if, in fact, we exempt almost half of the employees in the country from the legislation?

Mr. KENNEDY. The Senator is quite right. Of course, we cannot. That is effectively what we are doing to about 43 or 44 percent. In addition, many of those who have looked at the amendment think there will be larger companies that will break down into units of 50 or fewer in order to escape the protections of this legislation. That can go on ad infinitum. We are talking about 40, 45 employees per employer. It may be a lot more.

The Senator is quite correct: This is a position that I do not think even the President supports. In the President's list of particulars and principles, he is for holding the employers accountable that are going to be involved in making medical decisions that ultimately work to the disadvantage and the harm of the various patients. That isn't what this is all about. More likely than not, and I will let others comment on this—if you are a hardware store owner who has four employees and you are paying your premium, you are not involved in making medical judgments and decisions. That defies any kind of ordinary understanding of what is happening with small businesses. They are not the ones doing it.

The concern we have is that employers who provide HMO coverage to several hundred employees could say to the HMO: Let me know anytime there is going to be an expense over $50,000 or $75,000 because I want to know about it. When the HMO calls them up, they say: Don't provide the service. That is the real world, not the smaller business men and women.

This is an amendment which undermines a basic concept. If the good Senator can explain to me, the proponents, why should families in small companies be put at more risk? Why shouldn't the family members of a company that has less than 50 employees be able to get the specialists they need? Why shouldn't a woman worker in a smaller company be able to get to the OB/GYN as a primary care physician? Why should the wife in a smaller company not be able to get the clinical trial that will save her life from cancer?

What is the answer from the other side? What is possibly the answer from the other side? Well, the premiums have gone up.

We have talked about the issue of premiums. The President understands that. It seems to me, with the Allard amendment, we are putting the workers in these plants and factories at enormous risk. Whatever the problems are today, once we give them carte blanche, the problems are just going to increase a thousandfold. These employers are going to be immune, effectively, from any kind of action.

We are opening the barn door and inviting any employer to go with any HMO. It won't make any difference because there will not be a remedy for the workers. Is that what this whole debate and discussion is about? I don't think so.

I hope this amendment will not be accepted. It is a carve-out. As the Senator from North Carolina has stated, there are Members on both sides of the aisle who are working—Senator SNOWE and others—to tighten the language included in the basic document. We have talked about and debated the language during this time, in terms of the role of the employer and to ensure that there won't be unwarranted additional burdens on the employer. That is in the process. That is what we are dealing with as the way to go. We are going to have the opportunity to consider that later in the day.

Now we have an amendment that is going to effectively eliminate responsibility for almost half of the employees in this country. The protection for those employees is not warranted and justified with the legislation.

How much time do we have remaining, Madam President?

The ACTING PRESIDENT pro tempore. Seventeen minutes.

Mr. KENNEDY. I yield to the Senator from North Carolina.

Mr. EDWARDS. Thank you, Madam President.

I would like to speak briefly to the Allard amendment. Let me say first to my colleague, the sponsor of the amendment, who is in the Chamber, I have no doubt that his intentions in this amendment are nothing but good and he is trying to accomplish something he believes is important. The problem is this approach is extreme. It is extreme, it is outside the mainstream of all the work, essentially, that has been done on this issue.

The McCain-Edwards-Kennedy bill deals specifically with protecting small employers. The competing legislation, the Frist-Breaux bill, also deals with that issue, without this kind of extreme carve-out. The Norwood-Dingell bill that passed the House of Representatives by a wide margin did not have this kind of language in it. The American Medical Association, the medical groups from all over the country would not support this kind of carve-out. The reason is, it is impossible to have a real Patients' Bill of Rights so all patients and families across this country are protected if in fact you exclude almost half the employees in this country.

The more sensible approach, the more mainstream approach, which is the one we are taking in our legislation and as we speak, is to make sure you provide the maximum protection you can, keeping the interests of the patient in mind, for these small employers. That is the reason we are continuing, as we speak, working across party lines, to craft language that we believe is appropriate to the purpose of protecting employers in general and specifically to protecting small employers. But to exclude almost half of the employees in this country from this legislation means we have essentially left half the country out of patient protection, which I do not think anyone thinks is a sensible solution to the issue.

So I understand the concern. It is a concern we believe we have addressed in our legislation, which is to protect small employers. But we are working to go further with colleagues on both sides of the aisle, Republican and Democrat, to make sure small businesses all over the country are protected. But the solution is not to penalize almost half the families in this country and not provide them with the same rights that all other Americans would have.

It just makes no sense to have no patient protection for employees who work at a firm of 48, 49 employees and for a firm with 60 employees, in fact, the protections are there. That is just illogical; it doesn't make any sense. Most important, it is an extreme response to a legitimate issue. The legitimate issue that is raised we believe we

have adequately responded to in our legislation by specifically protecting employers. But in addition to that, we are taking further steps to make sure all employers, and specifically small employers, are protected.

So I say to my colleagues, if you are concerned about employers, if you are concerned about small employers, we have protections for that group in our legislation. We are going further on that issue as we work across party lines on another amendment that will be offered, we expect, later this afternoon.

But this measure is totally outside the mainstream. It is outside what we have done. It is outside the Frist-Breaux bill. It is outside the Norwood-Dingell bill. It is outside anything the American Medical Association or medical groups across this country would ever support.

So while I understand the issue being raised by my colleague, this measure is extreme and it penalizes almost half of the families in this country and leaves them out of patient protection. Those families will still be in the same place they are today, which is HMOs can deny them coverage and they cannot do anything about it; they are simply stuck. Women will not have the right to go to their OB/GYNs; children will not have access to specialists; there will be no emergency room protection if they need to go to the nearest emergency room; and there will be no way to challenge any decision that an HMO has. That 45 percent of American families, almost half of American families, under this amendment would be totally left out. They would continue to be in the place where the HMO held complete control over their health care.

That is what we are trying to do something about. It is not the right thing to do, to exempt almost half of America from this patient protection. Not that the concern is not legitimate, because it is, but this response is extreme and totally outside the mainstream of the work and thinking that has been done by everyone in this area.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Massachusetts.

Mr. KENNEDY. Will the Senator be good enough to yield for a question?

Mr. EDWARDS. Yes.

Mr. KENNEDY. Can the Senator conceive of a situation where the employer got hold of the HMO and said: Look, I have a worker who has been hurt. I know it is going to be a costly process to bring that worker back to good health, and I don't want you to spend more than $25,000 on this. I want to put a limit on this. We are not going to spend more. I don't want you to spend more.

The HMO is going to say, if I am going to keep this as a client, I am going to follow that client.

Let me ask you this. If the Allard amendment is accepted, and the worker was seriously injured because of the failure to give the kind of medical treatment that the doctors have recommended and suggested, would that patient be able to hold that employer accountable under the Allard amendment?

Mr. EDWARDS. In answer to the Senator's question, not only under this amendment the employer couldn't be held accountable, in fact the HMO couldn't be held accountable because they would both be exempted from the legislation. So the family and the patient would be completely left out. That was my point earlier in responding to the Senator, in my comment that this is an extreme response. We have a response, both in our legislation and legislation on which the Senator has been very actively involved, that provides adequate protection, will make sure small employers are protected, but does not punish almost half the families in the country.

Mr. KENNEDY. If the Senator will yield further, this is almost an invitation, is it not, to employers, such as the mom-and-pop stores that have half a dozen employees, that basically are just paying the premium and are not making the decisions? Someone will say to them: Look, not only do you get your health insurance but you can just tell your HMO not to spend more than $10,000 or $15,000. You can do that and be completely immune and save yourself in terms of the additional premiums, although in that way you put at risk your workers. Could they not do that?

Mr. EDWARDS. Not only that, but I say to the Senator, having worked for and with small businesspeople for many years, I know they care about their employees. They care deeply about their employees, the vast majority of small businesses around this country. They do not want their employees to be in a position that they have no rights against the HMO.

To small businesspeople all over this country, their lifeblood is their employees. They need those people to come to work every day, enjoy the work, and be productive. One of the critical components of that, as the Senator well knows after all his years of work on this issue, is that they have quality health care. The small employers in this country who care about their employees—in my judgment, the vast majority—will want to make sure their employees have the best product they could possibly have. They will want them to have the same protections.

Those small employers will want to be protected from liability. That is a reasonable concern, and that is the concern, as the Senator knows, that we have addressed in our legislation and we are continuing to address with even stronger language with colleagues from across the aisle.

Mr. KENNEDY. Finally, if I may yield myself 30 seconds—under the proposal that we anticipate and support, I will make the assertion that under this proposal and Senator SNOWE's proposal later in the afternoon, which will be introduced with the good support of the now Presiding Officer, we will ensure those employees are going to be protected. That is the way to go. That is what we want to achieve, to give real protection to those employers. That is the way to proceed.

I think it is a much more effective way, efficient way for the employers, a more fair way for them, and certainly a great deal more fair for their employees.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 5 minutes and then, following my 5 minutes, yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALLARD. I think we ought to just take a little time out here and summarize where we are in this debate on whether or not we exempt businesses of 50 employees or fewer. And this is the way I want to lay it out. The Democrats are arguing that 41 percent of small business employees will lack protection from HMOs. That argument is wrong. Forty-one percent of small business employees will be subject to increased health care premiums or even losing their health maintenance insurance altogether. They will not be insured.

So this argument that there is a line being drawn between 48 and 51 employees, the fact is, when you expose small employers and small businesses to increased lawsuits when they take on a program, they are not going to take on the program. So employees will not be insured.

Moreover, an employee does not get protection from HMOs from suing their employer. If they need to sue, they should sue their HMO, not the employer, who happens to be, by the way, kind enough to offer the health insurance.

Under S. 1052, employee health costs will increase $1.19 per month. Again, I believe this argument is irrelevant, and because of S. 1052 we will see, in my view, more than 1 million Americans will lose their health insurance. At least the Senate can do something to help out small employers by exempting them from these unnecessary lawsuits. I am talking about businesses with less than 50 employees.

S. 1052 will allow a small business of five employees, for example, to be sued for unlimited economic, unlimited noneconomic damages, and up to $5 million in punitive damages. Now, that is not protecting the small businessman. That is not protecting those businesses that have 50 or fewer employees.

According to a recent survey of 600 national employers, 46 percent of the employers would be likely to drop health insurance coverage for their workers if they are exposed to new health care lawsuits, plain and simple.

I will ask to print in the RECORD a Denver Post editorial from June 21,

2001. I will quote a small section of it. It says:

The competing Democrat bill, in our view, goes too far and includes a provision that will allow employees to sue their employers for denial of a medical request if the employer helped make the decision.

We think this type of language would have the effect of encouraging more lawsuits and driving up costs instead of encouraging quick, early resolution of disputes.

It went on to say:

We also find fault with the provisions that would authorize individual lawsuits to produce punitive damage awards in the multimillion-dollar range. Compensatory damages are one thing; punitive damage awards are quite another.

I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the Denver Post, June 21, 2001]

WEIGHING PATIENTS' RIGHTS

As we are so often reminded, the demands for medical care are infinite while supply is not. HMOs arrived on the scene some years ago and quickly became the primary form of medical insurance precisely because they were designed to hold down medical costs. Employers, who provide the lion's share of insurance, liked them for that reason.

Now, but a few short years later, public opinion polls suggest the general public believes HMOs provide an inferior form of insurance.

Enter Congress.

The U.S. Senate is considering bills that would establish a Patients' Bill of Rights and specifically authorize a patient to sue the HMO for damages incurred when medical care is denied.

The issue for the Senate and for the nation is how wide to open the doors to the courts.

President Bush has offered what seems to be a sensible compromise. He supports a bill sponsored by Sens. John Breaux, D-La., Bill Frist, R-Tenn., and James Jeffords, former Republican turned independent from Vermont. The bill would establish an independent review process to resolve disputes before a lawsuit could be filed. Thus, a person who wants a particular medical service and is denied would be required first to submit his complaint to a review panel, which, in turn, would consider the facts and make a timely decision.

This approach recognizes the legitimate interest of the medical provider in controlling costs by delivering only necessary medical treatments. At the same time, it provides for a second set of eyes to review the quality of the decision.

The competing Democratic bill, in our view, goes too far and includes a provision that would allow employees to sue their employers for a denial of a medical request if the employer helped make the decision.

We think this type of language would have the effect of encouraging more lawsuits and driving up costs instead of encouraging quick, early resolution of disputes. We also find fault with the provisions that would authorize individual lawsuits to produce punitive damage awards in the multimillion-dollar range. Compensatory damages are one thing; punitive damage awards are quite another.

It would be nice if we could all have medical care provided on our terms alone. Somewhere a balance must be struck.

We favor something closer to the president's position than to that endorsed by the Democratic leadership, but remain optimistic that—given the high political stakes—the nation will see a bill signed this year.

Mr. ALLARD. Mr. President, the employer is not protected. In fact, he is exposed to more lawsuits—multimillion-dollar lawsuits. In order to protect himself, he is not going to provide health insurance. That means the employees will not be covered. The argument was made, why don't you provide coverage for small employers? Why don't you provide coverage for emergency service? Why don't they provide coverage for medical needs that occur in families and what not? The employer isn't going to provide that coverage if he has to face lawsuits. It is optional. He will decide not to offer health insurance.

I was a small businessman and I had to face the challenge of medical costs. We had between 10 and 15 employees. The health care costs were eating us alive. So finally we went to the employees and said what we would like to do is this: We can't afford this, so we will pay you more in a salary and then, hopefully, that will be enough of an increase that you can buy your own health insurance. We could not afford to do that. That was in times that weren't as challenging as they are today.

We are seeing horrendous increases in premiums to small business employers. Now we are going to tack on top of that these mandates and increased costs and the increased threat of a lawsuit. It is not hard for me to believe that we are going to have at least a million more workers out there who are not going to be insured if this bill passes.

Now, it is 41 percent of the workforce that we are talking about with this amendment. But I look at it a different way. I think we are helping assure that they will have health care coverage with this amendment because we are exempting them from the lawsuits.

I think this amendment is a very responsible one. It is needed. If it is not adopted, the small business community of 50 employees or less will suffer.

I yield 5 minutes to the Senator from Missouri.

Mr. BOND. Mr. President, I thank my friend from Colorado and I commend him for this amendment, which I think is very important because it goes to one of the real key areas in this Patients' Bill of Rights.

We want to make sure that people have good health care coverage and that they get what they deserve from their HMO, their insurance company. That is what this debate is all about. How do we get there? One of the most important parts of that question is how we deal with the small businesses that provide health care coverage now for their employees and who may not in the future.

My colleagues on the other side of the aisle insist that employers will not drop coverage due to the McCain-Kennedy bill. For some employers, that is probably true. Virtually all large companies offer health care, and even if we pass this legislation and dramatically increase costs, they will probably have to do so. They will have to pay more and their employees will have to pay more. But they are likely to have coverage. But from everything I am hearing from the small business community, it is much less likely that small businesses—even those who now provide health care coverage—will be able to do so.

I heard a colleague on the other side of the aisle say that the McCain-Kennedy bill has taken care of small employers—the small employers health care provision. Right. Just like a herbicide takes care of a bed of flowers, it is going to kill small business health care at the roots. I know what ''taken care of'' means in that context. I have sprayed herbicide; I know what they do to a flower bed or a lawn. That is how McCain-Kennedy takes care of the health care coverage of small business. They drive them out.

Small businesses are the ones that are struggling to survive. Small businesses are the ones that struggle to provide health care. They are at the heart of the problem that the McCain-Kennedy bill totally ignores—the 43 million Americans who have no health insurance. Of that 43 million Americans who have no health care insurance, approximately 60 percent are small businessowners, employees and their dependents, the family members. That is 25.8 million Americans, either small businessowners, employees, or family members, who are not covered by health insurance. They can't be a patient under the Patients' Bill of Rights. In Missouri, we have 570,000 uninsured, and 342,000 are in families headed by a small businessperson, man or woman.

If we drive more of the small businesses out of health care coverage, those numbers are going to go up. That is a disaster. That is the wrong way to go. Many small businesses do not offer coverage. Why is that? Well, there are still many barriers to small businesses providing health care coverage.

First, they have higher premium costs.

Second, they have higher annual premium increases.

Third, there are more difficult administrative hurdles. In mom and pop operations, neither mom nor pop usually has the administrative skills to set up health care and other benefit plans.

Limited deductions for the self-employed, we voted on that last week. Unfortunately, my colleagues chose to turn a blind eye to the needs of the self-employed and their families and said we are going to skip them in this bill. That is one more mistake in this bill. Here are the problems. Under McCain-Kennedy, there would be a 4.2 percent cost increase—slightly more. That is going to make health care coverage more expensive for the small

business and the small business employee. That means fewer patients, because 300,000 lose coverage for every 1 percent increase.

Exposure to liability is the big one. Employers throughout Missouri are writing: we cannot afford the continuing cost increases in health care and we will not tolerate those plus exposure to liability.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. ALLARD. I yield the Senator an additional 3 minutes.

Mr. BOND. I ask for 1 minute.

Most small businesses in America are only one lawsuit away from going out of business. This lawsuit, under the multitude of causes of action provided in the McCain-Kennedy bill, could drive any single small business out of business. They are one lawsuit away from going out of business. Small businesses are smart enough to know if they are one lawsuit away from going out of business because they provide health care, they are one McCain-Kennedy bill away from getting out of the health care coverage business.

The 43 million Americans who are now uninsured—watch those numbers increase. Yesterday I noted 1,895 Missouri employees of small businesses would lose health care coverage because their small business employer could not take the risk. That number is going to be higher. It is much higher nationally.

I commend the amendment offered by my colleague from Colorado. I offer this as a suggestion: If Members care about small businesses and the health care coverage they provide their employees, vote for the Allard amendment. This is the only way to save small businesses from a knife in their back, making health care coverage for their employees unaffordable.

Mr. ALLARD. I yield 2 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, I congratulate Senator ALLARD. Yesterday we had an amendment on exempting employers from being sued. That amendment was important. This amendment is important, as well.

Our basic point yesterday was, when an employer, because they care about their employees and because they want to attract and hold good employees, puts up their own money to help people buy health insurance, we should not reward that voluntary activity by making them liable to being dragged into court and sued.

The bill before the Senate is a classic bait and switch bill, make no doubt. It says you cannot sue employers, and then it says you can sue employers, and it has 7½ pages of conditions under which employers can be sued, including conditions where they exercise control, which is a little trick phrase because ERISA, the program that governs employer benefits to employees, guarantees that the employers are always deemed to be in control. So the bill before the Senate is written to guarantee every employer in America can be sued. If anybody doesn't understand that, it is because they don't want to understand it.

This amendment does not fix the problem. This amendment simply makes a plea that if you are going to force companies such as Wal-Mart to cancel their insurance—at least they have smart lawyers and they have lots of money and can figure out a way to get around this provision by changing their plans. Some of them won't. They will cancel their health insurance. And the proponents of this bill will be back a year from now, 2 years from now, saying, well, the number of uninsured has gone up and we need to have the Government take over and run the health care system.

This amendment is simply a last gasp effort to introduce some reason into this bill which says while clearly this bill is aimed at allowing employers to be sued, and clearly large employers are going to be hit with this liability and they are going to be forced either to drop their plan or change it, they have some ability to make a change. It is not smart. It is counterproductive. It is hurtful to America. But that is the way it is. That is the majority position.

The point is, this amendment says, if the company has 50 or fewer employees. We are talking about small business; we are not talking about companies that can go out and hire a legion of lawyers; we are not talking about companies that have the ability to junk their health care plan and to figure out a clever way to try to get around the devastating provisions in this bill. If you vote against this amendment, you are saying to every small business in America, we don't care if you are sued; we don't care if you provide health insurance.

It is unimaginable we would not adopt this amendment and say that while we are willing in the name of bringing lawsuits to the doorstep of every employer in America, we are not willing to destroy the ability of small business to provide health insurance, and therefore we are going to adopt this amendment. This does not fix the problem. This is an amendment that should bring out some degree of shame as to what we are willing to do. I urge my colleagues to vote for this amendment.

I yield the floor.

Mr. ALLARD. How much time remains?

The PRESIDING OFFICER. Two minutes, and the other side has 7 minutes 16 seconds.

Mr. KENNEDY. I yield myself 4½ minutes.

Mr. President, the issue is the protection of these workers. We have had 22 days of hearings; we have had this legislation for 5 years, trying to get it before the Senate; and now we have the opportunity to provide real protections to families in this country.

Now this amendment wants to say, we will provide protections for some but we will eliminate 45 percent of the protections for families in this country. What possible sense does that make?

There is a representation that somehow employers will be at risk. They will not be at risk unless they are making medical decisions that will result in harm or injury to the patient. If they are not, they are free, in spite of all the agitation we have heard from those supporting this amendment.

I have been around here long enough to realize that when we take on the special interests—and that is the HMO in this case—we hear dire consequences. When we worked on the Family and Medical Leave we heard the estimates that it would cost American business $25 to $30 billion a year. That was all malarkey. We worked on the Kassebaum-Kennedy bill regarding portability of health insurance, particularly for the disabled. They said it would increase the premiums 30 percent, it would be the end of small business and the end of the American economy. That was a lot of baloney. We worked on increasing the minimum wage. We heard it would put small business out of business, and that there would be hundreds of thousands out of work all over this country. That was baloney.

The burden we hear that would be put on small business is baloney. They have nothing to fear. They have nothing to fear in this. But the HMOs have something to fear if they are not going to permit doctors and nurses and trained personnel to provide for their patients.

The facts belie these representations that have been made. If you look at the States that have tough HMO legislation, as we have gone through repeatedly, the message should become clear. For instance, in Texas with their tough HMO law, there have been 17 cases in 5 years.

California has a tough law that has been in effect now 9 months, and no cases. No cases. Do you hear me? No cases. No small businessmen, nobody with 50 or less, none, no cases on it. And what has happened? The employees are getting the protections they need.

Now we hear, well, what about the premiums? I read into the RECORD yesterday that the total cost of this amounts to 1 percent a year over the period of the future—4.2 percent over 5 years. That amounts to about $1.19 a month. Let me tell every premium payer in this country about what is happening in terms of their premiums, why they are going up.

We have Mr. McGuire, United Health Group, who got $54 million in compensation last year and $357 million in stock options for a total compensation of $411 million. That is $4.25 a month for every premium. We are talking about $1.19 a month.

You want to do something about the increase in terms of your premiums, tell Mr. McGuire he does not need $411

million a year in annual compensation and stock options. We know what is happening. They had $3.5 billion—$3.5 billion—in profits last year. Fine. Well and good. But when you see the millions of dollars that they are spending out there on the airwaves every single day, don't cry crocodile tears in this Chamber about what is going to happen to the HMOs.

We are going to ensure that small businesses will be protected. I will join with the Senators from Colorado and Texas if they want to try to assist small business with help through the Tax Code to offset the 25 to 30 percent increase in premiums. The reason they are getting that 25 or 30 percent increase is because they are getting gouged by the major HMOs. That is the real reason. That is what we ought to be about, the real business of that, not taking it out on the injured patients in this country who are not getting the health care they need. How much time do I have?

The PRESIDING OFFICER. Two minutes forty seconds.

Mr. KENNEDY. I yield that time to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Let me just conclude from our side by saying a couple things about what the Senator from Colorado is trying to accomplish. We understand his concern about this issue. We do not believe this is the appropriate response or the appropriate measure. This is an extreme response to a legitimate issue. The legitimate issue is making sure small business people all over this country are in fact protected. We have provided in our legislation that unless they make an individual medical decision, which small businesspeople do not, then they are immune from responsibility.

No. 2, in addition to that, we are continuing to negotiate with our colleagues—Senator SNOWE, the presiding Senator, and others—on this issue, and we expect to have an amendment to offer later today that also will provide further protection for small businessmen.

I know that the Presiding Officer and many others on both sides of the aisle care deeply about this issue. This is an extreme response. It will have an extraordinarily bad effect on almost half of the employees in this country. It is outside the mainstream, outside our legislation, outside the Frist-Breaux bill, outside the Norwood-Dingell bill, not supported by the American Medical Association, not supported by any of the health care groups in this country. This is not what needs to be done. So I urge my colleagues to defeat this amendment, to vote against it, to vote with the patients, and we will continue to address the issue of ensuring that small businesses all over America are protected.

I thank the Chair.

Mr. ALLARD. Mr. President, has time expired on the other side?

The PRESIDING OFFICER. The majority has 42 seconds. The Senator from Colorado has 1 minute 50 seconds.

Mr. ALLARD. I reserve my time until the majority has used their time on the amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. EDWARDS. Very quickly, with the remaining 40 seconds that we have, we urge our colleagues to vote against this amendment. We are doing the things necessary to protect small businesspeople all over this country, but that can be done without leaving almost half of the families of America uncovered by the necessary patient protections that are in our legislation. For that reason we urge our colleagues to vote against the Allard amendment.

We yield back the remainder of our time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself the remainder of the time.

First of all, I would like to thank my colleagues from Texas and from Missouri for their very cogent comments on small business and the adverse impact of this particular bill on small business. My particular amendment exempts businesses of 50 employees or less. This is important because what we do in this bill is we expose businesses to more lawsuits. The consequences are that businesses will not insure their employees. They will not provide health coverage. The other side is trying to make the point that somehow or the other this amendment will hurt health care coverage for employees. Just the opposite will happen. If this amendment is not adopted and the bill is passed, small employers all over America will cancel their health care coverage and turn to the employee and ask them to provide for their own health care coverage. That is not more health care coverage; that is less health care coverage.

I am a small businessman. I have had to face those tough decisions, and it is not hard for me to believe that a million employees will lose health care coverage if this particular bill is passed. I am going to ask my colleagues in this Chamber to vote for this Allard amendment because we want to make sure that we have a viable small business community in America. We want to assure that coverage for employees now covered by health plans of their small business employers continues.

If this bill passes, there is a good chance they are going to lose that coverage and that is going to mean less health care coverage for employees, not more.

This is a key amendment. It is a key vote for the small business community.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLARD. I ask Senators to join me in supporting the Allard amendment. It is important to the small business community. It is important to health care in this country.

The PRESIDING OFFICER. All time has expired.

Mr. ALLARD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the amendment No. 817. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 53, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—45

Allard	Frist	Murkowski
Allen	Gramm	Nickles
Bennett	Grassley	Roberts
Bond	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Craig	Kyl	Thomas
Crapo	Lincoln	Thompson
Domenici	Lott	Thurmond
Ensign	Lugar	Voinovich
Enzi	McConnell	Warner

NAYS—53

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	McCain
Biden	Edwards	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Fitzgerald	Nelson (FL)
Byrd	Graham	Nelson (NE)
Cantwell	Harkin	Reed
Carnahan	Hollings	Reid
Chafee	Inouye	Rockefeller
Cleland	Jeffords	Sarbanes
Clinton	Johnson	Snowe
Conrad	Kennedy	Stabenow
Corzine	Kerry	Torricelli
Daschle	Kohl	Wellstone
Dayton	Landrieu	Wyden
DeWine	Leahy	

NOT VOTING—2

Carper	Schumer

The amendment (No. 817) was rejected.

Mr. REID. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, could we have order in the Senate.

Mr. STEVENS. Madam President, it is a very serious matter we would like to discuss with the Senate. I do hope the Senate will come to order.

The PRESIDING OFFICER. The Senate will be in order. Members will take their conversations off the floor.

The Senator from West Virginia.

SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Madam President, I have asked for recognition at this time so

that I might inquire of the joint leadership as to when we might expect to take up the supplemental appropriations bill. That bill was reported from the Appropriations Committee several days ago. It is on the calendar. We only have a little time left this week.

The administration has asked for this bill. The amount in the bill is within the request of the President of the United States—not one cent, not one thin dime over the President's request.

The bill has had the joint support of the distinguished Senator from Alaska, Mr. STEVENS, and myself, and our respective sides.

I will be able, at a later time, to compliment the members of the committee. Right now I want to inquire. This is a very serious matter. The administration says it wants this bill before we go out because of the need in the military for moneys for services, for training, and so forth. I do not want us to be out through this recess and have this bill hanging out there, and have it there when we get back.

Now we are ready to go. I would suggest we try to get a time agreement that would be amenable to the feelings of the two leaders and our respective sides. I think we can do that. I have every confidence we can do that. I just take the floor now to inquire as to what the chances are for us to move this supplemental appropriations bill before we go home for the Independence Day recess.

Mr. STEVENS. Will the Senator yield for one moment?

Mr. BYRD. I gladly yield.

Mr. STEVENS. Madam President, I just received word from the House of Representatives that they are scheduling two appropriations bills on the floor, and they have bipartisan agreement to finish by Thursday night. That is why this dialog right now is very important. We do have to go to conference with the House before they leave.

I join the Senator in making the inquiry.

Mr. BYRD. Madam President, I thank the distinguished Senator.

Mr. DASCHLE addressed the Chair.

Mr. BYRD. Madam President, I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, I thank the distinguished chairman for yielding.

I reply that it would be my intention to complete the supplemental prior to the time we leave. I do not think we ought to leave Washington prior to the time the supplemental has been satisfactorily disposed of. I do not think we ought to take vacation until this legislation has been completed.

I have indicated, just now, to Senator LOTT that if we could reach some agreement—a finite list of amendments remaining on this bill, with an understanding of how long these amendments would require for debate—that I may be willing to enter into something I was not prepared to do earlier, which is to move to the supplemental prior to the time we complete our work on the Patients' Bill of Rights. We will complete our work on the Patients' Bill of Rights this week, and we will finish the supplemental this week, and the organizing resolution this week —or before we leave, whatever time it takes.

I hope our House colleagues will choose not to leave town until the conference has been completed and until we have been able to deal with the conference as well. It should not take long in conference. But clearly that work must be done. As I say, if we could reach that agreement with regard to a finite list, I would be prepared then to find a way with which to schedule and then perhaps take up a unanimous consent agreement that would allow us to consider the supplemental over a designated period of time.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. I yield to the Senator.

Mr. STEVENS. Madam President, the leader is correct about the timing. We should all stay until we finish this matter. But if we don't finish it by Thursday, and the House is already scheduled, I can tell you, you are not from as far west as I am, but you can't get reservations out of this place over the Fourth of July now. It is going to be very difficult for all of us and our staffs to get out of town for the Fourth of July unless we know now what we are going to be able to do. I am confident they will stay if they know we are sincere about finishing.

I am prepared to stay tonight. We have a Republican dinner tonight, but I think we can stay tonight. That would be a time when we normally would not have votes, but we can have our debates on whatever amendments might be offered and get an agreement to vote tomorrow at the leader's discretion. We have to get this bill to the House by tomorrow noon or it is not fair to ask them to stay to complete it. We should not expect them to just stay here, cancel all their reservations, not knowing whether we are going to finish by Thursday.

Mr. DASCHLE. Madam President, will the chairman yield?

Mr. BYRD. I yield to the distinguished majority leader, with the understanding I not lose my rights to the floor.

Mr. DASCHLE. I thank the chairman for yielding.

Let me just say, the whole purpose in my announcement early last week that we would have to finish the supplemental, the organizing resolution, and the Patients' Bill of Rights was to accommodate Senators who had reservations. It is not my desire to inconvenience Senators or Members of the House with regard to this schedule. I do believe that the President believes, and many of us believe, that vacations are important, reservations are important, but not as important as finishing the supplemental, not as important as the Patient Protection Act, certainly not as important as the organizing resolution. We will stay here. I hope our House colleagues will share the same view we have with regard to the importance of getting our work done on the supplemental.

I announced that last week. I don't know if people believed I was serious about it, but we are serious. We are resolute. That will be the order for whatever length of time it takes to complete our work.

I thank the chairman for yielding.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. I thank the distinguished majority leader.

I yield to my counterpart.

Mr. STEVENS. I know the Senator from Oregon wishes to have a conversation. I am prepared—I think the Senator should be prepared—to present to the Senate now our wishes with regard to the agreement.

From my own point of view, we have a very limited managers' amendment which Senator BYRD and I are working on, and I think we disclosed it with most people. But other than that, I know of only one amendment that is certain to be offered. That is an amendment of the Senator from Arizona.

I am prepared to enter into an agreement of no more than an hour on an amendment, and amendments be disclosed here by noon. We will debate them tonight and vote tomorrow.

Mr. BYRD. Madam President, may I first yield to the distinguished Senator from Oregon who has been waiting. Then I want to respond to the distinguished Senator from Alaska.

Mr. SMITH of Oregon. I thank the chairman of the Appropriations Committee. Senator BYRD does not have a bigger fan in this Chamber than I when it comes to the way he defends the people of West Virginia.

I am one of those who would like not to be holding up this bill, but I am looking at a situation in the Klamath Basin of Oregon and California that is in a drought condition. Drought is typical in the western United States. It is regular. You can count on it. Unlike past droughts, the people of Klamath Basin have had the Government magnify their drought by cutting off every drop of water. There are probably 1,500 farm families who have no income because of a Government policy which has exalted a bottom-feeding sucker fish above their welfare.

That is the Government's choice, if it wants to save the sucker fish, but my plea is that in this bill, as the President has asked, that at least the $20 million he has asked for be included or else I can't get out of the way.

I do this in the spirit of ROBERT BYRD and the way I have seen him operate. I admire it so much because I can't go home and look into the faces of these desperate people who are without now because of the Federal Government. The truth is, they need $200 million, if

we want to be right by them. But the President only asked for 20. I am asking that we do at least that much.

I thank the Senator for his consideration.

Mr. BYRD. Madam President, I know about the Klamath problem. I would be happy to discuss that. I also know that the administration wants this bill. I hope the Senator will not stand in the way of final action on it. There are many things I have wanted over the years, and the Senator has every right to stand on the floor as long as his feet will hold him and speak as long as he wants. I will be here listening when he speaks. I have a sick wife. She has been in the hospital now for 10 days—9 days, but she is on the mend. I will be here as long as the Senator wants to talk. If he wants to stay in the way of the bill, I will be here listening. But we will talk about this.

I am not saying no, but I am saying that when anyone wants to stand in the way, they are going to have the administration to compete with there. The President wants this bill. And my friend TED STEVENS and I have busted a gut to get this bill to the floor and to keep it within the President's limits.

If any Senator is contemplating calling up an amendment, if it is a money amendment, that Senator ought to be ready to find an offset in the bill. That Senator ought to be ready to have the administration call that amendment an emergency on this bill. Now, if the administration wants to call it an emergency or if there is an offset, I am sure the Senator probably won't have a great deal of trouble. But I want to do what the President has asked for in this instance. This money is needed now.

That is a long story, but I say to the distinguished Senator from Oregon that he won't be by himself if he wants to hold up the bill.

Mr. LOTT. Madam President, will the distinguished Senator from West Virginia yield?

Mr. BYRD. Yes, I will.

Mr. LOTT. I apologize to my colleagues for not being here to hear the discussion earlier. I have been briefed on basically what has been said.

I commend the chairman of the Appropriations Committee and the ranking member for the work they have done on this very important defense, and other issues, supplemental appropriations bill. They have worked hard. They did bust a gut to get it out, and they held it within the area of the President's request. They have done a credible and formidable job.

I would like to get a time agreement, a tight time agreement, and a limit on amendment or amendments, and would, in spite of the fact that there is a very important conflict tonight, be willing to work with the managers of the legislation to see if we could get an agreement to do it tonight so that a conference would be possible with the House and this very important matter could be completed in the conference and the money be available for the needs of our defense and the health care of our military men and women.

I will be glad to work with the Senator from West Virginia and with his leader, the majority leader, and to work with Senators who do have concerns to make sure we address those, that they are heard.

The important thing is that we push to try to get this done. I appreciate that effort. I know the President wants it. I have spoken to him, and Senator DASCHLE has spoken to him. Clearly, we need to get this business done. I make my commitment to the Senator that I will work with him and others to see if we can't work out an agreement to handle the bill tonight and then we can do the conference tomorrow. I will be working on that and will confer with Senators as we go forward.

Mr. BYRD. Madam President, I thank the Republican leader. Let me close by urging that our respective staffs—I thank both leaders for the assurances they have given of cooperation and of desire to get the bill finished. I would like to suggest that the proposal by Senator STEVENS go forward, that our respective staffs get together, work out a time agreement, and any Senators who want to offer amendments under the constrictions that have been stated here, by which we are bound, let's have those Senators come forward by noon today and tell us about their amendments.

Mr. REID. Madam President, if the Senator has finished——

Mr. BYRD. I thank all Senators.

Mr. STEVENS. If the Senator will yield for a moment, because of my negotiations with the House, I urge that we set a time limit on when we are coming back, if that is agreeable to the leadership, and that we announce that amendments must be presented to us at the desk by noon.

Mr. BYRD. Madam President, I make that request.

Mr. REID. Reserving the right to object and I will object, I haven't had an opportunity to confer with the majority leader. He should be in on this. We will be happy to try to work something out. I object until Senator DASCHLE is apprised of this.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Madam President, I still have the floor. I don't lose it on an objection to a unanimous consent request. Let me simply say that I will just express the hope that we can know by noon. I have discussed this with our leader during the break. I certainly want to work with our distinguished whip between now and then. There hasn't been any Democratic whip in my time here that is any better, and few have been as good as Mr. REID. I am not one of those who is any better. I am one of those who hasn't been as good a whip as Mr. REID. So I thank him. I am sure that we will work together.

Mr. STEVENS. Will the Senator yield for one more inquiry?

Mr. BYRD. Yes.

Mr. STEVENS. Is there some way to set a time limit so we can go to the House and let them know? They have schedules to meet, too. I urge that we have some way to get an agreement that we have this bill called up tonight and we debate any amendments tonight and all amendments must be debated tonight and that we vote tomorrow. That seems to be agreeable with the majority leader. I hope it is. But the main thing is to get us some way that we know how many amendments are out there, I say to my good friend. I spent 8 years as a whip. I know your task is difficult. I think we have a right to ask for disclosure of the amendments that would be offered to the supplemental and have it done by a specific time today.

Mr. REID. If the Senator from West Virginia will yield.

Mr. BYRD. Yes, but I retain my right to the floor.

Mr. REID. I say to the two chairmen, I am also a member of that committee, and I would like to finish the business at hand. Senator DASCHLE has been very clear. He has stated for more than a week now that we must move forward with the Patients' Bill of Rights. We are doing that. He said this morning—and I have been in conference with Senator KENNEDY and Senator EDWARDS. I have spoken to JUDD GREGG, manager of the Patients' Bill of Rights bill. I indicated to him we need a finite list of amendments on the Patients' Bill of Rights. That seems simple. We are very interested in doing that, and that should be able to be accomplished quickly. Everybody knows the contested issues on this matter. We need a finite list of amendments.

When that is done, Senator DASCHLE said he would be happy to work with the two Senators and work out something that is fair. We can do that as quickly as possible. I think there could be a finite list given to us in the next hour. It should not be very hard to do at all.

Mr. BYRD. Madam President, I want to make sure the distinguished whip understood my request. My request was not that we take up the bill by noon. My request is only that Senators who have amendments make it known by 12 noon, that we close out after they have made it known as to what amendments they want to call up, and that we close out the amendments at that point. The leader would still retain, of course, his right to call up the bill whenever he wishes.

Having said that, might I make the request again?

Mr. REID. Madam President, as the Senator knows, I have come to him on many occasions on various bills saying we need to enter into an agreement when the amendments can be filed. We want to do this. I am saying that we will do this as quickly as possible. You need not be on the floor. I will try to get the agreement as soon as possible. We have time limited to the supplemental, but there are certain people I

have to check with, and we will do that as quickly as possible.

Mr. BYRD. I yield to the Senator from Alaska.

Mr. STEVENS. My question to the distinguished whip is plain and simple. Is the Senator from Nevada saying that the finite list of amendments to the Patients' Bill of Rights must be reached before we can get the finite list for the supplemental?

Mr. REID. No. If the Senator allow me to respond.

Mr. BYRD. I yield for that purpose.

Mr. REID. We need a finite list on the Patients' Bill of Rights so a time can be arranged to do the supplemental.

Mr. STEVENS. Respectfully, that is not how I understood my discussion with the majority leader. We discussed doing this bill tonight. There will be a window. This is the night of the Republican dinner. Some of us have agreed to stay and debate the amendments on the supplemental so that it might be voted on in a very short window tomorrow and get it to the House tomorrow so they can finish it so we can get it back by Thursday or Friday. Unless we do that today, I for one am going to give up on the supplemental.

Mr. REID. If the Senator from West Virginia would allow me to answer.

Mr. BYRD. Yes.

Mr. REID. First of all, probably if you are something like me, that would be a good excuse so you would not have to go to the dinner if you had to be here.

Mr. STEVENS. Better not said, but you are right.

Mr. REID. But there is no reason that we cannot have a finite list of amendments on the Patients' Bill of Rights within the next hour or so. I am sure Senator DASCHLE would be happy to work with Senator LOTT and arrange a time. Give us a little time on this.

I repeat to my friends again, the question on the list of amendments should be filed and we will work on that very quickly.

Mr. BYRD. Madam President, I hope we have reached an understanding. I have been at this work for many years. I have learned a long time ago that when you are within reach and you have both leaders having expressed their desire for a unanimous consent request, and with the work that the Senator from Alaska and I have already done with respect to arriving at such a request, that other amendments, other Senators, and other requests can come out of the woodwork. I would like to get this nailed down by noon, or earlier, because the longer we wait, the more Senators there will be that will say, ''This is my chance.''

In closing, I hope we can go forward with this request soon. I yield the floor.

AMENDMENT NO. 818

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes for debate on the Kyl-Nelson amendment No. 818.

The Senator from Arizona is recognized.

Mr. KYL. Madam President, I will speak and then yield time to Senator NELSON of Nebraska, my colleague on this amendment. In discussing this proposed amendment with some of the stakeholders involved, a couple questions have been raised. I want to clarify my intention and turn the time over to Senator NELSON.

One question asked was, With respect to the external review, is this a de novo hearing? That is to say, does the external reviewer begin with whatever record is before it, but can bring in other witnesses, or consider other material or other factors or records in addition to that which may have been considered by the internal reviewer. The answer to that question is yes. I believe that is what the underlying bill provides. Our amendment intends the same. To the extent that would need to be clarified, we are willing to do that.

Secondly, there is concern that with respect to the negotiated rulemaking procedure that is provided for in the amendment, that the composition of the stakeholders be fair.

Obviously, we believe that should be fair. We believe that the providers need to have adequate representation in such rulemaking procedure, that all stakeholders should be represented.

I do not know what we can do to make our commitment any more firm, but to the extent anyone has a suggestion about how we ensure that fairness, it would certainly be our intention to do so.

In summary, we have identified a specific problem with the bill, a need to add a standard that is uniform and to ensure that the two extremes do not represent what occurs here. One extreme is that the external reviewer has no guidance and can just ignore the contract. The other extreme is that an HMO can draft a contract that is so strict that the reviewer has no ability to provide medically necessary care for the patient.

We are proposing a standard of care that can be utilized by the external reviewer to ensure that the patient receives the necessary care and that neither ignores the terms of the contract nor is so pinched that it would not be able to provide the care. That is why we have chosen the terms that apply to over 73 percent of Federal employees under the FEHBP that serves all the Members of Congress, our families, as well as other Federal employees. That is the language we have.

I ask my colleague, Senator NELSON, to speak to this. Senator NELSON has probably as much experience as anybody in this body with insurance contracts at the State level from his previous positions in Nebraska, as well as being Governor of the State of Nebraska.

It has been a pleasure for me to work with Senator NELSON who had the idea for this and brought a group together and expressed his idea. It made sense to me at the time. The more I work with him, the more sense it makes to me, and what he is proposing is desirable for us to do.

I urge my colleagues to respect the experience he brings to this issue from his perspective from the State of Nebraska which, I might add, is my State of birth. I am very pleased to have worked with Senator NELSON on this. Again, I just hope my colleagues respect the experience he brings to this particular issue.

I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I appreciate the opportunity to join with my colleague, Senator KYL from Arizona, to support and pursue the opportunity for making certain there is a definition and a standard in the Patients' Bill of Rights legislation that will give certainty and clarity to the standard by which medical claims can be submitted and the providing of medical care can be made.

There is some concern about whether or not the Federal Employees Health Benefits Plan definition of ''medical necessity''—which is essentially the definition, the standard, if you will, that is being proposed in our amendment—is something where the Office of Personnel Management would be bound by the plan's determination.

We have never said that the plan, in this case the medical reviewer, would have to be bound by the plan, but they would have to be bound by the definition. That is what this is about. It is making certain there is certainty, clarity, and an understanding, a meeting of the minds, about what will be covered and to what extent, always subject to outside standards, outside review.

I support having a Patients' Bill of Rights that provides the kind of patient protections that are included within this bill. I support the opportunity for a patient to have a review from the internal side and from the external side, and I support the opportunity and the right of the patient to sue the HMO to ensure the medical decisionmaker in conjunction with any questions that are provided for in the level of support that is provided within the current bill.

It is important as the decisions are made about the claims that there is at least certainty and clarity as to a standard. I do not think even the proponents of the legislation would deny it is important to have a standard. As a matter of fact, I understand the history of this bill to some degree, and I know that in the past there was an effort to arrive at a standard. There were two groups with two different pieces of legislation, and they could not quite achieve an understanding as to what the standard should be or the definition. Perhaps out of frustration, and certainly out of not coming together, the decision was made to leave this open.

The problem with leaving it open is there is no basis of a standard; there is

no way to know what the definition of ''medical necessity'' can be. It can be about anything. When you have a contract and when you have two parties to it, an insurer and insured, you need some degree of certainty. That is what we are asking for, so you can know of what medical necessity truly consists.

As to the question about whether or not this language, which is taken right out of OPM's definition that is included in the Federal Employees Health Benefits Plan—as to whether or not that is adequate language, it seems to me there should be no question about it. This is to what the Federal employees are subject. You and I, those who are insured, are subject to the language, the standard, and the definition that is included within this amendment.

I find that it would be unusual if somebody objected to this standard, but our plan provides, even if there is a concern about this standard, that under the rulemaking and the negotiations of regulations another standard could be arrived at with the stakeholders to this legislation. The stakeholders, about 19 of them, would all be assembled, and if they did not like this particular standard, then they could achieve, upon agreement, another standard.

This is about having a standard, and there seems to be very little concern about whether or not the current standard that is included within this amendment is an adequate standard, certainly from the standpoint of Federal employees. In other words, if it is good enough for me, it ought to be good enough for other people. If it is good enough for the thousands of Federal employees, then it ought to be good enough to be included.

What does it provide? It provides that the determination of services, drugs, supplies, be provided by hospital or other covered provider appropriate to prevent, diagnose, treat, a condition, illness, or injury, and that they must be consistent with standards of good medical practice in the United States. That is a standard we can all live by because we cannot ask for more than having care that is consistent with standards of good medical practice in the United States.

There are some other requirements as well, but they are essentially the same as what I just read.

I cannot imagine anyone would want to argue for not having a standard or having a contract that is open-ended and not know that would, in effect, leave uncertainty, a lack of clarity, and an openness that nobody wants to propose or support.

I hope my colleagues will take a look at this as we fight to keep down the high cost of health care, the availability of health care, and that we work toward making this standard the kind of standard that can be included as part of the Patients' Bill of Rights.

Anything that establishes clarity and certainty is desirable in the context of this legislation, and certainly that is included within this amendment.

There are some who thought the standard might consist of something such as a cost benefit. This does not involve any kind of cost-benefit analysis regarding medical care. There are some who were concerned about that. I would be concerned about that. This does not do that. There is some concern that somehow the plan might not be bound by the decisionmaking. It is not, but it ought to be bound by the definition.

I realize this is a very complex area that the average person is not going to deal with every day, so I apologize for the complexity, but I do not apologize for having something that will simplify it, that will give us the certainty and the clarity of having a definition and a standard that we can all understand and one with which we can agree and against which good medical care, under good medical practice in the United States, might be compared. That is what we are looking for.

There is a proposal that I understand will be coming forth for consideration this afternoon that will solve part of this problem, but it does not solve the problem of the standard of care and the definition.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON of Nebraska. I yield time to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Madam President, I compliment my friend and colleague from Nebraska, Senator NELSON, for his expertise in this field. He and Senator COLLINS are probably more qualified in this field because they both worked in their respective States in their insurance departments, I think, as commissioners of insurance and they also have expertise in the field from years of experience. When Senator NELSON or Senator COLLINS talk about medical necessity, or being bound or exempt from contracts, they have a certain degree of expertise that the rest of us do not have.

I remember visiting with Senator NELSON and he brought up the medical necessity and the fact this bill before the Senate unfortunately voids contracts. It goes so far as to even say you have to cover things that are excluded.

Page 35 of the bill says: No coverage for excluded benefits.

That sounds fine.

But page 36 says: Except to the extent . . .

In other words, you don't have to cover items excluded in contracts. Except to the extent somebody considers it medically necessary—and so on, even if specifically excluded in contracts. Part of the Nelson-Kyl amendment clears that up.

On contract sanctity, I concur 100 percent. I mentioned a few things excluded under the CHAMPUS program for VA, specifically excluded in contracts under this bill someone might have to pay. They might even be sued if they do not provide a benefit specifically excluded in their contract. That sounds absurd but in reading the language, that could happen. The Nelson-Kyl amendment fixes this. Things excluded under CHAMPUS include: Acupuncture, exercise equipment, eyeglasses, contact lenses, hearing aids, hypnosis, massage therapy, physical therapy consisting of exercise programs, sexual dysfunction, smoking cessation, weight control or weight reduction programs.

The point is, almost every medical health care plan says we will pay for this list of benefits; we will not pay for these benefits. Those benefits would be excluded. This bill says they will be excluded, but maybe they should be paid for anyway and they will be subject to review. And if the reviewer says it is needed, it should be paid.

Part of Nelson-Kyl says no, we will strike the language that deals with ''except to the extent,'' allowing contracts to be contracts that would not cover excluded benefits.

That is exactly what the Federal Government does. Many people want to model private health care after the Federal employees health care benefits. We have many different plans. They work. Employees are happy.

Federal employees cannot sue their employer, and Federal employees have to be bound by the contract. If you look at the consumer bill of rights and responsibilities, in OPM's guidelines dealing with the Federal Employees Health Benefit Program, it says if someone wants to appeal, OPM seeks to determine whether the enrollee or family member is entitled to the services under the terms of the contract. It is bound by the contract.

Blue Cross/Blue Shield, 2001, it says OPM will review your disputed claim requests and use the information it collects from you to decide whether our decision is correct. OPM will determine whether we correctly applied the terms of our contract when we denied your claim or request for service. OPM will send a final decision within 60 days. There are no other administrative appeals.

Interesting to note, the Federal Employees Health Benefits Plan, they appeal to OPM, appeal through their employer. This is not an independent review entity. Again, OPM will make their determination based on the contract.

The Senator from Nebraska and the Senator from Arizona say a contract should be a contract. We should adhere to the contract and have contract sanctity. We should have some definition, some certainty in the definition, and we even use the definition for Federal employees' fee-for-service plans as one option, as well as the rulemaking process that the Senator from Nebraska spoke about.

I think there are too many people voting ''remote control,'' thinking, I will vote with Senator KENNEDY or

with Senator MCCAIN on this issue. I hope they look at this amendment. Should you have contract sanctity? Should you look at the guidelines we use in the Federal Employees Health Benefits Plan to have some contract sanctity? It is obliterated by the underlying bill. I think so.

This is an excellent amendment, an important amendment. If you want a bill that preserves some sanctity of contract, I think it is most important we pass this amendment. I urge my colleagues to vote in favor of the Nelson-Kyl amendment.

Mr. ENZI. Will the Senator yield 4 minutes?

Mr. NELSON of Nebraska. I yield.

Mr. ENZI. Madam President, I thank the Senator from Nebraska for the care and concern that has gone into this amendment. I support it along with him. I know how important it is for businesses to be able to nail down the prices so they can provide this voluntary insurance to people. If they don't know how much it will cost, if it is going to rise astronomically, I guarantee the small businesses will bail out. That is what the discussion has been about this week and last week—how to continue to have insurance for people.

I am an accountant, the only accountant in the Senate. I like dealing with numbers. The people who really deal with numbers are the actuaries. They are the ones who have to figure out what the odds are that something is going to happen to people. The smaller the plan, the tougher it is to figure the odds. But those odds have to be calculated in order to figure out the price. If the actuary said figure the whole universe of things that could happen, normally we exclude the ones that are difficult to calculate, but you don't get to exclude those anymore. You have to figure it as though those could happen to the person, and some reviewer will charge your plan with that. So we cannot tell you what you are going to have to pay. We guarantee it will have to be a higher number because of the uncertainty.

It is extremely important we avoid the Russia syndrome or the China syndrome, where they don't have contracts worth anything. In this country we maintain the sanctity of contracts. It is time to do that again. It is time to do that, particularly to protect the people working for small businesses in this country so they will continue to have insurance.

This amendment is particularly important because it does several things. First, it allows both the employer and the employee to be certain about what benefits are covered under the health plan. If they can't know that, then what's the point of the contract. Second, the amendment will virtually guarantee that all health plan contracts will now have a great definition of medical necessity, which is the clause in a contract that's used to make many decisions on claims for benefits. If a health plan or employer chooses not to adopt a strong definition, as defined in this amendment, then they forgo their right to rely on that definition in making decisions on claims for benefits. That's achieved by allowing the independent reviewer in the external appeals process to ignore that definition if it's not among those listed in the amendment.

This amendment brings to bear two important consequence that go a long way helping this bill become law. Again, the contract, upon which not just the breadth of benefits is determined, but also the cost of health coverage to both the employer and employee is based, is made whole. And, the quality of health care in this country is set at a standard that will assure patients receive medically necessary care as determined by the standards in the best programs, namely the Federal Office of Personnel Management's definition for fee-for-service plans.

Mr. President, I again commend my colleagues for their work. Enacting this amendment is as important to preserving the employer sponsored health care system as anything else we may do on this bill. There's simply no reason why Members would vote to undo a health plan contract or against requiring that health plans adopt a strong definition of medical necessity.

Mr. NELSON of Nebraska. We reserve our time.

Mr. KENNEDY. We have 30 minutes?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield myself 10 minutes.

I agree with our friends and colleagues, the Senator from Oklahoma, about the competency of my good friend, Senator NELSON, as well as the Senator from Wyoming, Senator ENZI. I learned, as I worked with Senator ENZI on a number of different issues, including OSHA, about his enormous capabilities as an accountant in dealing with numbers. I have also had the good opportunity to work with Senator NELSON on this issue. I think there are few Members of this body outside the committee or inside the committee that have taken more time than the Senator to understand the details of this legislation. He has a commanding knowledge of this legislation and a very healthy understanding and respect about what is happening in the State and local communities. He has been enormously attentive to detail and concept.

We do not always agree on every provision, but I have certainly developed a deeper understanding of the impact of this legislation from my conversations with him.

Even though we differ on the substance on this particular issue, which I think is an important issue, I have enormous respect for what he has brought to this whole debate on the Patients' Bill of Rights. I value, very much, his continued involvement in this debate.

I will mention briefly what we have in the legislation and why I believe it is wise to retain the approach we have currently. It has the complete support of the American Medical Association, the cancer organizations—I will refer to those later—and the overwhelming support of the medical community. It has evolved over a period of time. I will reference that in just a moment or two as well.

But it does, I think, meet the standard that has been mentioned here about certainty, clarity, and predictability. That is what the proponents of this amendment have asked for. We have just done that on page 35, in establishing the particular details of our standard. I will give brief reasons that we ought to retain this.

The McCain-Edwards-Kennedy bill allows the doctors, not the HMO accountants, to make the important medical decisions and it prohibits the HMOs from using arbitrary definitions of medical necessity. Unfortunately, the proposed amendment would undermine this crucial protection and allow plans to use definitions of care that may harm the patients.

Our legislation asks every Senator the basic question: Do you support the doctors making the critical medical decisions or do you want the HMOs to continue to deny care based on language that puts dollars before lives?

The independent medical reviewer should consider the definition decided by the health plan. However, we should not bind their hands by arbitrary definitions by an HMO. Senators MCCAIN, BAYH, and CARPER will offer an amendment later today that reflects the bipartisan belief that reviewers cannot approve services that are not explicitly covered under any circumstances. If a plan covers 30 days of hospital care, a plan cannot say they should cover 100 days. This amendment underscores the premise in our bill that a reviewer should not be bound by an unfair HMO definition of medical necessity. In circumstances where explicit coverage decisions are subject to interpretation, the reviewer should have the opportunity to weigh all the relevant medical facts.

I gave the example last evening. If the plan says ''no cosmetic surgery'' and there is a cleft palate on a child, I could see an independent reviewer saying as a matter of medical necessity it is imperative that we correct the cleft palate and would be justified in doing so. If, in the plan, it said ''no cosmetic surgery and no cleft palate,'' the medical reviewer would be prohibited from doing so. So there is that degree of interpretation in terms of medical necessity, that aspect of judgment that we want to give to the doctors in dealing with this issue.

The Kyl amendment, once again, I believe gives the HMOs the opportunity to deny critical care by allowing them to use definitions of medical care that are stacked against the patients. This amendment also prevents independent

reviewers from weighing all the relevant factors needed to make a fair decision. In addition, the amendment proposes to institute a complex rulemaking process to define medical necessity. However, administrative rulemaking is only as fair as the participants. If the participants are hostile to patients' rights and sympathetic to HMOs, they could undermine care for millions.

As CHARLIE NORWOOD said, if reviewers are forced to wait on regulation at the speed HCFA moves, leeches might still be considered medically necessary and appropriate.

Also, under this amendment the plan gets to choose any of the numerous definitions for medical necessity. It can seek out the worst of the worst, but consumers get no comparable rights to demand the best of the best. All you have to do is look at the range of definitions and it is easy to see why the disability community, the cancer community, the American Medical Association, and other groups are so vehemently opposed to this amendment. It fails to protect the patient and allows the health plans to continue to deny medically necessary care. That is why the overwhelming number of medical groups support our language.

Some of the standards that they could pick from say cost-effectiveness should help determine whether care should be provided. It might be cost-effective, for example, for an HMO to amputate a young man's injured hand, but what about the cost of having to spend the rest of your life without the full use of limbs? It might be effective for an HMO to pay for older, less effective medication for depression, but what about the cost to a mother trying to raise her family while dealing with the harmful side effects that could have been prevented by newer medication? Why should we subject the American people to them?

I urge my colleagues to reject this amendment. Passing it would reverse the strong bipartisan efforts we have worked out in this legislation.

Let me mention here the letter from the National Breast Cancer Coalition:

> On behalf of the National Breast Cancer Coalition and the 2.6 million women living with breast cancer, I am writing to urge you to oppose the Kyl amendment and to support the McCain-Bayh-Carper amendment on medical necessity. The National Breast Cancer Coalition is a grassroots advocacy organization made up of more than 600 organizations and 10,000 individual members all across the country who are dedicated to the eradication of breast cancer through advocacy and action. With regard to the enactment of a strong, enforceable Patients' Bill of Rights, the NBCC believes the determination about what is medically necessary must remain in the hands of physicians, not HMOs. The coalition is concerned the Kyl amendment would weaken the provisions in the McCain-Edwards-Kennedy Patients' Bill of Rights and would allow financial decisions to override the medical judgments on patient care.

Let me just mention some of the definitions which have been used. Here is a definition that is used in terms of medical necessity. As I mentioned, the history of this is that we did have a definition in the previous legislation that was passed. What we used for medical necessity at that time was this:

> Medically necessary or appropriate means a service or benefit which is a generally accepted principle of medical practice.

That is what virtually every Democrat voted for. That gives the maximum flexibility to the doctor.

When we got to the conference and began to work this out, the HMO industry said this definition was so broad and wide, in terms of interpretation, that it could mean anything. Therefore, it would completely override the contract terms of the HMOs.

Then we altered it and said: In the internal review they will use the definition of the HMO, but in the external we will use a different definition. That is what is in the legislation. That is basically what is in the Breaux-Frist, as well as in the McCain-Edwards-Kennedy.

Basically, it says ''a condition shall be based on the medical condition of the participant''—therefore you look at the medical condition of the principal—''and valid, relevant scientific evidence and clinical evidence including peer review, medical literature or findings, and including expert opinion.''

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield myself 3 more minutes.

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

Mr. KENNEDY. The expert opinion is critical. The essential element of that—which I know has been questioned—was talked about and essentially agreed to in the conference last year.

This is the concern we have. Here are some of the definitions which have been used in various HMOs, and even in Federal health insurance. The difference, in Federal health insurance is if there is an appeal of it, they leave it completely open. I asked staff to get the standard that is used. It is completely left to the doctor. That is where we want it, to the greatest extent possible. We have limited it as I have defined it. But these are some of the concerns.

This is in SIGNA, in terms of medically necessary:

> . . . that are determined by our medical director to be no more required than to meet your basic health needs.

So this definition is going to be what the plan's medical director decides. Clearly, they are going to be biased in the HMO.

This is the Hawaii State plan: Cost effective for the medical condition being treated compared to alternative health intervention, including no intervention.

Cost effectiveness is unacceptable. It is more cost effective for the HMO to put someone in a wheelchair rather than for them to have hip surgery. But it is more effective to the individual to have the hip surgery.

Here is another one:

A treatment that could reasonably be expected to improve the member's conditions or level of functioning.

Even though it is used by the Health Alliance HMO in the Federal health insurance, the problem is that for people with disabilities, the treatment may not be for a condition that can improve, but it certainly may improve the quality of life.

Here are the Pacific Care Health plans furnished in the most economically efficient manner.

''Economically efficient'' is a problem.

Again, it is what procedures are the most cost effective.

We have to be very sure about what we are going to have. We have a good definition in this proposal. It is supported by McCain-Edwards and myself and is also essentially the provision in Breaux-Frist.

It has the overwhelming support of the American Medical Association, as well as the Cancer Association, and is spelled out in this legislation. So there is certainty.

If there is a change on this, we can come back and revisit it. I give the assurances to my friends that we can. But the idea that we are going to give the authority to a panel that will be set up by the Secretary—the makeup of which we don't know—which can propose something, still indicates that we don't know what is going to come out. That doesn't seem to me to be the way we ought to go in giving predictability and certainty to patients. If we are interested in that, we ought to get criteria that is sound, responsible, and gives medical professionals the ultimate ability to make judgments to protect the patient.

That is what we do in this legislation. That is why I don't believe we should alter or change the proposal.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, how much time remains on our side?

The PRESIDING OFFICER. Ten minutes.

Mr. KYL. I yield myself 2 minutes.

I am very sorry to have to say this, but the amendment that Senator KENNEDY has just proposed is not our amendment. I want to be very clear about what our amendment does. The amendment that Senator KENNEDY has been talking about was part of last year's bill.

When Senator NELSON came forward this year, he said: Let's try to come up with something new. We did that. So the language we have before us today is not the language to which Senator KENNEDY has been referring.

When he talks about the Signet language and the other plan language, that would be absolutely prohibited by what we are talking about here. That was last year. We would absolutely prohibit that. When he talks about the

plans choosing from among a range of definitions that could include cost effective, that would be absolutely prohibited under our language. That was last year.

Let me again restate what we did this year.

Mr. KENNEDY. Will the Senator yield on my time?

Mr. KYL. Absolutely.

Mr. KENNEDY. What I read here is ''what is determined by our medical director to be no more required than to meet your basic needs.'' That is in the Federal health insurance program. That would be included. The language I have read is ''the treatment that can reasonably be expected to improve the member's condition or level of functioning.'' The Federal employees' plans are included.

The last one, ''furnish in the most economically efficient manner,'' that is Federal employees. That is included. All three are included because the Federal employees' insurance has been included as well.

What is not included is discretion that is given to the medical doctor. The review of that is provided in the Federal employees' plans, and OPM is using it. It is not included in the underlying.

Mr. KYL. If the Senator will allow me to answer, that is a factual matter. I will not argue with his answer. I think I can explain the reason for the confusion. But the answer to the Senator's question is no. What the Senator said is not correct. That was correct a year ago because a year ago the language of the amendment was that you took the FEHBP standard. And the Senator would have been correct a year ago because it was both the fee-for-service standard as well as the managed care contract standard.

So the criticism that the Senator levels would have been correct criticism a year ago. And to some extent, I agree with the Senator from Massachusetts about that criticism. We threw that aside. Instead, we asked: What is the contract that governs the fee-for-service FEHBP plans? The contract that governs, we think, 73 percent of the people—in other words, about 6 million people—is the language that they have approved for the Blue Cross/Blue Shield fee-for-service contract, as well as some others. We didn't want to allow any discretion whatsoever. So we took the five specific provisions of that contract. Those are embodied in the legislation. There is no discretion.

If you want a safe harbor now under this amendment, you would have to write your contract with those five items, and only those five items. That is what the reviewer then would be able to review.

If I could just continue on with respect to the negotiated rulemaking, it was our idea that if anyone didn't like those five items, and all of the stakeholders would want to get together and negotiate something different, we would be very amenable to that. So we set up this voluntary rulemaking procedure.

If the Senator from Massachusetts and others think there is something wrong with that and they would not want to create that option in the bill, we are very amenable to dropping that out. We thought we were doing people a favor by putting that option in so that if somebody didn't like these five items, they could engage in this negotiated rulemaking. But anybody in the negotiations could veto it so that it wouldn't go into effect.

But if people somehow fear that, it is not our intention to try to superimpose some nonspecific standard.

If the Senator would like to engage further on that, we can certainly discuss that. I indicated to the Senator last night our willingness to discuss that. I hope I have cleared it up. I understand the reason for the confusion because that was last year's amendment.

Our amendment language was only available a couple of days ago. So it is understandable that one might not have been able to read our amendment language. But I assure the Senator that our language is very specific and very different from that which he criticized.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I understand the passion of my colleague from Massachusetts. He has done such great work in this area, and I truly appreciate and respect what he has done and the fact that he has taken a very careful look at what we are proposing.

I suspect, though, that he would maybe look at me as a person who came to the party late and wants to rewrite the invitation. You can't try to change something where there has been such a history without encountering some resistance to it. I understand there is resistance to wanting to change this because it was dealt with last year. But you don't weaken this bill by making it more certain.

I don't believe there is a problem. But if there is a problem within the Federal Employees Health Benefits Plan because there is not a good standard there, we can correct that by passing this amendment and this Patients' Bill of Rights, and make Federal employees subject to the Patients' Bill of Rights.

My colleague from Massachusetts mentioned that there is perhaps a different manner of review for Federal employees where they have to go directly to the Office of Personnel Management rather than getting an internal or external review. We can correct that. We can make that plan subject to the Patients' Bill of Rights, and we can correct that. Or we ought to take a look at that independently.

But this does not change anything that would be detrimental to those individuals my colleague from Massachusetts mentioned.

For example, of the list of people, such as a person with a cleft palate, the only question about a person with a cleft palate is whether that treatment, in the judgment of the medical professional, the doctor, would be consistent with the standards of good medical practice in the United States. That is the dynamic, and I am sure that it would. There is nothing static about this definition. It will continue to change as the good standards of medical practice in the United States change.

My good friend also mentioned something about making sure that we have our loved ones well protected. I agree with him and include the Federal employees as part of our loved ones. I think we want these standards to apply to all Americans. The way in which you can do that is by adopting this amendment on medical necessity.

What it does not do is, it does not change the doctor's decisionmaking in relation to what kind of care to provide. What it does say is that it has to be consistent with the standards of good medical practice in the United States.

I, for the life of me, do not see what the resistance to this language is, other than the fact that we tried to do it a year ago. We had the Stanford definition. We talked about other definitions a year ago. Now we have come up with a definition which I think is an excellent definition that will do it, that will establish the standard for certainty, for predictability. And now we are saying it may weaken the Patients' Bill of Rights. But certainty will strengthen this. There is no effort here to do anything that would not be consistent with—as a matter of fact, the language requires that the medical profession do something consistent with the standards of good medical practice. Whether it is an amputation, whether it is a cleft palate, whether it is deciding on cancer care, or whether it is deciding on other kinds of care, all we are saying is it ought to be subject to these standards. That is the only point that is being made.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. CARPER). The Senator from Nebraska has about 4½ minutes remaining. The opposition has 13 minutes remaining.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I am glad to yield——

Mr. MCCAIN. Will the Senator allow me a couple minutes of time?

Mr. KENNEDY. Yes. Absolutely. The Senator from North Dakota was looking forward to talking, but whatever.

Do you want me to yield 3 minutes?

Mr. MCCAIN. How much time?

Mr. KENNEDY. I yield 3 minutes to the Senator.

Mr. MCCAIN. I thank the Senator from Massachusetts, and also the Senator from North Dakota. I would be glad to wait until after the Senator from North Dakota speaks, if he prefers.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have major concerns about the Kyl-Nelson amendment and unfortunately, must oppose it. While I certainly respect the intentions of my dear friend and follow Arizonian, JON KYL, I respectfully disagree with him regarding this proposal.

I simply can't support mandating a Federal statutory definition of ''medical necessity'' that is vague and creates further confusion and barriers for patients attempting to get the medical care their doctor deems appropriate, and is covered by their HMO plan.

This amendment would put into statutory language a vague definition that allows health plans to determine whether services, drugs, supplies, or equipment are appropriate or necessary to prevent, diagnose, or treat a patient's condition, illness, or injury.

While this appears reasonable, it simply is not.

One of the major hurdles currently facing patients is the repeated denial of their medical care on the basis that it is not medically necessary based on a vague or constraining definition. The health plans are intentionally denying care to constrain costs by hiding behind cleverly crafted definitions.

This amendment would allow this practice to continue.

For example, part of the definition allows a plan to determine whether the recommended medical care is, ''primarily for the personal comfort or convenience of the patient, the family or the provider . . .''

It sounds reasonable, but it is not. This is already being used to prevent patients from receiving palliative care for managing the intensive pain they encounter while battling cancer or other serious illnesses.

Another portion of the proposed definitions reads, ''Consistent with standards of good medical practice in the United States'' . . .

Again, appears harmless, but it isn't. Who establishes the standards of good medical practice? What basis is used for developing them? How current, considering the pace of new technology and medical research will these standards be?

Another portion of the proposed Kyl-Nelson Federal definition reads, ''In the case of inpatient care, [the care] cannot be provided safely on an outpatient basis . . .''

Legally, this creates an opportunity for retrospective reviews by HMOs thereby leaving the patient and/or medical provider responsible with the incurred costs from the inpatient care that the HMO determines should have been provided on an outpatient basis.

These are just a few of the problems facing patients if this amendment is adopted.

I wholeheartedly agree with my colleagues that we can't create a method that obviates health plan contracts and that is not what our bill does.

Our bill does not empower the independent medical reviewer to override existing health plan contracts or force HMOs to cover anything and everything despite a service being specifically excluded in the contract.

Our bill relies on the independent medical reviewer to give patients a second medical opinion when such a medical opinion is necessary to interpret the plan's coverage, but it does not empower them to disregard the plan's specific coverage exclusions and limitations.

I will be offering an amendment after the scheduled vote on the Kyl-Nelson amendment that will further clarify this and protect the sanctity of the plan's contract with a patient.

I urge my colleagues to reject the Kyl-Nelson amendment and allow patients to have their medical decisions made by doctors and nurses and not by HMO lawyers or bureaucrats.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how many minutes do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts controls 10½ minutes.

Mr. KENNEDY. I yield 8½ minutes to the Senator.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 8½ minutes.

Mr. DORGAN. Mr. President, this is a well-intentioned amendment, but it must be defeated because it is aimed right at the heart of this patients' rights bill, right at the core of the bill. The question is, Who is going to make the decisions? Who will make decisions about medical care? An MBA or an MD? Who do we want to make the decisions about medical care?

The McCain-Edwards-Kennedy bill allows doctors and patients to make fundamental decisions about their care. It will be based on medical necessity and appropriateness and supported by valid, relevant scientific and clinical evidence. In other words, if an HMO makes an arbitrary decision about some kind of a treatment they believe is not medically necessary, based on its own inadequate definition of ''medical necessity,'' the reviewers would be able to overturn that and advocate treatment.

Under this amendment put before the Senate, the patient would be bound to the HMO's decision and have literally no options; the independent reviewer would have no authority whatsoever to recommend treatment if it was needed.

The Senator from Massachusetts read a list, and he was challenged on that list. But the fact is, the list he read is absolutely correct.

Let met do this in English, if I can. The amendment, as I understand it, allows an HMO or managed care organization several different approaches to deal with the issue of what is medically necessary. How do you define medically necessary? Several different ways. One is a mechanism described by the Senator from Massachusetts. He read some of those definitions. He was accurate about that. But there are two other mechanisms by which an HMO could describe what is medically necessary.

Do any of us think the HMO will pick the more stringent approach? Of course not. They will pick the least effective approach, the approach that poses the least cost to them. They will pick the weakest of the options. That is what the Senator from Massachusetts was saying.

Give the HMO the opportunity, and they will pick the least possible option, the least costly option for themselves. That is why we are in this Chamber with this patients' protection bill. This amendment strikes a blow right at the heart of the patients' rights legislation. The reason we are in this Senate Chamber is to work on providing patients' rights, not take them away.

Let me do this in a bit more dramatic way.

One of our colleagues has used this photo from time to time. This photo shows a young baby with a cleft lip and cleft palate, which is a very severe problem. We are told that about 50 percent of the time fixing this would be described as ''not medically necessary'' by an HMO. Can you imagine a health care plan saying: ''No, fixing this disfiguring defect is not a medical necessity, therefore, we will not cover it''.

Let me describe what this child will look like with that problem fixed. This photo is of a child with reconstructive surgery. This other photo is of a child with the severe problem before it is repaired. Fifty percent of the time managed care organizations have told those requesting reconstructive surgery for a cleft lip or palate: ''No, you are wrong. This is not medically necessary. And we will not cover it''.

Is that how we want our health care system to operate? It will be allowed if this amendment is adopted.

Let me describe another case. I am going to describe how this case relates to this amendment.

This is a photo of Ethan Bedrick. We have spoken about Ethan before. Ethan was born on January 28, 1992. He had a partial asphyxiation during birth, a very significant problem in delivery. He has suffered from severe cerebral palsy and spastic quadriplegia, which impairs motor functions in all his limbs. At the age of 14 months, his managed care organization abruptly cut off coverage for all of his speech therapy, and limited his physical therapy to 15 sessions in a year. A doctor from his managed care organization performed a ''utilization review.'' He said that there was only a 50-percent chance of Ethan being able to walk by age 5, which is ''insignificant'' and, therefore, they would restrict coverage.

So let me say that again. A 50-percent chance of being able to walk by age 5 was ''insignificant'' and, therefore, they would not cover the therapy.

His parents went to court 3 years later. A judge said:

The implication that walking by age 5 . . . would not be ''significant progress'' for this . . . child is simply revolting.

But in the meantime, it took 3 years, and this child did not have the therapy he needed for 3 long years.

My point about this is, young Ethan Bedrick, or a young child with a cleft lip and a cleft palate, running into a plan that has a provider service saying: ''These are not medically necessary procedures, and we will not cover them,'' will have no ability to have an independent reviewer overturn that under the amendment that is offered today.

Mr. KENNEDY. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. KENNEDY. For the benefit of the membership, we had scheduled a vote at 12:30. With the agreement of the leadership, that vote will be postponed until 2. At 1 o'clock, Senator GREGG will be here to offer an amendment for himself. At 2, it is the anticipation of the leadership that there will be two rollcall votes. We have not made the unanimous consent request yet, but that is the intention of the agreement of the two leaders. After the time expires, we will make that unanimous consent request.

Mr. REID. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. From 12:30 until 1 o'clock there will be general debate on the bill.

Mr. MCCAIN. If the Senator will yield?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I note the presence of the Senator from New Hampshire on the floor. We really have an issue of scope, an amendment we need to bring up, and of course the so-called Snowe compromise amendment as well. I hope we will be able to put both of those in some kind of order in some way today.

Mr. REID. Mr. President, the Senator from Arizona is absolutely right. Progress has been made but not nearly enough. Since Senator GREGG is here, I wonder if we could restate the unanimous consent request and have that entered at this time. The only suggestion I would make to Senator KENNEDY is that we should have general debate from 12:30 to 1 on the legislation.

Mr. KENNEDY. That is fine.

Mr. GREGG. Is there a unanimous consent request pending?

Mr. KENNEDY. As I understand, the time will expire in how many minutes for the debate on this amendment?

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes to go, and the other side has 4 minutes.

Mr. KENNEDY. As I understand it, there has been agreement to vote on that amendment when the time is used or yielded back; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I ask unanimous consent that the vote on that amendment be put off until 2 o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. It is the anticipation of the leadership that between 12:30 and approximately 1 o'clock there will then be general debate on the legislation. At 1 o'clock an amendment will be laid down by the Senator from New Hampshire or his designee. It is anticipated there will be a second vote at 2 which will be on that amendment.

Mr. GREGG. Mr. President, I can't guarantee that there would be a second vote at 2 on that amendment, unless the parties to that amendment are agreeable to that.

Mr. KENNEDY. Then I withdraw my request. I was asked to make that request; if there was going to be no objection, that was going to proceed. Otherwise, we will go ahead.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

Mr. KENNEDY. I had asked if the Senator would yield. The Senator from North Dakota has the floor.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has about 2 minutes.

Mr. DORGAN. Let me continue by saying, I understand that those who have framed this amendment will not agree with my assertion. But I also understand that they are trying to craft something that defines what is medically necessary in a manner that would give a managed care organization three different options to restrict care.

In my judgment, the managed care organization will clearly select the option that has the least amount of coverage or the least cost to them. That is precisely why we are here in the first instance. We are trying to see if we can create a Patients' Bill of Rights that allows a doctor and health care professionals to make judgments about what kind of treatment is appropriate. We have story after story after story about health care professionals making a decision about what kind of health care is necessary for a patient only to be told later that someone 1,000 miles away an insurance office decided, no, this was not medically necessary at all, and we won't cover it. We don't agree the physician's decision or recommendation for treatment.

The reason the AMA and nurses and others support this legislation of ours is they believe very strongly that health care professionals ought to be the ones practicing medicine. The American Medical Association is very strongly opposed to this amendment.

I ask unanimous consent to print a letter the AMA has sent objecting to this amendment in the RECORD.

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

[From the American Medical Association, June 26, 2001]

AMA OPPOSES KYL-NELSON AMENDMENT THAT LETS MBAS—NOT MDS—MAKE MEDICAL DECISIONS

AFTER 7 YEARS, THE DEBATE HAS SUDDENLY COME FULL CIRCLE

WASHINGTON.—Today the American Medical Association (AMA) called on Congress to defeat a Kyl-Nelson amendment that would negate a core provision of the patients' bill of rights. This new medical necessity amendment would allow insurance company bean counters to make medical decisions.

''Today, after seven years of debate, it seems some lawmakers want to start over at the beginning, with the core question: Who should make your medical decisions—MDs or MBAs?'' said Dr. Thomas R. Reardon, MD, AMA past president. ''For patients and physicians there's no debate: Decisions about the health care a patient needs must be left to those who are focused on patients—not on the bottom line.''

''The Kyl-Nelson amendment uses a medical necessity definition that allows health plans to determine whether services, drugs, supplies or equipment are appropriate to prevent, diagnose or treat a patient's condition, illness or injury.'' Dr. Reardon said. ''This is a big step backward.''

Insurers and business have repeatedly opposed defining medical necessity in legislation: ''A federal standard of medical necessity will raise premiums, threaten quality, and jeopardize efforts to prevent abuse.'' (Blue Cross/Blue Shield, 2/99); ''We fear a congressionally mandated definition of medical necessity, and therefore do not support it.'' (Ford Motor Company 2/99).

''It's clear that health plans put profits before patients when they define medical necessity as the 'shortest, least expensive or least intense level of treatment,' Dr. Reardon said. ''People get health insurance so that they're not limited to the cheapest care—no matter what the outcome.''

''The McCain bill allows physicians to make medical decisions and allows an independent panel of reviewers to determine disputes. AMA calls on the Senate to reject the Kyl-Nelson amendment that guts the patients' bill of rights,'' Dr. Reardon said.

Mr. DORGAN. They are opposed precisely because they understand this amendment absolutely unravels the central and vital section of this bill dealing with medical necessity. Our patients' rights legislation provides a structure by which doctors make decisions and then you have the opportunity for independent review if needed. But in the circumstance as proposed in the amendment up for debate, if we create definitions that allow diminishment of the level of care in terms of what is medically necessary, the independent reviewer will have their hands tied and patients will not get the care they deserve or need.

This is a very carefully drafted bill. I am not in any way ascribing mal-intent to anyone who offers this amendment. This amendment will unravel the bill in a very significant way. We must defeat this amendment. We should defeat this amendment and preserve the patients' protections legislation that we have brought to the floor of the Senate. This has been going on 5 years. This is good legislation. We ought to pass it and defeat the amendment.

I yield the floor.

The PRESIDING OFFICER. The time controlled by the manager of the bill has expired.

Mr. KENNEDY. Mr. President, I think the Senator has 2 minutes. I have 2 minutes; is that correct?

The PRESIDING OFFICER. The sponsor of the amendment has 4 minutes remaining. All time has expired in opposition to the amendment.

Mr. DORGAN. Mr. President, that cannot be the case. The Senator from Massachusetts allotted 8 minutes to me. At that point, he had 10½ minutes remaining. It cannot be the case that we have exhausted our time.

The PRESIDING OFFICER. The time of the colloquy back and forth between the Senator from Massachusetts and the Senators from New Hampshire and Nevada was charged to the manager.

Mr. GREGG. I ask unanimous consent that the Senator from North Dakota have another 10 minutes, if he desires.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I yield my time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take the 2 minutes which I otherwise might have had if we hadn't entered into the request.

Here we go again with greater hope in our hearts that we will be successful.

After the yielding back of the time, we intended to vote on the Nelson amendment. At the request of the leadership, I ask unanimous consent that that vote be put off until 2 o'clock.

Mr. REID. Reserving the right to object, I have been informed that there will be a motion to table made on the amendment. That will be done at the appropriate time.

Mr. KENNEDY. At 2 o'clock. It is anticipated that at 1 o'clock there will be an amendment from the Senator from New Hampshire or his designee. I am informed that it will probably be the Senator from Tennessee, Mr. THOMPSON; and that we will begin the debate on that at 1 o'clock and that the time between 12:30 and 1 will be used for general debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I apologize to my friend for the interruptions because the Senator has been patient during his presentation and is typically kind and generous to permit the workings here.

I believe we have a good, solid definition in terms of medical necessity that has been reviewed, evaluated and has gotten broad support. It has bipartisan support. It also has the very, very strong support of the medical community: The American Medical Association, all of the cancer organizations, as well as the disability community. They all have great interest in what that definition is.

In too many instances in the past there have been definitions that have been offered and accepted that work to the disadvantage of patients. For example, definitions have been made that do not include palliative care for patients who have cancer or don't recognize the very special needs of the disabled.

We have a definition here. It is defined in the legislation. It has been reviewed. It is careful. It is predictable. It is certain. It does provide for doctors to exercise their best medical judgment. It is completely consistent with the purposes of the legislation.

As I mentioned, I have great respect for my friend and colleague. I think on this we should stay with the language which should be included and which has the broad support, virtually the unanimous support of the medical community.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I appreciate the opportunity to engage in a dialog with my colleague from Massachusetts. As I indicated earlier, I respect his work and many years of effort in this field. I certainly respect his judgment. If I would disagree with him, it would be that somehow there is a standard that is currently in place. As a matter of fact, last year they tried on numerous occasions to achieve a standard. They could not come up with one where they agreed. So they agreed to disagree and left the standard out.

We have an opportunity now to come up with a standard that is good enough for Federal employees and put that in this bill. If it is good enough for Federal employees, then of course I think it ought to be good enough for the rest of America.

As to the charts that were shown, I ask, is there anybody in this Chamber today who believes that under the definition of consistent with standards of good medical practice in the United States, any doctor would not have ordered that the cleft palate be treated?

I understand the importance of having charts. I understand the importance of having faces put on the patients. But I think it is important that, as we do that, it be very clear that we understand that these cases would be treated appropriately under the standards of good medical practice in the United States. So I think we really have an opportunity today to provide more clarity, so that doctors who will have the opportunity to make medical decisions and order care will be able to do so consistent with standards.

There is no way that this amendment today is designed to take away any of the authority of the doctor at all, or any other health care provider. All that it is aimed at providing is a standard. If they had come up with a standard last year and it were included in the bill, I would not be raising the question this year. This issue today is about whether to have the standard or not. I can't imagine we are even debating it. We ought to be debating what the standard is. That isn't the debate we have today.

As a matter of fact, some of the objections raised earlier about this amendment could be equally said of an amendment that I suspect the Presiding Officer will be supporting today a little later, and that is to make sure you don't have those exclusions from a policy, those exclusions from a contract, ignored by a medical examiner in the whole process of the review.

The important point here is that this will provide an opportunity, upon an internal or external review, for a medical reviewer to make good decisions consistent with good medical practice, consistent with the needs of the patient, so that the conditions in those pictures that were shown here—very vivid descriptions—can and will be taken care of and will not be left open without a definition, without a standard. The boundaries would be set, but they would be far broad enough to cover that and any other condition that was discussed here as an example this afternoon.

It seems to me it is important that we establish a standard, and if I wanted to oppose what I am proposing today, I would come in and I would say that it was going to do something bad, that it was not going to permit something good. But that doesn't make it so. It is important to point out the language and deal with the reality of the words of this amendment, rather than setting up a straw man to attack and say that it is doing something or it won't do something that it is in fact doing.

Mr. President, how much more time is there?

The PRESIDING OFFICER. The Senator has about 8 seconds.

Mr. NELSON of Nebraska. I ask my colleagues to support this amendment and move forward with the important work of the Patients' Bill of Rights. We can do that. This will improve it and will not detract from it.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I have the greatest respect for my good friend, the Senator from Nebraska, and I rise reluctantly, but firmly, to oppose the amendment he is sponsoring, along with Senators KYL and NICKLES, because I am concerned not only about the general issues that have been raised by other opponents, I am concerned also by the American Medical Association's very strong and vigorous opposition to this amendment, which they have made very clear to me and my office, as well as, I believe, every other Senator, because of their deep concern that this would be a step backward, permitting health plans to determine the services, drugs, supplies, or equipment necessary to prevent, diagnose, or treat a patient's condition, illness, or injury.

But I have a very specific reason for opposing it. I direct this to my good friend from Nebraska because this is something that deeply concerns me. This amendment allows health plans to define ''medically necessary and appropriate'' in a way that poses a great threat to all patients and families who

require hospice and palliative care to treat the suffering associated with terminal illness.

The Washington Post, just a week ago, published a story outlining the various ways in which recent advances and end-of-life care have not yet reached children with terminal illnesses, causing an enormous amount of suffering for dying children and their parents and loved ones who have to watch that suffering at the end stages of a terminal illness. The article quotes one mother who says, looking back on her daughter's death, that ''pain is such a huge problem.''

There are two specific phrases within the safe harbor of the ''medically necessary care'' language in the Kyl-Nelson-Nickles amendment that directly undermines the needs of dying patients. First, the amendment declares that care provided ''for the comfort of the patient'' is not medically necessary care.

Any health care professional—or really any person, such as myself—who has stood at the bedside of a dying friend or a loved one knows that comfort of the patient is absolutely necessary and is often the most appropriate goal of care in those last days, weeks, and even months sometimes. At the very center of palliative care, and particularly in the hospice movement, is the belief that each of us has a right to die free of pain and with our human dignity as intact as possible.

The Institute of Medicine released a ground-breaking report in 1997 that concluded ''too many people suffered needlessly at the end of life.'' A second Institute of Medicine report released last week also concluded that patients are suffering unnecessarily. Furthermore, studies have shown that specific types of patients—patients who are elderly, female, African-American, or children—are less likely to have their pain adequately controlled at the end of their lives.

The Kyl-Nelson-Nickles amendment is legislation that could be termed as declaring that the comfort of dying patients is not a legitimate goal of medicine. But to me, that has it backwards. Isn't the relief of suffering exactly what doctors are supposed to be concerned about?

A second and related problem is that this amendment allows plans to define as ''medically necessary'' care that is appropriate ''to treat a medical condition, illness, or injury.'' This narrow definition compromises the delivery of appropriate care to dying patients by failing to recognize the legitimacy of care that focuses on the palliation of pain rather than a cure. This definition actually encourages overuse of invasive—and often futile—medical treatment and the underutilization of hospice and palliative treatment.

The Institute of Medicine report released this month concludes that ''policies and practices that govern payment for palliative care hinder delivery of the most appropriate mix of services.'' A chapter of that report focuses on the terrible effect these policies have had on children. It found that services necessary to provide dying children and their parents with comfort and counseling are not recognized and certainly not even reimbursed by many insurance programs.

I believe the definition of ''medically necessary care'' proposed by this Kyl-Nelson-Nickles amendment would further obstruct access to hospice and palliative care services for patients suffering from terminal illness.

We have not done enough to relieve pain and suffering at the end of life. I served for many years on the board of a children's hospital. Back in those days, the idea of giving strong medication to a dying child was really not even considered a possibility for many reasons. People were not sure about the appropriate dosage. Some people were worried even with a dying child that the child might become addicted to strong pain relief medicine.

I have also seen friends who, at the end of their lives, had to cry out for and demand pain relief from an almost unbearable burden. They did not want to leave this wonderful life, but they knew that was going to happen and they wanted to do it in a way that relieved both them and their loved ones of the agony that comes at the end of so many devastating illnesses.

There are many wonderful hospice programs in our country, and many academic development centers are developing comprehensive palliative care programs specifically to focus on patient comfort at the end of life.

The Kyl-Nelson-Nickles amendment places the comfort of dying patients and their families beyond the language of the legislation, really rendering it illegitimate; providing this comfort would no longer be medically necessary or appropriate.

I ask unanimous consent to print in the RECORD the article I referred to earlier from the Washington Post called ''Children of Denial.''

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

[From the Washington Post, June 19, 2001]

CHILDREN OF DENIAL—RECENT ADVANCES IN END-OF-LIFE CARE HAVEN'T REACHED THE YOUNGEST PATIENTS

(By Abigail Trafford)

The leukemia had come back. Liza Lister, 5, leaned on her mother's shoulder. As her mother later recalled, Liza asked, ''Will I die soon?'' She quickly went on, ''I want to die on your lap. I want to have my lullaby tape on.'' Just days after her fourth birthday, Liza had been diagnosed with acute lymphocytic leukemia. Now her last chance for a cure, a bone marrow transplant, had failed.

Her parents, both physicians in New York City, had access to the most advanced therapies to wage war against her disease. But when a cure was no longer possible, they found themselves outside the mainstream of modern medicine.

Hospitals had no formal support system for families caring for a child who was going to die. There was no one health professional to offer consistent guidance throughout the up-and-down course of Liza's illness. The medical team never mentioned a hospice program.

At a time when strides have been made in easing the pain of death for adults, most children who die of chronic illness do not receive state-of-the-art care at the end of their lives—mainly because no one wants to admit they're dying. The majority die in hospitals, often in intensive care units where they are hooked up to life support machines. Drugs that could ease pain go unprescribed.

Yesterday the Institute of Medicine, in a report on end-of-life cancer care, called for a stronger focus on children, for better relief of suffering, education of doctors and changes in health plans to cover supportive services.

''Kids are suffering. The ones who are sensing they are dying and haven't been told are suffering from loneliness, from a lack of permission. Kids are suffering pain because people are reluctant to give narcotic pain relief to children,'' said pediatric oncologist Joanne Hilden, who founded the end-of-life care task force for the Children's Oncology Group, a national network of pediatric cancer specialists.

''Parents are suffering because they feel they have failed their child. Doctors and nurses are suffering for wanting to do better in a system that is getting in the way at every turn.''

THE INVISIBLE DEATH

Death in childhood can be a taboo subject in the United States. The roughly 28,000 children who die every year of chronic illness such as cancer, heart disease, degenerative disorders and congenital anomalies are like medical orphans in a health care system dedicated to cures and longevity.

''Childhood death is completely invisible,'' said nurse Cynda Rushton, director of the palliative program for children at John Hopkins Children's Center. ''People don't want to be reminded of it. The grief is so profound, it's almost unspeakable.''

The medical team generally recognizes that a child is dying several months before the parents do—but doesn't usually tell them. In a study published last November in the Journal of the American Medical Association, physicians tended to realize there was no chance of recovery nearly seven months before a child's death from cancer; parents, on the other hand, did not come to that realization until about 3½ months before. Only about half the parents learned it in a discussion with the doctor.

The communication gap between physicians and parents is a major barrier to quality end-of-life care, pediatric specialists said.

No one at the hospital could bear to discuss death with Liza Lister. She had pressed her doctors: ''What will happen when I die? How will I know I'm dying?'' Her oncologist promised to let her know when death was imminent. But on the final night, as she lay in her mother's arms next to her father and older sister, and everyone knew the end was near, Liza asked, ''Why didn't the doctor call to tell me?''

The Listers were able to put together hospice care for Liza for the last three months of her life. But fewer than 10 percent of children who die in the United States receive such care, according to the National Hospice and Palliative Care Organization.

Palliative programs, focused on pain control and quality of life, are aimed at making patients comfortable rather than curing their disease. In addition to doctors and nurses who treat pain and other symptoms, counselors, social workers and spiritual advisers address the patient's emotional and developmental needs. The team also supports

the parents and siblings, and helps the bereaved family after the child dies.

A study published last year in the New England Journal of Medicine concluded that many children with cancer ''have substantial suffering in the last month . . . and attempts to control their symptoms are often unsuccessful.''

Researchers interviewed the parents of 103 children who had died between 1990 and 1997 and were cared for at Boston's Children's Hospital and the Dana-Farber Cancer Institute. Nearly half the children died in the hospital—half of those in the intensive-care unit. Overall, nearly 90 percent of the children suffered ''a lot,'' according to the parents.

Thirty years ago, when childhood cancer was generally fatal, ''we were experts in end-of-life care,'' said oncologist Joanne Wolfe at Dana-Farber, an author of the study. Today, 70 percent of patients survive. ''We have to turn our focus on the percent who are not cured,'' she said. ''We have to focus on palliative care.''

A more recent review of children who died in hospitals in Canada showed similar results. These children suffered from a range of conditions including AIDS, organ failure, cystic fibrosis, heart disease and cancer. Of the 77 patients studied, more than 80 percent died in the ICU and most were attached to tubes and ventilators. The children were rarely told they were dying, according to the report in the December issue of Journal of Pain and Symptom Management.

MOMENT OF DECISION

When a life-threatening illness is diagnosed in a child, most families start out with aggressive treatments.

Terri Wills, a single mom in the East Texas town of Newton, thought her son's swollen face was due to allergies. It turned out to be a rare, devastating kidney disease called focal segmental glomerulosclerosis.

Adam, 5, was treated with heavy doses of corticosteroids and other drugs. He gained weight from the drugs, his height was stunted, his moods were in flux. He lived for almost 10 years with his disease—and lived well, his mother said, pitching for his baseball team and trying not to ''let anyone see he was sick.''

In 1996, at the age of 12, Adam went into renal failure and had a kidney transplanted from his mother. The disease recurred almost immediately. A second transplant failed in 1998. At that point Wills and her son knew his death was inevitable. ''I'd rather he die on a bicycle than in the hospital,'' she told his doctors at the Children's Medical Center in Galveston, and she took him home.

For many other children, the prognosis is not so clear. Chronic conditions are highly unpredictable. Many formerly fatal diseases are now curable. Parents are naturally eager to give their child every chance for survival.

Derrick Csati, 9, of Angola, N.Y. has been battling brain cancer since he was 2. His first surgery lasted 17 hours. Since then, he's had several relapses and more surgeries, courses of chemotherapy and radiation, experimental therapies including monoclonal antibodies and a round of stem cell transplants.

He's now on his way to Duke University to receive another stem cell transplant, his fifth in the last year. His family has declared bankruptcy and his mother quit her job to stay with him.

The Csatis are supported with home care nurses and social workers from the Center for Hospice and Palliative Care in Buffalo. They have been on the brink before. Four years ago. Derrick relapsed with tumors invading his spine, causing horrific pain. They were offered several options; one was to stop aggressive treatment and make him comfortable. They chose instead an experimental regimen of chemotherapy and radiation. The tumors disappeared.

''He's had four years of quality life,'' said his mother, June Csati. Derrick goes to school and has a close relationship with his older brother, Ben. His mother knows ''we could always tell them we're done.'' But ''I keep the faith. I think he could pull this off. He's willing. He's not being hurt by this.''

''How can you stop? It's so worth fighting.''

THE PAIN FACTOR

For many families, the crucial decision of whether to treat aggressively or let go takes place in the pediatric intensive-care unit (PIC). Doctors and nurses on the front lines remember the hard cases: The teenager with aplastic anemia who was in so much pain she couldn't be touched. The 13-month-old who was born prematurely and stayed on life-support machines virtually all her life until the technology was turned off.

''I wouldn't put my own children through what we put children through here,'' said Ivor Berkowitz, Director of the PICU at Johns Hopkins. ''It is very wrong when you look at it in retrospect.''

But he quickly adds that each case is unique and that there are no overall guidelines on how to treat patients with advanced illness in an era of expanding biomedical options. Many children survive crisis that would be fatal for adults.

''At what point do you change your goals?'' Berkowitz continued. ''Where do we set the bar? This is the biggest struggle in the ICUs.''

''The discussions are hard,'' said cancer specialist Hildenof the Cleveland Clinic Foundation. ''Are we going to do experimental chemo for leukemia? Or shall we stop? Do you want to go on or off the ventilator? That's the down-and-dirty stuff. That's not a 10-minute conversation.''

Nor is it covered by insurance, Hilden noted. ''How politically incorrect is it to say I don't get paid to talk to parents about the death of their child?''

All the while, children with debilitating illness need the medical team to address symptoms such as fatigue, nausea, shortness of breath and depression.

Managing pain is difficult in children, especially in those who are not able to talk. Physicians get virtually no training in pediatric palliative care. Doctors and nurses watch for increasing heart rates, crying, agitation, irritability.

''It's very hard to tell what they're feeling,'' said physician Charles Berde, director of pain treatment services at Children's Hospital in Boston. ''The parents say, 'My child screams all the time.' Is the child screaming from pain or something else?''

''Pain is such a huge problem,'' remembered psychiatrist Elena Lister, who described her daughter's death in the March issue of the Journal of Pain and Symptom Management. Liza, who died four years ago, suffered severe bone pain even in her skull.

When Liza was in the hospital, one of the doctors raised the concern that narcotic pain medicines are addictive. ''To me—who the hell cares?'' said Lister. ''She is going to die. The pain is such an inhibitor for any remaining pleasure.''

CONTINUITY OF CARE

Several studies have shown that the involvement of the same physicians and nurses from beginning to end helps to minimize a child's pain and suffering.

''Continuity of care was key. To which I say, 'Duh?' '' said neonatologist Suzanne Toce, director of the palliative Footprints program at Cardinal Glennon Children's Hospital. Whether a child is cured or succumbs to a life-threatening condition, ''we need to integrate palliative care into mainstream medicine,'' said Toce.

Sometimes when parents want to stop aggressive therapies before their physician does, they have to change doctors—accelerating their sense of isolation and abandonment at a crisis point in the child's illness.

That's what happened to Kevin and Brandi Schmidt of St. Augustine, Fla. When their daughter Kourtney was 4 months old, she was diagnosed with a severe form of spinal muscular atrophy, a rare inherited disease. The Schmidts quickly learned that such children die within a year. As the muscles weaken, the child can't eat, swallow, cough, even breathe.

Kourtney underwent surgery to have a feeding tube inserted. She received extra oxygen to breathe. She was revived several times.

But the Schmidts did not want to put Kourtney on chronic ventilation. ''We went to see a little boy. He was 2 years old and hooked up to a machine. We couldn't see doing that to Kourtney,'' said Brandi Schmidt. ''We wanted her to have a better quality of life. We didn't want to do any measures that would only extend her life.''

The low-tech approach did not sit well with their physicians, especially the lung specialist. ''It was like all or nothing,'' said Schmidt. ''He wanted to take the big guns out.''

When the Schmidts refused to use more technology to take over Kourtney's breathing, the lung specialist withdrew from the case, ''I don't have the knowledge and experience to counsel the family,'' he said, and he recommended hospice care.

That meant the Schmidts had to find a new physician. The local hospice program was not geared to children. The hospice nurse was afraid to touch Kourtney. After negotiating a special arrangement with their health insurance, the Schmidts were able to keep their home care nurse and still receive hospice benefits.

Kourtney died in her parents' king-size bed. She was 8 months old. ''She wasn't in any pain,'' said Schmidt. ''It was very peaceful.''

FOCUS ON CHILDREN

In a national survey by oncologist Hilden, bereaved parents were asked what they most wanted from their doctors in a palliative care program. She summed it up:

''Tell us exactly what different options mean. . . . Some parents, for example, didn't know that patients could talk on a ventilator. . . . Tell us you can control pain, even at home. . . . Tell us that not pursuing curative therapy is okay. . . . Tell us the truth about prognosis. . . . Tell us you won't abandon us. . . . Tell us how to prepare for the funeral.''

The American Academy of pediatrics called last summer for regulatory changes in Medicare, Medicaid and private health plans to improve access to end-of-life services for children. Several comprehensive programs have been developed in such cities as St. Louis, Seattle, Buffalo, Boston and Baltimore. These programs offer supportive care from the time of diagnosis and follow some children for years. A study on end-of-life care for children is underway at the Institute of Medicine.

''We have to acknowledge that some kids are going to die,'' said Houston pediatrician Marcia Levetown, founder of the palliative Butterfly Program in Texas.

Research suggests that when children have an opportunity to discuss death, they are less anxious and feel less isolated from their parents and caregivers.

''What Liza taught us was not only can you talk about this, you must,'' said psychiatrist Lister. ''Otherwise, the child dies and there's never been a chance for intimacy.''

For many families, the intimate bonding that can occur during the dying process is what constitutes a ''good'' death.

Teenager Adam Wills of Texas lived another year and a half after the second kidney transplant failed. ''When I die, you wear hot pink or bright red,'' he told his mother. He got a new bike. He made friends at the dialysis center. Just before he died, he gave an elderly man at the center a harmonica. Then he ordered a lemon tree for his mom.

''He was saying his goodbyes,'' said Terri Wills. Adam suffered a massive stroke in October 1999, and was rushed to Children's Hospital in Galveston, where he died in his mother's arms in the Butterfly room. ''It was the most beautiful thing I've ever experienced,'' she said. At Adam's funeral, the elderly man from the dialysis center played the harmonica. Four months later, the lemon tree arrived.

Mrs. CLINTON. Mr. President, I urge my colleagues to oppose this amendment not only for all the reasons others have enumerated but for this very specific issue. We are at the beginning of work that needs to be done in hospice care and palliative care, and I would hate to see us turn back the clock before we really started the race to determine what we should do to care for those who are in the last stages of life.

I urge all of my colleagues to join me in opposing this amendment and to support the ongoing efforts to provide more pain relief, more palliative care and, yes, more comfort to those who are leaving this life.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I want to make two points. One has to do with a colloquy that was underway when I had to leave to introduce someone in committee about moving to the Defense supplemental appropriations and an effort to tie limitation of amendments on this bill to that effort. I also want to address the underlying amendment.

It never ceases to amaze me that when we debate these issues, we talk all around the issue, but we never get to the heart of the issue and why it is important. We have 1,001 examples of terrible things that happen to good people, but we never talk about what is the issue.

Let me make it clear that I am going to vote for the pending amendment. I think there is a better way of fixing this problem than the way they fix it. I am working on what might hopefully be a compromise to fix the problem, but I want to be absolutely certain that it is clear to anyone who has any intent to be objective that there is a big time problem with the bill on this issue. Let me clearly define the problem.

The question is: For example, I have entered into a contract on behalf of my family with standard option Blue Cross/Blue Shield. I could have bought the high option, but I looked at cost and benefits. I made what I thought was a rational judgment, and I decided not to pay more to get the extra coverage. I made a decision, and it involved cost and benefits.

Every day in America, people enter into contracts to buy health care. Obviously, a big question in the bill before us is: Are those contracts binding? Are they binding on the purchaser of the health care? Are they binding on the seller?

As is usual with this bill, on page 35, gosh, it sure looks like they are binding. On page 35, line 14, it says in a bold headline: ''No Coverage For Excluded Benefits.''

Then you read on. It says:

> Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan, or a health insurance issuer offering health insurance coverage, provide coverage for items or services for which benefits are specifically excluded. . . .

Gosh, it seems in this bill they are saying contracts are binding, but when you read on, as is true over and over in this bill, you find that exactly the opposite is true. When you read on, it says:

> . . . except to the extent that the application or interpretation of the exclusion or limitation involves a determination described in paragraph (2).

Then you go back two pages to find paragraph (2) and you find that paragraph (2) has to do with anything that is medically reviewable and anything that has to do with necessity or appropriateness.

Let me explain what this language says. This is a classic bait and switch. The language says that if something is precluded in a contract, it is not covered, except if it is medically reviewable—and all medical decisions are medically reviewable—and unless it has to do with ''necessity and appropriateness.''

What this provision actually says is the contract is not binding. The medical reviewer can determine that someone needs care, and even if it is precluded by the contract, the plan is required to provide it.

Gosh, that may sound wonderful to some people. Let's take the standard option Blue Cross/Blue Shield policy. I have a limit of 60 days in the hospital. Let's say I have the misfortune or someone in my family does that they are in for 90 days. The plan says you are not covered. I go before a reviewer and say: Look, I want the medical reviewers to determine as to whether I need this care or not. They determine I need it, they override the contract, and so I paid for the standard option Blue Shield policy, but I got the high option. Is that great and wonderful?

What do you think is going to happen when it is time for me to renew that insurance policy? What is going to happen is then I am going to have to pay for the high option. That is not going to be such a big deal for me because I can afford to pay the high option, but what about millions of Americans who cannot pay the high option?

If we let these external review committees decide what people need, independent of the contract they entered into to provide care—I got a lower price by saying I did not want heart and lung transplant services in my policy, and yet I come down with an acute heart problem and my physician stands up in front of this board and says, I am going to die if I do not get this surgery. Then the review committee says it is medically necessary and under this bill it is covered, even though my plan I paid for did not include it. The net result of this is to cause health insurance costs to skyrocket.

Also, if I am a health care provider as an employer and I have joined my employees in buying health insurance, now the contract is not binding, so the health insurance company obviously is going to want to change the amount they charge us because they are not going to have the protections of their contract.

I do not think the way we are doing this is the right way to do it. I think there is a cleaner way to do it. I hope to do it better later if this succeeds or fails, but this brings us to a fundamental question of this bill, and that is, Are contracts binding?

What we are saying in this bill is, no, not if they relate to health care. I think that is very dangerous. This is another reason, if we don't fix it, the explosive cost of this provision unfixed is greater than the liability cost about which we spent most of our time talking.

I hope my colleagues vote for this amendment.

Now the final point. Senator BYRD and Senator STEVENS were talking about the necessity of passing a supplemental for national defense. I am for this defense supplemental. I want it to come forward. I don't see why we can't do it tonight and get it over with, provide the money for national security. I know there will be one controversial amendment. I intend to vote against it; maybe some will vote for it. However, there is no reason that tonight we cannot settle this issue and vote first thing in the morning.

Several of the people who spoke on the issue suggested we will not be allowed to go to that defense supplemental bill unless we have set out a limit on amendments to this patients' bill of rights. I urge the majority leadership to not commingle this bill with the defense supplemental. It may well be that in the end we will reach compromises on the 6 to 10 major issues on which we will have to reach some accommodation to see the bill go forward. I am encouraged by the willingness of Senator MCCAIN to sit down and talk. I hope it is the beginning of a recognition that this bill is not perfect and it can be improved.

This morning when we voted down an amendment that exempted small employers with 50 or fewer employees

from this massive liability burden that they can be sued for simply helping their employees buy health insurance, I took that as a very bad sign for this bill. I have to congratulate the majority. Oh, that I could be in an army that had that kind of discipline. I can't imagine there is a city in America where Members could defend the provisions of this bill, which basically say that if you are covered by ERISA, you are subject to being sued as an employer for helping people buy health insurance.

There was an amendment that said just exempt the little employers because they will almost certainly have to cancel their health insurance if they are subject to lawsuit. I don't believe there is a city in America that any Member of the Senate could go into and successfully defend a vote against that provision. Yet that provision was defeated. I am afraid we are moving in the wrong direction in terms of building a consensus.

I want to see this bill completed. I don't think anybody benefits from holding this bill up. There are going to have to be certain accommodations. If we don't deal with some of these issues, the President will end up vetoing the bill, and what have we achieved? unless your objective is simply a political issue so one can say, well, we were for this bill, the President was against it, Republicans were against it.

If we really want to pass this bill, we are going to have to deal with the sanctity of contracts, we are going to have to come to grips with suing employers and the liability question, we are going to have to come to grips with scope.

If States have good functioning plans, should they be able to stay under their own plan or should they be forced under the Federal plan? There are a handful of issues that could be counted on your 10 fingers on which we will have to come to some accommodation.

My concern is, the clock is running. Today is Wednesday. Unless we begin to reach an accommodation on these issues, we are headed for a train wreck at the end of the week, and it is because of that I urge those in positions of leadership to please not try to tie stampeding Members on this bill, by limiting their rights to offer amendments, to passing a defense supplemental appropriation that I assume we are all for.

Why not pass this bill? I would be willing to pass it on a voice vote so it could be done tonight, get it over with, and then focus our attention on this bill. I hope we don't have an effort to tie limiting our rights on this bill to even bringing up the defense supplemental. If that happens, the net result will be the defense supplemental will not be brought up. No one will benefit from that. It is not good public policy. I urge the two not be tied together.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I will respond to the plea from my friend from Texas, his plea that we finish this bill. No one wants to finish this bill more than the authors of the bill, Senators MCCAIN, KENNEDY, and EDWARDS. They have been working to compromise; they have been working with Republicans. That is the reason we are winning these votes on amendments, because we are getting Republican and Democratic votes and carrying the majority. We also want to finish this bill and do things the right way.

Why do folks stand up and talk about issues that are already taken care of in this bill? I know there is a disagreement on the fine print. That is what the frustration level is. I hope my friend will work with Senator SNOWE as she seeks to craft a bipartisan amendment dealing with the employer liability.

Right now, as I read the bill, employers do not have liability; they cannot be sued unless they personally make the decision to withhold care from the patient. Most employers do not do that. They contract with providers, and those providers will be held responsible.

I find it very interesting that my friends on the other side of the aisle—most of them, certainly not all of them; and we are happy to have Senator MCCAIN and other Senators joining with us on many of these amendments—I find it intriguing that they keep talking about these poor HMOs and insurance companies. We know, and we have said it a number of times, all we want is to see HMOs treated the same way in our society as we treat every other business, every other individual. If any of us goes outside this Chamber and we knock into someone and we hurt them, we are responsible. We are held accountable if it was our fault.

The reason we have the safest products in the world is that we have the toughest liability laws and they act as prevention. People make safe products, one, because most of them in their hearts want a good, safe product. But we have harsh laws if you intentionally hurt someone. If the brakes on the car don't work, if the crib bars are too wide, wide enough so a child can be strangled, we have laws on the books. All we are saying to HMOs is, if you in fact hurt people, you should be held accountable as well.

Members can stand up and pick apart one sentence in the bill, but the fact is this debate goes much deeper. It is not about paragraph 1 on page 2; it is about the essence of what we are trying to do. Do patients deserve care that is prescribed by their physician or should they be at the mercy of some accountant wearing a green eyeshade saying, no, that is money we cannot spend because our CEO will not make his $200 million this year.

Patients deserve to have their care prescribed by physicians. Certainly, physicians are making that statement to us, and almost every group in the country, and certainly every respected group, makes those decisions to support the McCain-Kennedy-Edwards bill. Patients deserve to be able to know their doctor is taking care of them. You would not go to a doctor to get a tax form filled out; you would not go to an accountant to get your health care. We should keep medicine with the people who went to school, with those who know what good care is, and we should keep the bean counting and the bookkeeping with the people with the green eyeshades; they don't have white coats. I would rather go to someone in a white coat if I am in trouble and need a course of treatment.

Do patients deserve the medications the doctor prescribe? The HMO says: We have another one we can substitute. If the doctor believes you need a certain medication, you should have it.

Do patients deserve to get into a clinical trial if, in fact, they have no other recourse? Absolutely they do. That is why the McCain-Edwards-Kennedy bill is so important.

Let's face it; HMO executives are making millions of dollars while denying needed care to our people. This is about who you stand up for, who you fight for. I have many stories.

I ask the Chair what is the order now? It is 1 o'clock.

The PRESIDING OFFICER (Mr. WYDEN). The Chair advises that the Senator from Tennessee is expected to be recognized to offer an amendment.

Mrs. BOXER. I will yield then in 1 minute, if I might, and leave the floor at that time. But I want to sum up.

On Monday morning early I held a hearing in San Francisco. I had patients and families of patients testify. I had doctors testify. I heard stories that absolutely brought tears to my eyes—not just to my eyes but to those of everyone in that room.

No. 1, a husband whose wife was diagnosed with breast cancer had to literally put his work aside. He is in his 50s. He had to fight for her to get the treatment she deserves and needs because the HMO was trying so hard to save money. He had to threaten to go to the Los Angeles Times and tell his story—threaten—in order to get the care she needs.

I had the mother of a little girl who was diagnosed with cancer in her eyes. She had to struggle and fight. She said: I gave up everything else I was doing. I could not be with my daughter.

This is wrong. Senators can offer amendments until the cows come home and I know one thing: It is delaying passage of this bill. It is delaying the chance to vote on a strong Patients' Bill of Rights.

Bring your amendments on. We are voting them down, most of them. If some of them are good, we will support them. But we want a strong Patients' Bill of Rights that says to our people: You are paying for this care. You deserve this care. If you are turned down for care, you deserve the right to a

speedy appeal, and then for sure we want to hold the HMOs accountable if they hurt you or your family. We say: Treat them as we would anyone else in society.

I am grateful for the honor to speak on behalf of the underlying bill. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

AMENDMENT NO. 819

Mr. THOMPSON. Mr. President, I do intend to offer an amendment shortly. I believe it is being finalized as we speak. We will have that before the Senate in a moment.

Listening to the debate, listening to the discussion this morning, I am once again reminded of what passes for policy discourse nowadays. I was reminded of the article that was written by David Broder in the Washington Post yesterday. Mr. Broder is obviously one of the most respected members of the press corps. Some refer to him as the dean. He is certainly not right of center. I don't know what you would call him except a very thoughtful, highly respected individual.

As I listened to this debate this morning, I thought a few of his words would be appropriate. He says this:

> The Senate debate over the Patients' Bill of Rights has become, in large part, a battle of anecdotes. . . . Backers of the Kennedy-McCain-Edwards bill, the sweeping legislation President Bush has threatened to veto, come armed each day with stories about the youngsters whose brain tumor was missed because an HMO denied his parents' request for a specialist referral or the mother whose breast cancer was ignored until it was too late.

Mr. Broder goes on later in the article and says:

> Would that the issue were that simple and straightforward. But it is not. Anecdotal evidence, no matter how powerful, gives no guidance to the scope of the problem being addressed.

Later on in the article he says:

> Still less do the anecdotes define the proper remedy. Instead, by narrowing the question to dramatic horror stories, they pull the debate away from the genuine policy tradeoffs that must be made.

I could not agree with him more. The incessant recounting of horror stories and the using of these poor and helpless people as instruments in this debate, indeed, pull us away from the genuine policy decisions that have to be made.

I would like to discuss one of those briefly this morning. That is the subject of the amendment I intend to introduce. It has to do with the exhaustion of administrative remedies.

That sounds to be an arcane legal issue that should not be of much interest to very many people. I think the contrary is the case. Basically what the exhaustion principle is saying is that under the law, generally speaking, if you have a remedy before you get to court, go ahead and use it before you go to court. The importance of that principle of exhausting your administrative remedies—going through the administrative process before you leap to court—is firmly embedded in our system. We see it working all the time with regard to run-of-the-mill kinds of lawsuits.

We have lawsuits in State court where you have to go through a commission or some body or some bureau has a chance to make a determination—usually because that entity has some expertise in the area. We give the entity, under looser rules of evidence and a lot less expense for litigants, an opportunity to take the first pass at this problem. In the process of doing that, a lot of things shake out, a lot of frivolous claims are made obvious and are dropped at that level. A lot of times the merits of a particular claim are seen and the State or whoever it is—oftentimes it is in the State system—sees that and they settle.

It is designed to have someone with some expertise, some objectivity, hash out the facts in a way that would be much faster than a court system, much less expensive than a court system, and would be to the benefit of everyone involved. It still doesn't mean you can't go to court later, but a lot of things get winnowed out in the process.

We know how clogged up our court systems are in many cases. In our Federal system, under the speedy trial act, the courts have to consider all the criminal cases first. With all the drug cases we have in Federal court and everything else, sometimes in some jurisdictions it takes a long time to get your case heard in the Federal court system. So this administrative process before you ever go to court, in winnowing those cases down to the ones that really belong in court and providing expedited expertise to the litigants, is very important.

In our system, also, when we go through that process and we get that determination made by those who have the first look, so to speak, with the expertise, then you give some credence to what they found. Then you can go to court, but you do not turn your back on the fact that this process has been followed and they came up with a certain result. The court can live with that result, usually, or it doesn't have to if it doesn't want to. But it is out there and it has served its purpose.

That is the general, overall system we have through our system. Not everything goes through this administrative process before it goes to court, but a lot of things do. This Health Care Bill of Rights we are considering today does that.

It sets up independent decisionmakers to consider these claims in a rather elaborate and detailed way before they ever get to court. The process that is set out in this bill is a good one. It sets forth a several-step process where experts who are independent and objective have a chance to take a look at a claim. We all know, with as many horror stories as are paraded around here by those who support this bill, that we cannot cover everything, all the time, for everybody, at any cost whether or not it is in the plan or it is something you have contracted for or something your employer covers or not.

If we did that, the cost would be so high that nobody could afford insurance, and nobody would be covered for anything. So it is a tradeoff. It is the kind of tradeoff that David Broder is talking about. Yes, we want these pitiful people to have coverage, but we also want to have it so that people are not totally driven out of the market because the cost doesn't match the benefit for the amount of money they expend.

That is the process and the balance that we are trying to achieve.

We got into the health care business because the medical costs were going up at almost 20 percent. We created their managed care system. We like to deride it now, but we created it because health care costs were going up at almost 20 percent and we tried to respond to that.

Assuming that, if it is not in the plan, if it is not in the deal, and if it is not in the contract, there will be some cases that are legitimately, after being looked at by all experts, not appropriate, this bill assumes there will properly be some cases that are not. If you are going to have some that aren't and some that are, what do you do? You set up a process to find out what is just. You set up a process to find out what is right.

How do you do that? This bill does a lot of things. It has an internal review process. It is an internal process, first of all, to even grant or deny a claim.

Let's say under the plan that someone comes in and their claim is denied. Maybe they haven't worked there long enough. Maybe they don't even work there at all. Maybe a determination is made that this is not a medical procedure that is covered or it is experimental. For whatever reasons, there are many cases that are denied.

Under this bill, there is a process to review that denial, even at the internal stage when the employer still has some say-so with regard to some of these plans. Especially even at that stage, this bill begins to set up expertise and objectivity.

At the internal review level, it says the person making that review cannot be associated with the prior decision. He has to be someone who is independent of that prior decision. It also says it has to be someone with expertise. It also says if it is a medical issue, it has to be a physician.

Even before we get to the external review, while it is still an internal review, this bill sets up expertise and independence in the process to make sure this claim is adjudicated or decided in an appropriate manner. All right. You go through that.

Let's say the claim in this external review process is still denied. This person denies the claim. Then, under this

bill, there is an external review process. At this stage of the game, the person is totally independent of the plan. The legislation demands that he be totally independent, that he have expertise, and that he have nothing to do with the plan or the employers or anybody else. The bill spent several pages of setting up a procedure whereby he is objective and independent.

The Secretary here in Washington has authority to review what he is doing and to look at the cases he has considered to make sure he is not prejudiced in any way, where it looks as though maybe he is denying too many claims or something such as that. There are elaborate processes to make sure this external appeals process is fair, independent, and objective. All right.

Let's say we go through that level. Let's say that entity decides that there is a medical issue. Then they hand it over to yet another level of independent review. That is the independent medical review.

Once again, the bill sets up someone who is totally independent, totally objective, sets forth supervision by the Secretary, and sets forth how he is to be compensated to make sure he is well qualified.

That is the third level, you might say, in terms of some degree of independence and objectivity—totally at the last two levels and somewhat at the first level.

You have the internal review; you have the external review; and you have the independent medical review—all set up to make sure that someone who comes with a medical claim gets fair consideration, and you don't have these big, bad, mean HMOs that we hear so much about making these decisions. They are not. These people are under this act.

What we do, and what we say in this amendment that I am going to submit is, let's use it. What I have just described, let's use it.

After setting up this process that ought to be used because it is a good process, this bill also says it can be circumvented at any time. It can be. A claimant can stop it if he doesn't like the way things are looking and go to court by alleging that they have received irreparable injury or damage—not that they are about to but that they have received it.

There are two things wrong with that: No. 1, you obviously lose the benefit of the administrative process. For example, part of the problem could be or may be the sole problem could be a question of coverage. You have this process set up. You are maybe in the middle of it. Why not just decide whether or not you are really covered under this bill? It is a factually intensive exercise under this plan: how long you have been working here, and that sort of thing.

The second thing that is wrong with the bill as it is now, and allowing them to circumvent this process that I have discussed by alleging irreparable injury—they do not use the word ''allege,'' but it is the same thing. The only way you can get into court is by ''alleging.'' That is the way you get into court. It is a low threshold.

You can circumvent this plan at any time, or this process at any time along the way.

The second thing wrong with it is it doesn't have a claimant in it because we are talking about money damages. To circumvent this process in order to allow a claimant to go over here in the middle of it and file a lawsuit for money damages, all he is doing is getting in line over at the courthouse. He doesn't get any expedited treatment for that. It doesn't help him. Why would you do that when you are in the midst of this, admittedly, excellent, objective, costly administrative process?

I don't think that it makes any sense. Costs are relevant because it is going to show up in somebody's price for insurance.

This plan costs money. This process is expensive to set up. If you are going to have it, you ought to use it. Of course, if the result goes in the claimant's favor, it is binding on the plan. But if the results of the independent process go against the claimant, then of course he can go to court.

But my problem this morning or today is not that he can go to court. It is that he can go to court before he exhausts administrative remedies.

My friends who oppose this—I am going to anticipate this a bit because we have had some prior discussions about this. Some of my friends have pointed out that there obviously can be a need from time to time for emergency care. What if you are in the midst of this process and you have some kind of an emergency situation that ought to justify your circumvention of it?

My first answer is, the bill, as drafted now, is not going to help any claimant with regard to an emergency because, as I say, we are talking about money damages. All he can do is file a lawsuit. If that makes him feel better, 2 years later he may get into court to try his case. That might help him. But other than that, that is not going to help the person with some kind of an emergency.

What will help that person, though, is in this bill. It is already provided for. In the first place, you have a provision that is in ERISA, that we adopt in this amendment, that says you have all of the coverage that is given under ERISA, which allows you to go into court at any time to recover benefits that are due you, to get a mandatory injunction or to whatever you might be entitled under ERISA, under current law. That remains. That will be the same. We have adopted that and made that clear in this bill.

The second thing is, under section 113 of the bill, the claimant has access to emergency care. There is a provision in the bill that if you have an emergency—of course, the general law requires hospitals to take care of you anyway, but if it is an emergency-type situation, under this bill already, under section 113, an emergency is taken into account.

What if you have a situation that is not an emergency, not an immediate thing, but you do not want to go through the administrative process for just and reasonable reasons? What kind of situation could that be?

That could be a situation in the middle that is not an emergency but maybe you are entitled to an expedited review or determination. There is a provision in the bill that covers that situation also, under section 103 on internal appeals.

At the internal appeals level, if the initial claim is turned down and if a person believes they are entitled to an expedited determination, even at that level, they can go forth and pursue that. Then, at the next level, at the external appeals level, if they believe they are entitled to an expedited determination, if a physician certifies that they are entitled to expedited consideration—at either of those levels—they can get that. So the claimant is covered.

The claimant is covered under those situations, which allows us to go back to the basic legal proposition that I mentioned in the very beginning in relation to the exhaustion of the administrative remedies, which work so well in so many aspects of our judicial system, which is set up under this bill but then has massive carve-outs. That process should be allowed to work.

There is one other point in this amendment, and then I will offer it; and that is, after you go through this process, after you exhaust your administrative remedies, after you go through the internal appeal, the external appeal, the independent medical review, and after you get a result—whatever that result is—the trier of fact, when you go to court, ought to know about that result. It is not determinative on the trier of fact—whether it be the judge or the jury in the court—but it is relevant.

If you are not going to do that, you are really wasting a whole lot of time, money, and expertise and creating additional problems for yourself in terms of cost in reaching a just result. So that is what it does.

I think we all agree we want doctors making medical decisions. When these claims are made, in this review process, if it is a medical claim, doctors are going to be making that medical decision. But if you do not like it, then you can go to court. But let that doctor, let that independent, qualified physician make the first determination before you go to court.

Are we so desirous of speeding everything to court, with the attendant costs that we know are going to come about? And these are not costs to some HMO, these are costs to the American

people. We have 44 million people who already are uninsured in this country. Even if we add just 1 million to the uninsured in this country because of what we do here, that ought to bother us. We should not be in the business of doing that.

So let's let doctors make that initial determination instead of lawyers. This is one of those issues that is doctors versus lawyers.

If you want to go to court, if you want to rush to court at any time in the process, regardless of what has happened—regardless of whether or not anybody independent has had a chance to look at this—you are going to decide, with a lawyers' bill, to do that. The way it is constructed right now, you can sue anytime, for anything, in any amount. We can discuss those issues later.

But with regard to this issue, exhausting administrative remedies, let's let the doctor, let's let the medical people have the first crack at it. Who knows. When we get that result in, it might resolve a lot of these potential lawsuits.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON] proposes an amendment numbered 819.

Mr. THOMPSON. 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 require exhaustion of remedies)

On page 150, strike line 17 and all that follows through page 153, line 8, and insert the following:

''(9) REQUIREMENT OF EXHAUSTION.—

''(A) IN GENERAL.—A cause of action may not be brought under paragraph (1) in connection with any denial of a claim for benefits of any individual until all administrative processes under sections 102 and 103 of the Bipartisan Patient Protection Act of 2001 (if applicable) have been exhausted.

''(B) EXCEPTION FOR NEEDED CARE.—A participant or beneficiary may seek relief exclusively in Federal court under subsection 502(a)(1)(B) prior to the exhaustion of administrative remedies under sections 102, 103, or 104 of the Bipartisan Patient Protection Act (as required under subparagraph (A)) if it is demonstrated to the court that the exhaustion of such remedies would cause irreparable harm to the health of the participant or beneficiary. Notwithstanding the awarding of relief under subsection 502(a)(1)(B) pursuant to this subparagraph, no relief shall be available as a result of, or arising under, paragraph (1)(A) or paragraph (10)(B), with respect to a participant or beneficiary, unless the requirements of subparagraph (A) are met.

''(C) RECEIPT OF BENEFITS DURING APPEALS PROCESS.—Receipt by the participant or beneficiary of the benefits involved in the claim for benefits during the pendency of any administrative processes referred to in subparagraph (A) or of any action commenced under this subsection—

''(i) shall not preclude continuation of all such administrative processes to their conclusion if so moved by any party, and

''(ii) shall not preclude any liability under subsection (a)(1)(C) and this subsection in connection with such claim.

The court in any action commenced under this subsection shall take into account any receipt of benefits during such administrative processes or such action in determining the amount of the damages awarded.

''(D) ADMISSIBLE.—Any determination made by a reviewer in an administrative proceeding under section 103 of the Bipartisan Patient Protection Act of 2001 shall be admissible in any Federal court proceeding and shall be presented to the trier of fact.

On page 165, strike line 15 and all that follows through page 168, line 3, and insert the following:

''(4) REQUIREMENT OF EXHAUSTION.—

''(A) IN GENERAL.—A cause of action may not be brought under paragraph (1) in connection with any denial of a claim for benefits of any individual until all administrative processes under sections 102, 103, and 104 of the Bipartisan Patient Protection Act of 2001 (if applicable) have been exhausted.

''(B) EXCEPTION FOR NEEDED CARE.—A participant or beneficiary may seek relief exclusively in Federal court under subsection 502(a)(1)(B) prior to the exhaustion of administrative remedies under sections 102, 103, or 104 of the Bipartisan Patient Protection Act (as required under subparagraph (A)) if it is demonstrated to the court that the exhaustion of such remedies would cause irreparable harm to the health of the participant or beneficiary. Notwithstanding the awarding of relief under subsection 502(a)(1)(B) pursuant to this subparagraph, no relief shall be available as a result of, or arising under, paragraph (1)(A) unless the requirements of subparagraph (A) are met.

''(C) RECEIPT OF BENEFITS DURING APPEALS PROCESS.—Receipt by the participant or beneficiary of the benefits involved in the claim for benefits during the pendency of any administrative processes referred to in subparagraph (A) or of any action commenced under this subsection—

''(i) shall not preclude continuation of all such administrative processes to their conclusion if so moved by any party, and

''(ii) shall not preclude any liability under subsection (a)(1)(C) and this subsection in connection with such claim.

''(D) ADMISSIBLE.—Any determination made by a reviewer in an administrative proceeding under section 104 of the Bipartisan Patient Protection Act of 2001 shall be admissible in any Federal or State court proceeding and shall be presented to the trier of fact.

Mr. THOMPSON. Mr. President, the amendment has been offered. I have made my statement. I hope we have adequate time to deliberate with regard to this important amendment.

I yield back my time and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, during my nearly 5 years in the Senate I have heard the debate of managed care reform many times. I have participated in repeating statistics, engaged in legal analyses, participated in political analyses, all of which convinced me a long time ago of the need for this Patients' Bill of Rights.

But there is no substituting that which many of my colleagues have brought to this Chamber; that is, the life experience of American families with the system as it is currently designed and how it has dealt with the tragedies of their own lives.

Many of my colleagues have brought the experiences of frustrated families: People who get up every morning, go to work, pay for medical insurance, and participate in a managed care plan, only to find that in a moment of crisis in their own families, that which they purchased, that which they have relied upon, was not available to them.

As do my colleagues, I want to now share with you just two stories that give meaning to all the statistics and illustrate all the failures of the system.

I begin with Kristin Bollinger, a young girl from Spottswood, NJ. Kristin's experiences illustrate some of the troubling practices of HMOs and how ineffective and unresponsive they can be in dealing with the needs of a child who requires long-term care when chronically ill.

Kristin suffers from a unique condition of seizures and scoliosis, both of which can be managed with proper treatment and care. Her family was forced in an HMO by their family's employer in 1993. Kristin's parents have been fighting to ensure their daughter receives specialized services ever since.

The HMO told Kristin's family she could no longer see a pediatrician and the specialists who had treated her all of her life. From birth, she had this condition. She saw a certain specialist, received specialized care. When Kristin needed to see a neurologist and other specialists, her parents had to pay for the specialists because they were not in her managed care plan. After a major surgery in 1997, Kristin's specialized nursing care was canceled without notice. She wasn't even told. The HMO even discontinued coverage for physical therapy because it was deemed medically unnecessary.

Eventually, after fighting months and even years, the care was restored. But here is a family dealing with repeated seizures, a child who was not able to function, massive medical bills, although they were in a managed care plan, an inability to get the specialists who were deemed medically necessary, and they had to fight their way back to coverage while caring for a child—case in point.

What would have worked? First, a right to get to a specialist; second, after you have been receiving care from a specialist and your plan changes, the right to keep the specialist; third, when you are denied the right to an appeal, for someone without an interest to hear your need where you can explain the need. In three important ways, this Patients' Bill of Rights would have addressed Kristin's problem and dealt with the problem of her family. None of those three rights exists in law, and so she was failed three times.

Second, Morgan Earle, a 10-year-old from Chatham, NJ, born with cortical dysplagia, a devastating developmental

brain injury that causes severe seizures. Morgan's parents, like any parents, were unprepared for dealing with the care of an infant experiencing these seizures—sometimes every 6 minutes—making it impossible for her to even eat or sleep.

When Morgan was 3 months old, her parents sought treatment from a team of pediatric neurologists and neurosurgeons to develop a strategy for dealing with Morgan's lifelong medical needs. By the time she was 8, Morgan had endured extensive tests, clinical trials, and two major brain surgeries.

Through the unbelievable genius of medical science, her team of specialists reduced her seizures that were interrupting her life. But in 1999, one of the specialists who headed Morgan's medical team, through changes in his own career, abruptly transferred to another hospital in Chicago. Morgan's parents were shocked to learn that the specialists selected by her new medical team were not part of the HMO. Throughout her life, she had relied upon these same doctors. Medical science had found a way to control these continuing seizures that were interrupting her own life and the life of her family. She had found an answer. But the new team was not part of her managed care.

Imagine the frustration, that the genius of medical science found a way to deal with the suffering of your child in continuous seizures only to find that now you could not avail yourself of it.

Morgan's parents appealed the decision to the HMO. They were denied. Doctors wrote that they and only their specialists could provide an answer. They were denied. In fact, the doctors report their letters weren't even answered.

The HMO provided Morgan's parents instead with a list of in-network specialists. They were not even board certified. They could not perform. They were not capable. They could not even understand the kind of medical care Morgan was receiving.

Last Friday, after 2 years of fighting an appeal, Morgan's parents received a two-sentence e-mail from her HMO that her original specialists, the doctors they had requested, would now be covered—2 years, no money, no care, no answers. It isn't right. It is not a system that anyone in this Chamber can defend, to Kristin, to Morgan, to her parents, or to millions of other Americans who are paying for this managed care or whose employers are paying for it, believing they are covered, and tomorrow morning they are but a single tragedy in life away from Morgan's or Kristin's experience. It could be anyone in this Chamber. It could be anyone we represent. That is what this legislation is about.

It is not a gift. It is not some benefit provided by the larger society, as if that in itself would not be right or fair. It is something that has been earned and paid for, but it is not being provided. That is why we call it a Patients' Bill of Rights. It is not a gift. It is a right. It is a contract. And it is our responsibility to provide it.

That is what this legislation is about:

One, ensure that patients with disability conditions have standing referrals to specialists so they don't have to get permission; the 2-year wait of suffering and bills and lost care never happens.

Two, allow patients in these circumstances to designate a specialist as their primary care doctor. It is right, and it is efficient.

Three, require HMOs to allow access to out-of-network specialists, if in-network specialists are inadequate, at no cost. It just makes sense.

Four, ensure that chronically ill patients can keep their doctors even if they are forced to change plans or their doctors leave the HMO. That is not only right and fair; it is just not being cruel to patients and children in these circumstances.

The truth is, the alternative Republican plan does not allow these decisions to be made by patients and doctors. It means that an HMO that does not have a pediatric neurologist can force a child to see someone who is not trained or capable.

What are the costs of all this? If you take this one element of the Patients' Bill of Rights I have addressed, just this one narrow, critical element for the chronically ill who need these specialists and a continuum of care, if you just take this small element I have addressed, CBO estimates that it would add .2 percent to the cost of insurance.

Is there a family in America, given these circumstances, who would not bear that burden? Is there an employer in the country that would not want their employees to have this peace of mind in coverage, just knowing that what they are already purchasing might now be relevant and available in a moment of need?

Mr. President, I have participated in this debate over these years. I have offered the statistics. I have offered the case. I have argued the politics. I have discussed the merits. I have reviewed the bill. Now I submit Kristin and Morgan's cases as the most compelling cases of all of why there is only one piece of legislation available on this floor that truly addresses these circumstances. It is offered by Senators KENNEDY, MCCAIN, and EDWARDS.

The case is overwhelming, and I urge my colleagues across the aisle to join us. They will be proud and pleased that they did it.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, for the benefit of our colleagues, we are now still committed to voting at 2 o'clock on the Nelson amendment which we debated earlier today. We will then return to a conclusion of the Thompson amendment. We just saw that amendment a short while ago, and we are trying to study that more closely.

After the completion of the vote on the Nelson amendment, we will be able to indicate to Members when we will either vote on or dispose of the Thompson amendment.

There has been a proposal made to our colleagues on this side for votes going through the afternoon and times allocated to the different amendments and then into the evening, also being sensitive to the needs of our colleagues on the other side of the aisle for a window, and then returning to the Senate for consideration of legislation.

Hopefully, at the end of the vote at 2:30 p.m., we will be able to give the Members a clearer idea both of the substance and the time for moving the process along. We have had good debates on these issues to date. We still have work to complete on the issue on medical necessity. Also, our colleagues, Senators SNOWE and DEWINE, held a press conference at 11:30 this morning on their proposals, which hopefully we will consider later this afternoon, to tighten up language in the area of employer liability. We are familiar with the thrust of the proposal. It seems to be extremely valuable and helpful in resolving some of these issues.

We will move on hopefully to the issues of scope later in the afternoon and into the early evening.

This is how we hope to proceed. We are never sure until the actual proposal is made, but we want to give assurance to Members we are making progress, and we will continue to move as rapidly as we can on the measure.

Again, the liability issue will be the last outstanding issue. There is still no consensus on that particular proposal. We will consider the alternatives in a timely way and hopefully be able to conclude the legislation in a timely way as the majority leader has stated.

I thank all of our colleagues for their cooperation. These have been good substantive debates. We have had very few interludes. A number of our colleagues welcome the opportunity to express their views on the legislation, and we will try to accommodate as best we can when we see the opportunity to have a focused debate on a particular subject matter and dispose of that matter in a timely way. I thank all of our colleagues.

At the conclusion of this next vote, which we expect will start in just a very few moments, we will then have further news for Members.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

VOTE ON AMENDMENT NO. 818

Mr. MCCAIN. Mr. President, I move to table amendment No. 818 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from North Carolina. (Mr. HELMS), is necessarily absent.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—54

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	McCain
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Miller
Breaux	Fitzgerald	Murray
Byrd	Graham	Nelson (FL)
Cantwell	Harkin	Reed
Carnahan	Hollings	Reid
Carper	Inouye	Rockefeller
Chafee	Jeffords	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Snowe
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden

NAYS—45

Allard	Enzi	Nelson (NE)
Allen	Frist	Nickles
Bennett	Gramm	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	McConnell	Voinovich
Ensign	Murkowski	Warner

NOT VOTING—1

Helms

The motion was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. KYL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is our understanding that the Senator from Arizona is going to offer an amendment at this time on behalf of a number of our colleagues.

Hopefully, we can have order, Mr. President. This is a very important amendment.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the pending Thompson amendment be laid aside without prejudice so that the Senator from Arizona may proceed.

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

The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding that the Senator from Arizona would agree to an hour of time evenly divided on his amendment.

Is that right?

Mr. MCCAIN. That would be agreeable. But I think we can do it in a shorter time than that, depending on the view of the Senator from New Hampshire on the amendment.

Mr. GREGG. I am not sure I have seen the amendment.

Mr. MCCAIN. I say to the Senator, I will get it to you right away. Why don't we do that.

Mr. REID. I would also say, it is my understanding, having spoken to all the managers, that Senator SNOWE of Maine is ready to offer the next amendment, whenever the time arrives that we complete this McCain amendment.

Mr. BYRD. Mr. President, would the distinguished Senator from Arizona yield to me so I might ask a question without his losing his right to the floor?

Mr. MCCAIN. I am always pleased to yield to the Senator from West Virginia.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

SUPPLEMENTAL APPROPRIAITONS

Mr. BYRD. Mr. President, earlier today the distinguished Senator from Alaska, Mr. STEVENS, and I entered into a colloquy with several other Senators here anent the possibility of reaching an agreement on the amendments that would be considered at such time as the majority leader calls up the supplemental appropriations bill. I have asked the distinguished Senator from Arizona to yield for that purpose again.

I wonder if it might be possible at this point to get an agreement, or at least to get ourselves on the way to an agreement, that would limit the number of amendments to be called up to the supplemental appropriations bill to those amendments that we have ascertained are out there via the hotline in the Cloakroom and a managers' amendment, the contents of which Senator STEVENS and I are ready to reveal to any Senator who wishes to know what is in the managers' amendment.

May I ask, with the permission of the Senator from Arizona—I am about to lose my voice for the second time in 83 years—the distinguished majority leader for a reaction to this request?

Mr. DASCHLE. Mr. President, I appreciate the chairman's concern for moving the process along. And since we discussed this matter this morning, we have issued a hotline request for amendments. We have now received the response. A number of Senators have indicated a desire to ensure that they have been included in the managers' amendment. Once that confirmation can be made, I think on our side we would be prepared to then enter into a unanimous consent agreement which would take on or schedule the debate with an appreciation for a managers' amendment and a designated list of amendments that could be accommodated.

So we are just about at a position where I think a unanimous consent request could be propounded. If Senators could just check with the distinguished senior Senator from West Virginia and the Senator from Alaska to ensure that the managers' amendment is as it has been reported to them, we will be able to move forward.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I wonder if we can't set the hour of 3 o'clock as the time when the majority leader could propound a request in this regard.

Mr. DASCHLE. Mr. President, I would be happy to attempt to propound an agreement at 3 o'clock and see what happens. No harm done in making the effort.

Mr. BYRD. Yes. The distinguished Republican leader has already indicated his strong support for such an effort.

So I thank the majority leader. And I thank the distinguished Senator from Arizona for yielding.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, just to clarify, I would be happy to enter into a unanimous consent agreement that would limit the number of amendments and provide for an understanding about how the supplemental would be addressed. But, of course, we cannot schedule the supplemental until we have completed our work on the Patients' Bill of Rights. I know the senior Senator from West Virginia understood that.

Mr. BYRD. Yes, I do.

Mr. DASCHLE. But I wanted to clarify that for the sake of anybody who may have misunderstood.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 820

Mr. MCCAIN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. BAYH, Mr. CARPER, and Mr. EDWARDS, proposes an amendment numbered 820.

Mr. MCCAIN. Mr. President, 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 clarify that nothing in the bill permits independent medical reviewers to require that plans or issuers cover specifically excluded items or services)

On page 36 line 5, strike ''except'' and all that follows through ''(2)'' on line 8.

On page 62, between lines 10 and 11, insert the following:

(V) Compliance with the requirement of subsection (d)(1) that only medically reviewable decisions shall be the subject of independent medical review and with the requirement of subsection (d)(3) that independent medical reviewers may not require coverage for specifically excluded benefits.

On page 62, line 20, after the period insert the following: ''The Secretary, or organization, shall revoke a certification or deny a recertification with respect to an entity if there is a showing that the entity has a pattern or practice of ordering coverage for benefits that are specifically excluded under the plan or coverage.''.

On page 62, between lines 20 and 21, insert the following:

(vii) PETITION FOR DENIAL OR WITHDRAWAL.—An individual may petition the Secretary, or an organization providing the certification involves, for a denial of recertification or a withdrawal of a certification with respect to an entity under this subparagraph if there is a pattern or practice of such entity failing to meet a requirement of this section.

On page 66, between lines 10 and 11, insert the following:

(5) REPORT.—Not later than 12 months after the general effective date referred to in section 401, the General Accounting Office shall prepare and submit to the appropriate committees of Congress a report concerning—

(A) the information that is provided under paragraph (3)(D);

(B) the number of denials that have been upheld by independent medical reviewers and the number of denials that have been reversed by such reviewers; and

(C) the extent to which independent medical reviewers are requiring coverage for benefits that are specifically excluded under the plan or coverage.

Mr. MCCAIN. Mr. President, I say to the Senator from New Hampshire, I hope he and his people will examine this amendment. I apologize for not getting it to him sooner. Perhaps we could agree on this amendment and not have to have a rollcall vote.

Mr. KENNEDY. Would it be agreeable to have an hour, so we could get——

Mr. MCCAIN. Mr. President, I ask unanimous consent that there be 1 hour on this amendment evenly divided.

I withhold my unanimous consent request.

Mr. GREGG. Reserving the right to object, in just a minute I believe I will be able to respond.

Mr. REID. I did not hear the Senator.

Mr. GREGG. I said, I believe we will be able to respond to the Senator in about a minute.

Mr. MCCAIN. I thank the Senator.

Mr. President, concerns have been raised that under this legislation, independent medical reviewers can order a health plan to provide items and services that are specifically excluded by the plan's contract.

The amendment I am offering clarifies that the bill does not do this, and that specific limitations and exclusions on coverage must be honored by the external reviewers.

There are a numerous safeguards already in the bill to ensure that external reviewers cannot order a group health plan or health insurer to cover items or services that are specifically excluded or expressly limited in the plain language of the plan document.

First, the external review entity who is responsible for determining which claims require medical review and which do not, may refer claims to independent medical reviewers only if the coverage decision cannot be made without the exercise of medical judgment.

I repeat: The external review entity, the one that is responsible for determining which claims require medical review and which do not, may refer claims to independent medical reviewers only if the coverage decision can't be made without the exercise of medical judgment. For example, the plan document says that the plan doesn't cover heart transplants. Even if the patient has no other treatment options, the external review entity should not forward the claim for a heart transplant to an independent medical reviewer because no medical determination is needed to understand that the procedure is not covered.

Second, even if the external review entity makes a mistake and forwards to the independent medical reviewer a claim for an item or service that is specifically excluded or expressly limited under the plan, the legislation states that the independent medical reviewer cannot require the health plan or insurer to cover such excluded benefits.

The amendment I am offering clarifies this limitation on the independent medical reviewer to make it perfectly clear that although we are relying on the independent medical reviewer to give us a second medical opinion when such a medical opinion is necessary to interpret the plan's coverage, we are not empowering them to disregard the plan's specific coverage exclusions and limitations.

The third safeguard and the one we are further strengthening with this amendment is designed to ensure the objectivity and quality of the external reviewers. The bill provides already for their certification and sets out factors that must be considered before they can be recertified, including the external reviewer's compliance with requirements for independence and limitations on compensation. To the recertification considerations already in the bill, this legislation additionally requires the certifying authority, before recertifying an external reviewer, to consider whether the external reviewer has breached the other safeguards by ordering a provision of items or services that are specifically excluded by the plan.

The amendment allows a health plan or insurer to petition the certifying authority to revoke an external reviewer's certification or deny recertification and requires the certifying authority to do this upon a showing of a pattern or practice of wrongfully referring for medical review claims that don't require medical decisions or of ordering the provision of specifically excluded benefits.

Finally, the amendment requires the General Accounting Office, within 1 year after the bill takes effect, to report to Congress on the number and the extent to which independent medical reviewers are requiring coverage for benefits that are specifically excluded under the plan or coverage.

I guess what we are saying here is that we are trying to make the language as tight as possible. We know there may be a temptation on the part of reviewers to violate the plan with regard to those procedures which may be specifically excluded. We will have follow-up action, including a requirement for taking into consideration, on recertification or even revocation of certification, a study by the General Accounting Office which will tell us about the extent to which independent medical reviewers are requiring coverage for benefits that are specifically excluded.

My friend from Arizona, Senator KYL, had a very good amendment. We could not quite go that far, and we came close to agreement. I hope this amendment does clarify some of the concerns.

It strikes the language on page 36 of the bill that says: Except to the extent that the application or interpretation of the exclusion or limitation involves the determination described in paragraph 2.

This removes what was viewed by many as a possible loophole. So we were willing to strike that portion of the bill in order to try to inspire some confidence that in no way does this legislation expect or anticipate or even allow in any way exclusions on coverage that are not specifically listed in the medical plan, in the insurance plan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, before my colleague Senator MCCAIN leaves the Chamber, I thank him for his leadership on this issue. He has demonstrated his courage in battle and in service to country and is doing so again by leading this important battle for patient care for all Americans. I thank Senator MCCAIN for his leadership once again.

I thank my colleague Senator CARPER from Delaware. We served together as Governors for many years, and we now have the privilege of serving in this body. I thank him for his leadership on this issue, for his insight. There is no deeper thinker who cares more about the public policy details of what we do in the Senate than Senator CARPER. He is new to this body but has already made a substantial contribution to the Senate and to the laws that govern our country.

I express my appreciation to Senators EDWARDS and KENNEDY for their leadership in this important battle on behalf of patients. I express my gratitude to two of our colleagues who are not on the floor at this time: Senator NELSON of Nebraska and Senator KYL from Arizona.

In particular, I thank Senator NELSON for his heartfelt work on the last amendment. Although unsuccessful, I know he cared deeply about striking the right balance. We share many of the same objectives, although we differ in terms of how we go about achieving those objectives. I salute Senator NELSON for his work in this regard. I hope our amendment will meet many of his concerns. I believe it does in terms of striking the right balance for the American people.

Our amendment accomplishes both of the important objectives that the American people seek in debating and enacting this Patients' Bill of Rights. First, we ensure that all decisions that involve the practice of medicine, all decisions that involve medical discretion will be fully reviewable by an independent panel to ensure the quality of health care for all insured Americans across our country.

Second, this amendment seeks to accomplish quality medicine at affordable cost, keeping the prices as reasonable as possible for consumers and patients across the country. We do this by removing unnecessary ambiguity from this bill, thereby ensuring that we can accomplish quality medical treatment but keeping the risks, the uncertainty, and therefore the costs to patients and consumers as low as possible.

The bottom line will be quality health care for all Americans at an affordable cost. That is the balance all of us should be seeking to strike in this debate. That is the balance this amendment will help us to accomplish.

Very simply, we seek to honor the original intent of this bill, that doctors should make medical decisions, that lawyers should draft contracts and practice law, but neither should be in the business of practicing the other's profession. We have removed through this amendment ambiguous language that ran the risk of one encroaching on the other's territory.

Specifically, let me read the provisions that will remain in the bill. They are explicit and unambiguous. I quote from the legislation:

> Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan or health insurer offering health insurance or health insurance coverage provide coverage for items or services for which benefits are specifically excluded or expressly limited under the plan or coverage in plain language of the plan document.

Under the bill before this amendment, Mr. President, there had been several exceptions which had consumed the rule, making this clear exception for express limitations or prohibitions under the terms of the contract null and void. We put a period at the end of this language, removing the exception language, thereby making it very clear that the terms of the contract, in terms of contract language, will govern. This helps to keep the costs low because the uncertainty and the ambiguity will be removed.

At the same time, there can be no uncertainty or ambiguity that medical decisions involving the practice of medicine, anything involving medical discretion, will be fully reviewable by the external appeals process, as it should be.

In addition, there are other precautionary measures included in our amendment that I was interested in and I know the Senator from Delaware was interested in. He may elaborate on these provisions in just a few moments. These ensure that the independent reviewers are truly independent. We want to make sure they adhere to the provisions of this legislation, hopefully as amended by this amendment, and that we don't have the risk of panels exceeding their authority by changing the terms of the contract where they are expressly provided for, and there is no ambiguity in the language in terms of limitations or exclusions from the terms of the contract.

Once again, this amendment will ensure that independent review panels do not exceed their authority, inappropriately driving up costs without improving the quality of health care for the American people.

Finally, we have a rare opportunity to achieve bipartisan consensus on this amendment.

Not only is Senator MCCAIN helping to lead the charge once again, for which we are very grateful, but I listened with great interest and gratitude to something that the Senator from Oklahoma, Mr. NICKLES, said last evening. He recited the very same language that I recited about exclusions and limitations in the contract. And then he said if you put a period at the end of those provisions and remove the exception language, that would be—to use his word—''great.''

Mr. President, that is exactly what we have done. We have placed a period there and removed the exception language, thereby removing the ambiguity, the risk, the unnecessary cost to consumers without a health care benefit. Senator THOMPSON, earlier today on the floor of the Senate, indicated that this action we have proposed in this amendment would also go a substantial way toward correcting what he thought was a potential defect in the legislation.

So I ask all Senators, regardless of political affiliation, who seek to strike the right balance between quality health care on the one hand and affordability on the other hand to support this amendment. We have taken a step that some of those who have been concerned about the ambiguity in the language have encouraged us to do, thereby ensuring quality affordable health care for every American. We can accomplish that with this legislation, with this amendment. I urge my colleagues to vote in the affirmative.

I yield the floor, and I thank my colleagues for their patience and attention.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise in support of the amendment. I am pleased to be an original coauthor with Senators BAYH and MCCAIN. The Senator from Indiana is very modest in giving to others the credit, but this is really an idea that I first heard from him. Early this week, Senator BEN NELSON and Senator BAYH and myself were trying to deal with issue of medical necessity. It is a difficult issue around which there are competing interests—doctors, nurses, insurers, patients—who really find consensus hard to reach.

I thank Senator BAYH for helping us to find this middle ground on which I am encouraged that maybe we will have strong bipartisan support. I express my thanks to Senators MCCAIN and KENNEDY and EDWARDS for their leadership in getting us here this day, and to my friend, Senator GREGG from New Hampshire, for his thoughtful comments, as well as those I heard on the floor yesterday, alluded to by Senator BAYH, from Senator NICKLES. As I recited, earlier today PHIL GRAMM of Texas echoed almost those same comments.

Before I return, I want to step back a little bit and go back in time. I used to be State treasurer of Delaware before I was a Congressman, before I was Governor, before I became a Senator. Senator BAYH was Governor of Indiana and was the secretary of state. We worked in those venues before we came here to work. With our State treasurer at the time, we administered benefits of State employees. Among the things I was mindful of was health care costs.

In the 1970s and 1980s, health care costs went up enormously. It was not uncommon to see increases then of 20, 25, or even 30 percent annually in the cost of health care for State employees. These really mirrored increases that inured to other employees outside the State of Delaware.

Along about the late 1980s, a dozen or so years ago, a number of people began working seriously in this town to figure out how to introduce some competition into the provision of medicine. In a fee-for-service approach in medicine, I might see my doctor and he says, ''You are not well; I will order tests A, B, C and D, and to be sure we will order E, F, G and H,'' and he owns the lab where the tests are administered. Then he says, ''Come back and we will see how you feel next week.'' There really wasn't much impetus for containing costs. As a result, costs spiraled out of control.

Managed care was designed and conceived to try to stop that spiraling and introduce some market forces and competition in order to control the cost of

health care. It really succeeded better than I think any of its proponents had imagined. Those costs that were going up 20, 25, even 30 percent, back in the 1980s, by the time we got to the end of the 1990s, were going up by 2, 3 percent, in some years nothing at all. As we went about controlling costs, the concerns switched to a different area, and that different area was quality of health care.

Instead of a lot of our doctors and nurses making decisions, a lot of decisions for the care to be offered or given to us was made within the HMOs running the managed care operation. In some cases, they were doctors and nurses, and in some cases they were not.

What we are trying to do in the context of the Patients' Bill of Rights legislation is restore some balance to the system. We don't want to see costs spiral out of control or employers cutting off health care for employees. By the same token, we want to make sure that more of the medical decisions that affect us if we are covered by an HMO, especially if it falls under a Federal regulation, which ERISA is—we want to make sure we are getting the kinds of protections that inure to folks who are in State HMOs.

How do we do that and not lead us back to spiraling, out-of-control costs in a way that is fair to doctors and nurses, and in a way that is fair to employers and at the same time fair to the HMOs? The issue we are trying to address is this: I am in an HMO; I don't like the decision my HMO renders with respect to my health care. I appeal that decision, and it is reviewed by an internal mechanism within the HMO. If they don't provide a decision my doctor and I like, we can appeal to an external reviewer. In some cases, certainly in my State, an external reviewer can override the HMO's decision and mandate the provision of that health care under a State-regulated plan.

What about in a case where there is a federally regulated HMO, one that falls under ERISA? What do you do in a case when the language of the plan explicitly excludes the treatment that a member of that plan desires? What do we do when the language of the plan explicitly excludes the very treatment that I or the member of a managed care plan desires?

Unintentionally, the language of the bill as drafted says to the external reviewer that you have license to go beyond that which is explicitly excluded in treatment for a patient. That external reviewer can order additional explicitly excluded treatment for a patient. That might be great for the patient, might be appreciated by the patients' doctors and nurses. But how fair is that to the insurer who is trying to cost out a plan, to charge for that plan and have a sum certain to operate with?

What Senator BAYH has fashioned, something that he and Senator NELSON and I worked on, is a way to provide that certainty for the insurer and also to provide certainty for the consumer, the patient, and the health care providers. It is a simple change—one endorsed, at least indirectly, by Senator NICKLES and today by Senator GRAMM. By simply striking a couple lines in his bill and putting a period where a period ought to appear, we helped solve a problem. It doesn't solve all of the problems in this bill, but it solves one of the problems. It is clear, clean, and easy to understand.

Let me close my remarks with some comments about another one of our colleagues who, before he was in the Senate, was a Governor, BEN NELSON of Nebraska. Before he was Governor, he was insurance commissioner for his State. He has forgotten more about these insurance matters than most of us will ever know. His insights and perspectives on these issues have been enormously helpful to me in this debate. I thank him for joining with Senator BAYH and me and others in the conversations that really led to the emergence of this proposal.

Senator NELSON offered an amendment with Senator KYL a little bit earlier today to try to define medical necessity, which is really the kind of issue we are talking about here. People have been trying to do that for years without a lot of success. While we are not going to agree to change the language in the bill with respect to that, we can say here clearly, if a health plan that falls under the jurisdiction of ERISA explicitly excludes a particular kind of coverage, then in all fairness the external review committee in reviewing an appeal, cannot override the explicit exclusion in that health care plan. That is fair; that is reasonable; it provides certainty for the insurer, and I think it is fair to consumers as well.

I am pleased to rise in support of it, and I hope that all of us in this Senate, Democrats and Republicans, and Independent as well, can support this amendment. Thank you very much.

I yield back my time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, before he leaves the floor, I thank my friend from Delaware for all his work on this issue. It is very important to the progress we are making to finally protect patients in this country, along with Senator BAYH, who led this effort, and Senator NELSON and others involved in this issue. We very much appreciate all of their input.

The issue of medical necessity, which means how we determine whether any particular care is covered and is medically necessary for the treatment of the patient, is a critical issue in the bill. We have now agreed on language that we believe appropriately balances the interests of the contract between the insurance company or the HMO and the employer on the one hand, and the interest of the patient and having some flexibility on the other.

Basically what we have said in this amendment is if the contract explicitly excludes a particular treatment, a test, then that will be excluded from care, period, and the independent reviewers are bound by that language.

On the other hand, to the extent we need some flexibility in what is proper and good medical care, we have managed to maintain that. I think we have struck the right balance between the sanctity of the contract on the one hand, so people know they can rely on the provisions of the contract and, secondly, allowing enough flexibility to provide the proper care to patients when they go through the review process.

More important is this is another step in a very important process. When we began last week, we were confronted with trying to get real patient protections in this country with numerous obstacles—disagreement among our colleagues, different issues being raised by Members of the Senate and a written veto threat from the President.

As we have moved forward through the end of last week and through the mid part of this week, we have continued to make progress every step of the way. We keep resolving issues. We keep making progress.

On the issue of employer liability, about which many of our colleagues have expressed concern, making sure that employers around this country are protected from liability, we have worked with our colleagues—Senator SNOWE, Senator NELSON, Senator DEWINE, and others—to work out compromise language that satisfies a large number of Senators on both sides of the aisle so that there is consensus on the need to protect the employers, on the one hand, but keeping in mind the rights of the patients on the other. Issue resolved.

No. 2, scope: What this legislation covers and who it covers. Senator BREAUX and I and others have been working very hard on this issue. We believe we have reached a resolution that will result in an amendment being offered later today that strikes a compromise and a balance between the interests of the States, being able to maintain the work they have done in the area of patient protection, while at the same time making sure every single American has a floor on the level of patient protection.

On the issue of medical necessity, as a result of the work of many of my colleagues, we have been able to reach consensus. On the issue of scope, who is covered, we have been able to reach consensus. On the issue of employer liability, we have been able to reach consensus.

Every day we have continued to make progress, but the importance of this is not for what is happening specifically within this Chamber and what is happening in Washington, DC, and what is happening among Senators. The winners in this process are the

families of America because it is now becoming clearer and clearer that we may finally be able to provide those families with the protections they so desperately need and to which they are entitled.

That is what this debate has been about. That is what all this work among Republicans and Democrats in the Senate has been about. We have shown over the course of the last week that we can work together, we can find ways to provide real patient protection in this country. Up until now, we have a model in problem solving, in trying to give real protection to the families of this country so they can make their own medical decisions. That is what this debate has been about; that is what our work has been about.

We are not finished. We have important issues left to resolve, but I am confident, given the good will and hard work that has already been done, that if we continue in that same way, we will be able to reach a resolution and hopefully be able to put a bill on the President's desk and that he will sign a real Bipartisan Patient Protection Act that gives power to patients and lets them make their own health care decisions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. I thank the Chair. Mr. President, over the past few days of debate on this Patients' Bill of Rights, we have heard the many horror stories of what happens to people when HMOs put profits ahead of patients. We have heard of one man in a wheelchair whose HMO ordered his oxygen tanks removed from his house; we heard of a youngster whose brain tumor was missed because the HMO refused to allow the necessary test; and we heard of others pleading with their HMO to get coverage for critical procedures either for themselves or their families.

These, unfortunately, are not isolated examples. They are happening every day all across this country which is why the people of America are demanding reform and why we are seeing the public surveys now showing support for this legislation to the tune of 81 percent in favor of this legislation.

The people also realize the system is not working for the doctors either. Just last week, I learned of a doctor who is assessing his existing patients a $1,500 annual membership fee for the privilege of continuing their treatment. He wants to cull his current patient list from 3,000 patients down to 600, and by charging this annual membership fee, the doctor shrinks his practice and yet he maintains his profits. The patients who cannot afford the annual membership fee have to find another doctor. I find this outrageous and unethical, and it sets a bad precedent for the future of our health care industry.

All of these incidents and the debate over this legislation have made one thing very clear: Our health care system is failing most of the people in the country.

Mr. President, I rise today to reiterate my strong support for this Bipartisan Patient Bill of Rights. It represents a critical first step, an important first step in a long journey of a thousand miles of reforming America's health care system.

In short, this legislation puts medical decisions back in the hands of doctors and patients instead of HMO bureaucrats. It gives patients the right to see a specialist when needed, fixing a system that so often blocks a woman's access to necessary care. This legislation will ensure direct access for a woman to an OB/GYN if that is who she wants as a primary care physician. This bill gives patients access to the emergency room without first seeking clearance from their health care provider. We have heard many horror stories recounted in the Senate of people denied access to a certain emergency room because they had to go to another.

This legislation also protects the doctor-patient relationship, a very sacred relationship, by ending restrictions on which health care options doctors can recommend. Currently, we know doctors say they fear retribution from the health insurance industry if they pursue more costly medical treatment for their patients.

This bill also prohibits HMOs from offering financial incentives to doctors for recommending limited care. It prohibits HMOs from punishing doctors who seek top-notch care for patients.

What we are trying to do in this legislation is reinject common sense and good medical practice in protecting the doctor-patient relationship so the patient knows the doctor is going to prescribe what is the very best medical treatment appropriate for the circumstances.

In spite of claims to the contrary, yesterday the American Medical Association and other health groups reported in States with recently enacted accountability and legal remedies, the new laws did not produce any documented increase in the number of uninsured, one of the specious arguments that the opponents to this legislation have advanced.

The most crucial issue is whether a patient can seek legal recourse for the wrongdoing by a managed care company. This bill will enable patients to hold their insurance companies accountable for harmful actions. Under current law, if malpractice is committed, if there are grievous wrongs, a patient can recover from a doctor, from a hospital, from other providers, but under current law they cannot recover from an HMO. That is one of the main fundamental principles of this legislation, to change that, so they can hold those HMOs accountable.

Before I came to the Senate, I was the elected insurance commissioner of Florida for 6 years. I saw how some insurance companies—and I don't say all because I am proud of those insurance companies that would stand up for the rights of their patients and would stand up to protect their patients, but I saw how some insurance companies tried to put profits ahead of patients. Unfortunately, many patients often have little or no recourse.

There is no reason why HMOs should have special protection from lawsuits. The AMA has so stated and endorsed a patient's right to sue. It is estimated more than 190 million Americans are enrolled in health plans, and 75 percent of them under current law are unable to sue their health plans for anything but the cost of denied treatment. Clearly, the status quo works for the industry, but it fails consumers. We need this legislation to enable people to be able to redress their wrongs in State courts for damages limited only by State regulations.

It has been a long time coming. It has taken 5 years to get this legislation to the floor because for 5 years special interests have prevented this bill from becoming law. As a result, the people of Florida and the people throughout this Nation have suffered. We must end the industry strangle hold on this legislation and we must take the first meaningful steps toward overall health care reform. I submit that this legislation is a major first step in the overall journey toward health care reform. We must put the people before the special interests. We must put an end to these consumer horror tales that we have heard with all too much frequency during the course of debate on this legislation.

I thank colleagues for the privilege of addressing this issue and for indulging me in my comments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

(The remarks of Mr. NELSON of Florida are located in today's RECORD under ''Morning Business.'')

Mr. NELSON of Florida. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. REID. On behalf of the majority leader, I ask unanimous consent that at 5 p.m. the Senate vote in relation to Senator MCCAIN's amendment No. 820; that prior to that vote, when the

quorum call is ended and the unanimous consent agreement is reached, Senators BREAUX and COLLINS be recognized to offer a first-degree amendment on scope—they can, after the vote tonight, either stop or come back tonight, but we will have a vote at 5 o'clock for the convenience of some Senators—that the Breaux and Collins debate occur concurrently today; and when the Senate resumes consideration of the bill tomorrow, Thursday, at 9:15 a.m., there be 30 minutes for debate equally divided between Senators COLLINS and BREAUX prior to votes in relation to these two amendments; that there be 2 minutes for debate equally divided before each vote with the first vote occurring in relation to the Collins amendment; that upon the disposition of these amendments, Senator GREGG be recognized to offer an amendment relative to liability; that there be 1 hour for debate equally divided prior to a vote in relation to that amendment; that upon the disposition of Senator GREGG's amendment, Senators SNOWE and FRIST each be recognized to offer a first-degree amendment, and that will be on liability; that there be 4 hours for debate equally divided in the usual form to run concurrently; that at the conclusion or yielding back of time, the Senate vote in relation to Senator SNOWE's amendment; that after disposition of her amendment, the Senate vote in relation to the Frist amendment; that no second-degree amendments be in order to any of the amendments listed in this agreement prior to the vote in relation to the amendments.

Mr. GREGG. Reserving the right to object, I ask if the Senator from Nevada would be willing to amend the agreement, so it would be Senator GREGG or his designee.

Mr. REID. Absolutely.

Mr. GREGG. I have no objection.

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

Ms. COLLINS. I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 826

(Purpose: To modify provisions relating to preemption and State flexibility)

Ms. COLLINS. On behalf of myself, Senator NELSON of Nebraska, Senator ENZI, Senator VOINOVICH, Senator HUTCHINSON, and Senator ROBERTS, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Mr. NELSON of Nebraska, Mr. ENZI, Mr. VOINOVICH, Mr. HUTCHINSON, and Mr. ROBERTS, proposes an amendment numbered 826.

Ms. COLLINS. I ask unanimous consent reading of the amendment be dispensed with.

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

(The amendment is located in today's RECORD under ''Amendments Submitted.'')

Ms. COLLINS. I am very pleased to join with my colleague from Nebraska as well as the other Senators whom I mentioned in offering this amendment. Our amendment will give true deference to State laws and the traditional authority of States to regulate insurance while ensuring that each State addresses the specific patient protections provided in this legislation.

We should pass a strong, binding Patients' Bill of Rights. We should pass a bill that holds HMOs accountable for promised care and that ensures that patients receive the health care they need when they need it. However, we should do so in a responsible way that does not add excessive costs and complexity to an already strained health care system.

Congress should act to provide the important protections that consumers want and need without causing costs to soar and without preempting State insurance laws. We can do so by passing a carefully crafted bill.

I strongly believe we should not preempt or supersede but, rather, build upon the good work the States have done in the area of patients' rights and protections. States have had the primary responsibility for regulating insurance since the 1940s. For more than 60 years, States have been responsible for protecting insurance consumers. As someone who has overseen a bureau of insurance in State government for 5 years, I know firsthand that our States' bureaus of insurance do an excellent job of protecting consumers' rights.

One of the myths in the debate on this legislation is that unless the Federal Government preempts State insurance laws, millions of Americans will somehow be unprotected in their disputes with HMOs. That simply is not true. For example, as this chart demonstrates, the States have been extremely active in passing patient protections. In fact, they have been way ahead of the Federal Government and they have acted without any prod or mandate from Washington. Look at this activity: 44 States have dealt with the issue of emergency room access; 49 States have passed laws prohibiting gag clauses in insurance contracts that restrict what a physician can tell a patient. Whether it is access to OB/GYNs, continuity of care, or many of the other issues such as internal or external appeals or patient information, the States have been extremely active in this area. Every single State has acted to pass some sort of patient protections.

As is so often the case, it has been the States that have led the way. They have been the laboratories for insurance reform. Moreover, we know one size does not fit all. What may well be appropriate for one State simply may be unworkable or unneeded or too costly in another. What may be appropriate for California, which has a high penetration of HMOs, may simply not be necessary in a State such as Alaska or Wyoming where there is virtually no managed care. In such States, a new blanket of heavyhanded Federal mandates and coverage requirements simply drives up costs that impede rather than expand access to health insurance. That is why the National Association of Insurance Commissioners and the National Conference of State Legislators are very concerned about the language in the McCain-Kennedy bill. The language in that bill will force all States to adopt virtually identical Federal standards.

I recently received a letter from the president of the National Association of Insurance Commissioners. She writes that States have faced the challenges and produced laws that balance the two-part objectives of protecting consumer rights and preserving the availability and affordability of coverage. For the Federal Government to unilaterally impose its one-size-fits-all standards on the States could be devastating to State insurance markets.

I think we should heed that caution. I think we should heed that warning. The Federal Government does have an important role to play in regulating the self-funded plans under ERISA. That is where our effort should be focused.

States are precluded from applying patient protections to these federally regulated plans, and that is why we need a Federal law to ensure that consumers, enrolled in insurance plans beyond the reach of State regulators, have strong patient protections. But the Federal Government should not be in the business of second-guessing and overriding and preempting the carefully crafted patient protections that have been negotiated by our State legislators and Governors to meet the needs of their States' citizens. States which seized the initiative and acted on their own should not have to revise their carefully tailored laws simply to comply with a one-size-fits-all Federal mandate.

Under the McCain-Kennedy bill, the Federal Government would preempt existing State laws unless the State has enacted protections that are ''substantially equivalent to and as effective as'' the Federal standard.

A reasonable person's interpretation of that standard is the States will have to pass new laws wiping out their carefully crafted work, that are virtually identical to the standards in the McCain-Kennedy bill.

The approaches taken by the 50 States to the same type of patient protection vary widely, and with good reason in many cases. Why should States that have already acted on their own to provide strong, workable patient protections have to totally change and make extensive changes in their laws? That is why the National Council of State Legislators supports the Collins-Nelson amendment. It is extremely important to State legislators that they

do not have to spend valuable time recrafting and rewriting and reenacting laws already on the books that meet the needs of their citizens.

In a recent letter to Senator Nelson and myself, the National Council of State Legislators wrote:

[We] support this amendment. States are best situated to provide oversight enforcement of the patient and provider protections established in this legislation. The record of the states is strong. We are looking for an approach that supports the traditional role of States in the regulation of insurance and that recognizes the differences in State insurance plans and provides a mechanism for States to protect those markets.

Again, let me be clear. There is a role for the Federal Government, and that is to make sure that those plans, regulated under ERISA, beyond the reach of State regulators, include patient protections. That is why we need a Federal law to accomplish that goal.

It is all well and good and appropriate if Congress decides it wants to impose a specific requirement or mandate on these federally regulated insurance plans. But the Federal Government needs to be careful in respecting the good work the States have done.

Moreover, let's look at the practical consequences of what would happen under the McCain-Kennedy bill. If a State fails to revise its laws to conform to the Federal standard, under the McCain-Kennedy bill the Health Care Finance Administration, HCFA, would displace the State as the enforcer of insurance patient protection.

Talk about a right without a remedy. If there is no enforcement, there is no protection, and experience has already shown that HCFA is completely incapable of carrying out this responsibility.

The Health, Education, Labor, and Pensions Committee on which I serve has held yearly hearings to examine the problems that HCFA has experienced as it has attempted to implement and enforce the 1996 Health Insurance Portability and Accountability Act. There are many GAO reports. This one is entitled: Progress Slow In Enforcing Federal Standards in Nonconforming States. That is because HCFA is totally ill-equipped to take on this task.

Our States' bureaus of insurance know how to do the job. They have been doing it for 60 years, and they have been doing it well. Consumers should be very concerned, since HCFA has already proven that it is not capable of enforcing existing Federal insurance standards in States that don't conform. In fact, HCFA has shown it cannot even assess the degree of compliance with those Federal laws, where HCFA does play a role. We should be very concerned that we are proposing an empty promise.

The States have the systems, the infrastructure necessary to receive and process consumer complaints in a timely fashion and to hold insurers accountable to ensure that they comply with State laws. To me, the bottom line is very simple. My constituents would much rather call the bureau of insurance in Gardiner, ME, than have to deal with the HCFA office in Baltimore if they have a problem with their insurance.

Another problem of the McCain-Kennedy approach is that it would create a dual enforcement structure that would be extremely confusing for consumers and, frankly, completely unworkable. Under this bill, if some State laws met the new standards but others did not, who would be the regulator? Would it be HCFA or would it be the bureau of insurance? Would it be HCFA for some parts of the insurance contract and the bureau of insurance in the State for other parts of it?

This simply does not work. We would be creating a situation where a patient may have to go to a State bureau of insurance for questions or problems associated with certain patient protections and then try to deal with HCFA if the patient has problems or questions with other parts.

Therefore, Senator NELSON and I, supported by a number of our colleagues, are offering an amendment that will give true deference to State laws and the traditional authority of States to regulate insurance. At the same time, we will ensure that each State considers and addresses the specific patient protections proposed by this legislation.

First, our amendment would grandfather all State patient protection laws that are in place prior to the effective date of this act. That is October 1 of next year. A State would just certify to the Secretary of HHS that it has addressed one or more of the patient protection requirements to be in compliance with the law. This provision would also give States that have not considered these patient protections an incentive to act before the effective date to avoid Federal intrusion and challenges to their laws.

Second, if by the effective date a State has been certified as compliant with all the patient protections in the legislation, it will immediately become eligible for funds from a new patient quality enhancement grant program. States that are not in full compliance by the effective date of the legislation would be required to meet a higher standard in order to be eligible for funds under this new program. If a State has not acted by the effective date, it would have to certify to the Secretary, for each of the remaining protections, that either the State has enacted a law that is ''consistent with the purposes of the Federal standard'' or decline to enact a law because the adverse impact of the law on premiums would lead to a decline in coverage or simply because the existence of a managed care market in the State is negligible; it is just not relevant to that State.

Our amendment would recognize the States are the experts in this area. They have led the way. Consumers are best protected if we continue to respect the work that the States have done and give deference to the State's traditional authority to regulate insurance.

I reserve the remainder of my time but yield to the Senator from Nebraska, my principal cosponsor, who is a true expert in this area. He knows more than any other Senator. I hope my colleagues will listen very carefully. It has been a great pleasure to work with him on this issue about which we both care a great deal.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. I thank my colleague from the New England State of Maine for such a glowing recommendation. I hope my colleagues do not think I believe I know more than they do. But it is a subject I have spent a good deal of my life involved in as an insurance regulator and as a Governor, somebody who has dealt with the business of insurance.

I appreciate so much the opportunity to join with Senator COLLINS to bring this amendment to the attention of our colleagues.

It typically is a lot more instructive to talk about the importance of patient care and to talk about those who aren't getting good patient care and certainly to bring to our attention those folks who suffered great injustices under their current health care system. I respect that. I certainly am interested in that aspect. That is why I support a Patients' Bill of Rights. That is why I continue to do that.

But I have found that any bill which comes before this body or that comes before any legislative body is hardly ever such without some amendment and some improvement. I think what Senator COLLINS and I are offering today is in that category of an improvement.

When our founders created this Union they established a system of Government that, pursuant to our Constitution, provided for a divided Government, a Government consisting of our States, and under a well-considered principle of Federalism, a Federal Government. We have been best served by this Government when we have permitted it to work for us. While pursuant to the 10th amendment, the Federal Government may preempt States in certain respects, it seems clear from that amendment and from the practice over the last 200-plus years that such preemption should be limited to those areas where the States have failed to act in some manner. This is not one of those cases.

The bill before us presents a dilemma for me and for my colleagues because most of us believe that, with some modifications, this is a good bill. The same may be said of the Frist-Breaux-Jeffords bill.

At the outset, let me state unequivocally that I support the purpose and the protection of this bill. What I don't support is its preemption of State laws in an unnecessary manner. Let me explain.

As my colleague has indicated by the chart, the States have acted. They have acted rather aggressively and consistently and in many ways. As a matter of fact, they acted so aggressively and so consistently that the best of those protections which the States passed were assembled to create this bill. Let me ask you if that isn't some action on the part of the States.

When Congress passed the ERISA preemption in 1974, it did so because some multi-State employers were having problems complying with the diversity of the State regulation of health insurance.

First, it was described as a pension issue to which they couldn't quite comply. Then they said, as long as we are getting a preemption, let's grant it in the health insurance area as well. So Congress exempted certain plans from State law. That level of exemption involved fewer insured than were continued to be served by State regulated insurance plans.

What we are faced with today is dealing with the problem that began in 1974 with the exemption from consumer protections of these Federal plans. Now we are faced with solving that problem.

Some have said, as long as we are solving that problem, let's move away from diversity and go to uniformity. I am not opposed to having uniformity. But to serve uniformity for uniformity sake and ignore what the States have done, the fact is that under the principles espoused by Thomas Jefferson States have only been acting as laboratories of democracy by experimenting. Fortunately—and thank goodness—the States have experimented because it is from these experiments and from this diversity that we are now able to assemble for the protection of the ERISA plan this group of patient protections.

That is what is important about this. If we look at it to a certain extent that virtually all content is taken from various State laws, that is at least some form of congratulations to the States for their efforts. But they ought not to be rewarded by that great effort by the preemption where it is unnecessary.

The framers of the legislation that is before us as well as those of the Frist-Breaux-Jeffords bill have really worked hard to try to find a way to balance this out. I commend them for that. Their work does not go unnoticed. I appreciate their efforts. But whether the standard is substantially equivalent as in the McCain-Kennedy Edwards bill or in the Frist-Breaux bill consistent with or in a compromise that is under consideration right now which says substantially compliant, the fact is the States are going to have to come to the Federal Government with the plans and say, ''Please let us out'' or they will not be able to get out from under the requirements of this legislation unless they are ''substantially equivalent to.''

''Substantially equivalent to'' means the filings of these State protections would have to be made by their Governors to the health and human services agency, and they will have to find out whether or not the plans they are submitting are substantially equivalent—not whether they are good or bad but whether they are substantially equivalent.

The theory is, if they are substantially equivalent, they are at least as good as or better. But I don't know why we should engage bureaucracies in the Federal Government to try to look over the shoulders of the States that have seriously considered each and every one of these protections.

Why are we doing it? Because we want to solve the problem that exists. Why should we try to solve a problem where there is no problem?

Under the Collins-Nelson effort, we give the States the opportunity to opt out if their plan is consistent with the purposes of this law.

It seems to me that we just simply make it clear that the States can continue to experiment. It is easy to suggest that if you take away the incentive of the State to experiment, the experimentation will either wither or will at least stagnate.

We want to continue to be sure that there are incentives for the States to continue to experiment because I suggest to you right now this is a dynamic process. Over the next several years, we are going to find some better patient protections, and we are more likely going to find those from the States than we are engaged in the body of this legislative Chamber trying to find those answers.

I would prefer that experimentation continue. Then we can pick and choose the best of the class in each case.

I spoke today with the Secretary of Health and Human Services, Tommy Thompson, also a former Governor, and I asked him whether he thought his agency could do this. He said simply that he doesn't think that it can.

Let me add that I think that translates into, ''I can't unless I have a larger bureaucracy of several dozens or more Federal bureaucrats and more staff to look over and second-guess Governors and second-guess State legislatures.''

I asked if that is necessary. Quite frankly, I don't believe that it is. And with the stroke of the pen this bill can be amended so that it won't become law so States can opt out and Governors will have the opportunity, as State legislatures, to decide what is the policy that will work within their State.

We are looking for balance with this legislation. All of us want to balance being able to have the right kind of protection for patients and the availability and affordability of insurance. The last thing we need to do is to tip the balance one way or the other and end up with a more severe problem than we are trying to solve with this effort.

I suggest to you that Thomas Jefferson might be looking at us at the moment. Furthermore, I think he would be pleased if we had a dual system that recognized that this Federal bill and these Federal protections would apply to the Federal plan, and we would allow the States to continue as they have to protect the people at that level and to serve to provide experimentation and better ideas along the way and permit us to allow them to continue as they have to protect the citizens.

I truly believe that government, when it is functioning at the local level, will function best and certainly can function better in this area than we can function.

We have already taken the step of exempting the Federal plans. Let us not now make a mistake of applying what we need to permit for those State plans where there is already much protection and probably even more protection.

Just this week, Delaware added additional patient protections. It seems to me that we ought to continue to support that. We ought not to do anything that detours it or takes away the incentive for the States to continue to do as they have been doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Nebraska for his comments. He has stated the case extremely well. He has had the experience not only of being a Governor but of actually being a commissioner of insurance.

I spent 5 years in State government overseeing a bureau of insurance. We have confidence in our State's abilities to protect the rights of insurance consumers. Indeed, the States have been way ahead of the Federal Government in this area.

I have shown my colleagues the charts of the numerous laws that the States have passed during the past decade dealing with patients' rights. Each State has taken action on some of these consumer protections. They have done so without any mandate from Washington. They have done so because they want to make sure that in State regulated insurance plans these kinds of protections have been included.

In fact, the States have passed over 1,100 laws and regulations dealing with patient protections. So this is not a case where the States have failed to act and the Federal Government has to come to the rescue. Rather, it is a case where the States have been far ahead of the Federal Government. We have been slow to provide these kinds of State protections to federally regulated plans under ERISA. That should be the primary focus of this legislation.

Both the Senator from Nebraska and I support a strong Patients' Bill of Rights. We want to make sure, in writing this legislation, we do not wipe out the good work of State governments.

Every single State has at least one law on the books dealing with portions

of the McCain-Kennedy bill. But no State law is identical to the provisions in the McCain-Kennedy bill. States have dealt with these issues in different ways, depending on the negotiations between the State legislatures and their Governors, to meet the needs of that particular State. There is no need to impose a one-size-fits-all Federal mandate on the States when they are already doing a good job.

When I was Commissioner of Professional and Financial Regulation in the State of Maine, we had a very active bureau of insurance that lead the way in proposing many reforms in insurance and health insurance that were enacted by our State legislature. In fact, I believe that Maine was the first State in the Nation to pass legislation requiring automatic continuity of coverage, renewability of insurance contracts. We did that way back this the 1980s. We were ahead of the Federal Government by many years in this area.

Why should the State of Maine, which has been a leader in insurance regulation, have to go back and revisit its laws, recraft them, and rewrite them to meet the dictates of the McCain-Kennedy bill? That just does not make sense.

I think we should respect the work that has been done by the States in this area by honoring the laws that already exist and are on the books. We can encourage those few States—and they are just a handful—that have not acted in some area to do so, and then to bring their plan to the Federal Government or to tell us why they chose not to.

Why does it make sense for a State such as Wyoming or Alaska, which has virtually no managed care, to have to adopt a host of new laws that are irrelevant to their insurance market?

States have been strong in this area. They have worked hard to protect their health care consumers. I think we should be assisting them, providing incentives for them to act still further in this area, not preempting their good work.

I yield the floor but reserve the remainder of the time on the Collins-Nelson amendment.

The PRESIDING OFFICER. There is no time on this amendment.

The Senator from Nebraska.

Mr. NELSON of Nebraska. I again commend my colleague from Maine who has a wealth of experience in the regulation of insurance by having dealt with the professional agencies in her State. I suggest to you that she knows exactly of which she speaks, that the States have been active and have taken a very strong role in trying to protect the patients within their States.

The legislatures, the Governors, and the regulators have all worked together to try to create an environment in which patients are protected. They have succeeded in doing that.

The one missing piece, though, is not in what the States have failed to do but in what the Government today at the Federal level, in Congress, is now trying to do, and that is to cover the federally exempted plans.

There would not be any discussion in this Chamber today about this bill if it had not been for the exemption granted in 1974, as a result of Congress' action to exempt certain plans from State laws.

There is no criticism of what the States have or have not done. There isn't any suggestion that the States have not been active or that the States have not attempted to do a good job or that they have not done a good job.

What we have is, overcoming an omission, taking care of something that has not been done; that is, applying these protections to the Federal laws that have been exempt from State law. That is exactly what this is about.

I certainly want to praise, again, Senator KENNEDY, who has been extraordinarily tolerant of those of us who have had something to say about his labor of love. He has been very tolerant. He has been very helpful. And he has been very suggestive about solutions along the way. I want him to know that I personally appreciate that.

I am somewhat embarrassed to be suggesting that I might have some area of improvement, given the fact that he has worked on this for so long. It is a fact that I come fresh. I said this morning, I feel like somebody who came to the party late who now wants to rewrite the invitation.

It seems to me that this bill is such that it can involve some additional improvement. This is an area where I think it could be greatly improved, by giving the States the opportunity to make their case—not that they need to be treated as though their laws are substantially equivalent—but to give them the opportunity to come in and say: We have done this. We chose not to do this in our State after carefully considering it. The Governor may have wanted it, but the legislature, in its infinite wisdom, chose not to do it, or vice versa. It works that way. That system ought to be continued.

It will serve the people of our great Nation very well: The people of South Dakota, the people of Maine, the people of Nebraska, the people of Massachusetts, the people everywhere, because it has served this Nation so very well and has served the people so very well.

That is a minor modification. I think it has major implications, but it is a minor modification to say that the Governors can certify, and they can seek to support that they have attempted to deal with these issues in their way, that they do not have to do it our way. That is the difference.

I hope that my colleagues will see it that way and will find the capacity to continue to recognize that States have done, are doing, and can continue to do a good job. Even though there is an effort made to limit the amount of the preemption, I believe this preemption simply goes further than is necessary and further than we certainly would like to have it go.

That is what the National Conference of State legislatures have said and other State organizations have said. They would prefer to have less preemption and a better recognition of their efforts and a recognition that they will continue to work to increase the level of patient protection.

I yield to my colleague from Maine.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Maine.

Ms. COLLINS. Madam President, I know we are about to vote shortly on another amendment.

Let me just summarize this part of the debate—we will be resuming the debate after the vote—by quoting a letter from the National Association of Insurance Commissioners to Senator NELSON and myself. They raise exactly the point that Senator NELSON and I have raised:

> Members of the NAIC are also concerned about enforcement. As you know as a former state regulator, if there is no enforcement then there is no protection. States have developed the infrastructure necessary to receive and process consumer complaints in a timely fashion and ensure that insurers comply with the laws. The federal government does not have this capability, and [these] proposals [before the Senate] do not provide any resources to federal agencies to develop such capability. It has taken the Health Care Financing Administration (HCFA) years to develop the infrastructure required to enforce the Health Insurance Portability and Accountability Act (HIPAA) which included only six basic provisions that most states had already enacted. The proposed patient protection bills are far more complicated than HIPAA and will require considerable oversight.

If we pass the McCain-Kennedy bill without this amendment, we are holding forth a hollow promise to consumers.

AMENDMENT NO. 820

The PRESIDING OFFICER. The hour of 5 o'clock has now arrived. Under the previous order, the question now is on agreeing to the McCain amendment No. 820.

Mr. REID. Madam President, on behalf of Senator DASCHLE, this will be the last vote of the evening. There will be further debate on the two amendments now pending. The next vote will be at 9:45 a.m. tomorrow.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—100

Akaka	Bond	Cantwell
Allard	Boxer	Carnahan
Allen	Breaux	Carper
Baucus	Brownback	Chafee
Bayh	Bunning	Cleland
Bennett	Burns	Clinton
Biden	Byrd	Cochran
Bingaman	Campbell	Collins

Conrad	Hollings	Nickles
Corzine	Hutchinson	Reed
Craig	Hutchison	Reid
Crapo	Inhofe	Roberts
Daschle	Inouye	Rockefeller
Dayton	Jeffords	Santorum
DeWine	Johnson	Sarbanes
Dodd	Kennedy	Schumer
Domenici	Kerry	Sessions
Dorgan	Kohl	Shelby
Durbin	Kyl	Smith (NH)
Edwards	Landrieu	Smith (OR)
Ensign	Leahy	Snowe
Enzi	Levin	Specter
Feingold	Lieberman	Stabenow
Feinstein	Lincoln	Stevens
Fitzgerald	Lott	Thomas
Frist	Lugar	Thompson
Graham	McCain	Thurmond
Gramm	McConnell	Torricelli
Grassley	Mikulski	Voinovich
Gregg	Miller	Warner
Hagel	Murkowski	Wellstone
Harkin	Murray	Wyden
Hatch	Nelson (FL)	
Helms	Nelson (NE)	

The amendment (No. 820) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREAUX. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 830

(Purpose: To modify provisions relating to the standard with respect to the continued applicability of State law)

Mr. BREAUX. Madam President, I ask for the reporting of an amendment that is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX], for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. MCCAIN, and Mr. EDWARDS proposes an amendment numbered 830.

Mr. BREAUX. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is located in today's RECORD under ''Amendments Submitted.'')

Mr. BREAUX. Madam President, this amendment is offered on behalf of myself, Senator JEFFORDS, Senator KENNEDY, and Senator EDWARDS as well. It attempts to deal with the question of whether States would be allowed to continue their programs dealing with Patients' Bill of Rights or will it be dealt with on a Federal level.

We have tried to bring about an agreement between all of the parties and, to a large extent, we have been successful in the sense that we have taken ideas and concepts that have been brought before this body on previous occasions and implemented them in this amendment, a provision that I think makes a great deal of sense.

A great deal of the credit should go to the staffs who have been negotiating this amendment for several days in order to bring it to the attention of our colleagues.

Most of our colleagues recognize the need that States have addressed this problem in a fashion that guarantees to patients that they will have certain rights, and they should be allowed on a State level to run and manage these programs. Very few people would be suggesting the Federal Government knows the answers to all of these problems.

My State of Louisiana, for example, is a State that has already enacted into law some 39 guarantees under our State program, guaranteeing to patients they will be protected when they deal with their insurance companies and their managed care companies. They can be assured that these rights, in fact, are in place.

There are a number of other States that have done the same thing. The point is that while we in Washington are passing a national Patients' Bill of Rights, there are many States that have already done this. They were ahead of the Federal Government. They did it before us, and these States should be allowed to continue to run their State programs as they see fit.

What we had suggested in the original Frist-Breaux-Jeffords legislation is that a State would not have their programs superseded by the Federal Government if their plans were consistent with the Federal statute.

The Senator from Massachusetts, the Senator from North Carolina, and the Senator from Arizona took the approach that States could only allow their plans to continue if they were substantially equivalent with the Federal program.

Our staffs have come up with a realistic compromise, a compromise between those two standards, something that I think makes a great deal of sense.

The amendment at the desk tries to reach an agreement and compromise that recognizes the role of the States is very important. Our language simply says the State plan will not be superseded by the Federal Government when the State plan substantially complies with the patient protection plan we have written on the Federal level.

Where do we get that language, ''substantially complies''? I think that is very important. ''Substantially complies'' is the test that we instituted when we passed the so-called SCHIP programs for children's health insurance. We basically said in that legislation the States would be able to carry on their State programs for insuring children if it substantially complied with the guidelines of the Federal Government. That language is in the existing law of this Government; it is being interpreted by HHS, and they interact with the States now on the ''substantially comply with'' test. They know how to handle it; they know what it means; they have interacted with the States on this basic test.

We take that language from that legislation and incorporate it into what we are doing with the Patients' Bill of Rights. Senator JEFFORDS was a major author of that SCHIP program, and he will speak to this issue. We took the language, the test of ''substantially comply,'' and we now have that in place in this amendment.

The decision on ''substantially comply,'' whether it is or is not being complied with, is a decision of the Secretary of Health and Human Services, who will look at the State plans and make a determination as to whether or not they substantially comply with the Federal statute. They have time lines within which they have to make that decision. I think that is appropriate so they do not just languish in Washington. They have a certain time period in which they have to make a decision on a request by the State to be in substantial compliance with the Federal statute.

It is important to note we want the State to move in this direction. There has to be an enforcement mechanism. As in the original Frist-Breaux-Jeffords bill and the original McCain-Kennedy-Edwards bill, if the States decide to do nothing, they will have to be in compliance with the Federal standards on a patients' protection bill of rights.

The difference in our approach and my colleague from Maine and my colleague and friend from Nebraska is, if States decide to take a walk on this, if a State decides, we don't care what you are doing in Washington, folks, we are not going to pass any Patients' Bill of Rights in this State, and we are not listening to anything you are suggesting, their bill is defective in that there is no enforcement mechanism to get the States to move in a direction which is in the interests of everyone in this country.

One defect in their amendment is that the only penalty the State can potentially suffer is to have grant money for this program terminated. Therefore, you could have a situation where the State simply thumbs its nose at the concept of a national patient protection right and does not enact anything if they don't want to, and yet I think that would be a serious mistake.

I think it is in the interests of this Nation to have a Patients' Bill of Rights that can be enforced, and what we have offered as a reasonable compromise between the Kennedy bill and the Frist-Breaux-Jeffords bill I think is one that is balanced, it has been well thought out, and uses language that is already in Federal law as the ''substantially comply'' test is already being enforced by the Secretary of Health and Human Services.

I encourage Members, after having a chance to look at what we have offered, to be supportive of this compromise effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I will follow up on the Senator's explanation of what we are trying to do, to make sure we have a less complicated situation with respect to who is in charge and with whom to deal.

We have some problems, but the biggest problem, in what was the Kennedy-Kassebaum bill called HIPAA, was we made the mistake of using such language that it ended up that many of the States declined to do anything, in which case the Federal Government, under the bill, came in and tried to do it. That has not worked out. This comes from experience in trying to recognize the States will do good a job and want to do a good job and this is the best place to do it. We will do nothing that prevents that from continuing.

Senator COLLINS has worked hard on this over the year to make sure we come up with something that will be signed into law and allow the President to sign it into law. The protections in the Frist-Breaux-Jeffords Patients' Bill of Rights apply to all 170 million Americans covered by the private sector group health plans, individual health plans, and fully insured State and local government plans. It covers all of them.

At the same time, our legislation recognizes the Federal Government does not have all the answers. States need to play the primary role in enforcing the bill's requirements with respect to health insurers. However, if a State does not have the law or does not adopt the law similar to the new Federal requirements, Federal fallback legislation will apply.

Our amendment strikes a new compromise under scope between the Frist-Breaux-Jeffords standard of ''consistent with'' and the much more preemptive standard in the McCain-Edwards-Kennedy bill that states laws ''be substantially equivalent to'' and ''as effective as'' the new Federal patient protections. This leaves a lot of indefiniteness in the situation. The Breaux-Jeffords amendment uses a new standard that the State law would be certified if it ''substantially complies,'' meaning that the State law has the same or similar features as the patient protection requirements and has a similar effect.

Also, we require that the Secretary give deference—try your best to make sure the State can do it if they want to do it —to the State's interpretation of the State law involved and the compliance of the law with the patient protection requirement. This amendment represents a true compromise. We believe it will make it less likely that the Federal Government will have to enforce these new standards and more likely that it will get signed into law.

I think we have made a good improvement. I am hopeful it will be accepted. I urge its acceptance. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I will make a couple of comments. I compliment my colleagues, Senator COLLINS and Senator NELSON, for offering an amendment which does recognize State roles in enforcement of insurance contracts. Unfortunately, I don't believe that is the case under the Breaux-Jeffords amendment. We will have to make a decision: Do we believe States should regulate insurance? Or should the Federal Government? Do we believe one size fits all?

I understand there is a little change and there may be some improvement over the underlying bill, but the improvement is very small. The underlying bill, the McCain-Kennedy-Edwards bill, has language in it that says all these protections that we are getting ready to tell the States they have to do, the States have to have ''substantially equivalent'' and ''as effective as'' the standards we are getting ready to pass in the bill.

I think the Senator from Maine said there are 1,100 State protections—State protections dealing with ER, State protections dealing with OB/GYN, State protections dealing with clinical trials, and so on. Almost none of the States has identical protections as what we are getting ready to mandate.

Unfortunately, the language that now is being talked about may be an improvement. Instead of ''substantially equivalent,'' it says ''substantially compliant'' with the Federal standard. ''Substantially compliant'' was written under the SCHIP program, and that was, if they did this, they would get a pot of money. That is a little different scenario than coming up with: States, you must do this or we will regulate your State insurance—even though the States have always done it. Historically, the Federal Government has never regulated State insurance.

Under the McCain-Kennedy bill or now under the Breaux-Jeffords substitute, you are still going to have the Federal Government telling the States, comply with what we are telling you substantially or else we will supersede your regulation and the Health Care Finance Administration is going to do it.

There are a couple of problems with that. HFCA can't do it. Maybe nobody cares. Maybe we should just go ahead and pass this. We might just pass it and laugh at it because I absolutely know, with certainty, HFCA can't do it.

The Secretary of HHS, Secretary Thompson, basically made that statement before the Finance Committee on June 19. HFCA is already overloaded. They haven't even enforced the Medicare rules we passed years ago. They are not even enforcing HIPAA that we passed several years ago.

Under HIPAA that is the Kennedy-Kassebaum bill that deals with portability—there are five States that have not complied. We have testimony that HFCA is not enforcing that. They are supposed to. We passed a couple of other bills. Guess what. HFCA is still not enforcing those. There is one dealing with mental parity. They have never enforced it. They never have. They are well aware they are not enforcing it; that they are not compliant. We have records of that. I will submit a bunch of these for the RECORD tomorrow. HFCA cannot do it.

Yet what are we doing? We are getting ready to say if it is not substantially compliant with the new Federal regulations, HCFA is going to come running at the charge and enforce these regulations, which they were not doing.

The National Association of Insurance Commissioners basically says the same thing. These are State insurance commissioners who work on this issue full time. They are not part time. I should not say we are part-time Senators. As Senators, we are working part time on regulating insurance and we are getting ready to mandate a lot of things to the States they will not be able to do, or we are getting ready to say States do it the way we tell you to do it or the Federal Government is going to come charging in and take over. I want everyone to know that is what we are doing and even ''substantially compliant'' is going to have a State takeover.

Here is one of their paragraphs. They say:

> Members of the National Association of Insurance Commissioners are also concerned about enforcement. As you know —

And this letter is written to Senator COLLINS—

> as a former State regulator, if there is no enforcement, then there is no protection. States have developed the infrastructure necessary to receive and process consumer complaints in a timely fashion and ensure that insurers comply with the law. The Federal Government does not have this capability and the proposals do not provide any resources to Federal agencies to develop such capability. It is taking the Health Care Finance Administration years to develop the infrastructure required to enforce the health insurance portability and accountability act, HIPAA, which included only 6 basic provisions that most States already had enacted. The proposed patient protection bills are far more complicated than HIPAA, and will require considerable oversight.

HIPAA had a few patient protections that almost all States already had, a few States still do not have, and HFCA has yet to really enforce those protections. Now we are going to give dozens of protections and have HFCA determine whether or not the States are substantially compliant with our new protections.

I will give an example. In the State of Delaware, they are in the process of passing a patient protection bill. They have an emergency room provision. In the emergency room provision that the State of Delaware is passing, they don't have poststabilization care included in their provision. We do, under this bill. This bill requires ambulance

coverage. Guess what. The State of Delaware did not include ambulance, for whatever reason. So we are going to tell the State of Delaware, a bureaucrat at HFCA is going to say: State of Delaware, you did not do it good enough. Your legislature is going to have to go back, pass a bill, have the Governor sign it, have some expansion to make sure that your ER provision is as good as the one we are getting ready to mandate.

I could go on and on.

There is an OB/GYN patient protection that basically has unlimited access to OB/GYN and gynecologists. Great. Guess what. The protection we have given to beneficiaries, patients in the Federal Employees Health Benefits Plan, gives one visit. It is not nearly as aggressive.

As a matter of fact, that points out something that maybe a lot of people have missed about all these patient protections. I have heard countless people say we want these protections applied to all Americans. I will inform my colleagues, we did not apply them to Federal employees. We do not provide these protections we are getting ready to mandate on every private sector plan in America. We forgot to include Federal employees. We forgot to include Medicare beneficiaries. We forgot to include low-income people such as those on Medicaid. We forgot to include people who work at the Department of Defense. We forgot to include veterans. We forgot to include Indians, who are under Indian Health Care.

All these patient protections—everybody said we want those to apply to everybody. They apply to the private sector, but we did not include the public sector. Did we just sort of forget that, or are we afraid maybe that would cost too much money? We are going to give all these great patient protections and basically have a Federal takeover of State-regulated insurance unless the States are substantially compliant with it or, in other words, States, you do as we tell you or the Federal Government is going to take charge. Can Federal employees sue the Federal Government? The answer is no. Can a military officer who happens to be serving overseas, or maybe in the United States, and they have something go wrong and they have poor care, can they sue the Federal Government? The answer is no.

Are they entitled to the patient protections that are being mandated on every private sector plan in America? The answer is no.

So there are some things that are really wrong. I think one of the things that is wrong is saying we are going to have the one-size-fits-all Federal Government supersede the States. States, you are substantially compliant with what we tell you to do or else we are going to take over.

I have had the pleasure of chairing the conference last year, where we negotiated patient protections. I negotiated them with my friend and colleague from Massachusetts and other Democrats. We came up with a basic agreement on most of the patient protections. But we never agreed whether or not they should supersede the patient protection laws that are in the States. I would never agree with that and I still will not agree with it.

For whatever reason, I fail to see, when you have 44 States, as the Senator from Maine has shown, that have ER protections in their States—I fail to see that we can write an emergency room provision that is so much better than every State, that we know best what should be in Maine or Oklahoma or the State of Washington or in Massachusetts, what should be in the ER provision in those States.

I really do not like the idea of having a bureaucrat at HFCA determining whether or not those laws are substantially compliant and if that bureaucrat determines they are not substantially compliant, then they have to rewrite their law.

There are legislators who were elected in the various States. The insurance commissioners work with these laws and the application of those laws and the enforcement of the laws day in and day out. I doubt we have the infinite wisdom, when we are coming up with mandated provisions, to know we should supersede all those States.

I do not doubt there are a lot of patient protections in the States that do a much better job than what we have done on the Federal level. I don't doubt there are State protections that are not as aggressive and/or not as expensive as that with which we are getting ready to mandate that they be in substantial compliance.

Again, I urge my colleagues to support the Nelson-Collins amendment. I think it is an excellent amendment. It is one that has been well thought out. It is one that is supported by two of our colleagues who had enormous experience in the insurance field. Both Senator COLLINS and Senator NELSON worked as insurance commissioners in their States. They worked at those jobs for years. They know what they are talking about. They know the Federal Government cannot enforce it. They know the Federal Government should not regulate insurance within the States.

Unfortunately, that is what we are getting ready to do. So this is a most important amendment, and I urge my colleagues to use a little common sense. If we end up passing this amendment and, heaven forbid, should it become law, I will just make a little prediction. Two years from now we will be back here saying you know what, the States are not in compliance. They were not substantially compliant, but HFCA could not tell them that. Or if HCFA told them that, they said they still couldn't be in compliance and so you have a lot of States that are theoretically not in compliance. But the Federal Government couldn't really regulate it anyway. So did they get any additional protection? No. They have a verbal assurance: Here is a bill; you are supposed to have this protection. But it is not regulated by the State and it is not enforced by the Federal Government because the Federal Government could not do it.

Tommy Thompson, Secretary of HHS, and HHS enforcement, they have thousands of employees. They spend billions of dollars and they still can't do it.

They still can't do it. They couldn't do it if we gave it to them. I hope we don't give it to them. You didn't actually extend patient protection. What you give is kind of a false protection. It is not real. You have a whole lot of confusion. Oh, wait a minute. The State has been doing this for 40 or 50 years. Now the Federal Government is supposed to be doing it, and they can't do it. There is no real patient protection in the first place. Maybe it makes politicians feel good if we are telling the States to do this. I sure hope they do it. What is the remedy if they don't do it? The Federal Government is going to take over. That is not a very good remedy if the Federal Government can't do it, especially since the Federal Government should not do it.

I want to again compliment my friends and colleagues, Senator COLLINS and Senator NELSON, for offering an outstanding amendment.

I urge my colleagues to vote no, regrettably, on the Breaux-Jeffords amendment.

I think ''substantially compliant'' may be a tad better than ''substantially equivalent,'' but not much. It is still a Federal takeover. It still has Federal enforcement. It still has HCFA making a determination whether or not you are substantially compliant, and that is not a good solution.

I urge my colleagues to support the Collins-Nelson amendment. That would be a giant step, and one which I might mention that Governors around the Nation are going to wake up to. They have been asleep. But Governors around the Nation, Democrats and Republicans, who want to maintain State control and regulation over insurance are going to wake up to what we are doing one of these days and they are going to be coming up saying: What are you doing? Congress, you can't regulate insurance. You haven't been doing that. You don't know how to do it. What in the world do you think you are doing?

We are going to hear from them. I would venture to say that Democratic as well as Republican Governors are going to be outraged should this provision invade the scope, preempting the State, and mandating to the States that the Federal Government knows best when it comes to patient protection—and not even giving real credibility to what the States have already done; not giving them a grandfather. They have already enacted legislation dealing with those particular patient protections. The Collins-Nelson amendment grandfathers States that have

done patient protections. We should recognize what they are doing and give them credit for it—not try to supersede it with a Government-knows-best solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I rise in support of the Collins-Nelson amendment. I thank them for their foresight and pointing out to this entire body that Washington doesn't always know best. In this particular case, they are not only saying Washington does not always know best but Washington is incapable of doing the job that this bill gives them to do, even if Washington knew best.

This is a very important amendment. The people who are proposing this bill ought to look at the overburdened responsibilities that the Health Care Financing Administration already has and it is not able to do.

It is from that point that I want to speak about my support for the Collins-Nelson amendment.

I want to make very clear that, as most of my colleagues, I believe that any patient protection we pass must be meaningful and enforceable. But the provisions that the Collins-Nelson amendment deals with, and that they strike and change, are the provisions of the bill that delegates most of its new enforcement responsibilities to an agency that is one of the most overburdened bureaucracies in Washington, DC.

The Washington bureaucrats who work there are not going to be able to take the action necessary to give patients the protections that are determined by the authors of this amendment they ought to have, and that we all would agree ought to be there. But it can be done under State supervision, and it can be done much better and much more expeditiously than it can be done through the Health Care Financing Administration.

It is the difference between going to Des Moines, IA, to get the protections or coming to the Baltimore headquarters of the Health Care Financing Administration—because, historically, this agency has been already slow in publishing regulations, and it lacks in its enforcement of existing Federal laws that we passed putting responsibilities on its back.

Of course, I have high hopes that our new Secretary of Health and Human Services, Governor Thompson, and the new Administrator of the Health Care Financing Administration, Tom Scully, will turn things around. While I hope that and I believe that, I don't expect a radical change is going to be necessary for the Health Care Financing Administration to carry out the responsibilities that the authors of this legislation want them to do, nor that it will be radical enough to change overnight to get the job done of administering this portion of their bill the way it should be.

At this time, shouldering the Health Care Financing Administration with a task of enforcing broad new Federal patient protections is clearly inappropriate.

Our new Secretary and Administrator have walked into myriad backlog regulations, hundreds of unanswered letters, and burdensome internal policies that hinder already efficient and effective work that the taxpayers expect to be done by this agency.

Just last week at a hearing we were having on agency reforms before the Senate Finance Committee that deals with this issue, we had Secretary Thompson and Administrator Scully pleading with us to keep new tasks away from the agency so that the catchup work on these existing responsibilities can be done.

I quote Secretary Thompson on that very point. He used the new name, the Center for Medicare Services. He said:

> The Center for Medicare Services right now is overloaded with HIPAA and with the privacy rules and regulations, with Medicare and Medicaid, and SCHIP, and so on.

Rather than listing all of the other responsibilities, he said:

> I do not think we can really take on any more responsibilities.

That is the Secretary who has the responsibility of carrying out the laws that we already passed, along with the regulations that have to be written to enforce those laws. He would like to get those out of the way before he gets any additional new responsibilities.

I want to take just a few minutes to share some important examples of how this agency in the past has been unable to meet its existing obligations.

In 1996, Congress passed the Health Insurance Portability and Accountability Act. That is the act that Secretary Thompson referred to as HIPAA. We passed it. To date, the agency is over 3 years behind on implementing major provisions of that 1996 act.

The agency is almost 2 years behind in implementing a fee schedule for ambulance services that was mandated in the Balanced Budget Act of 1997. There were several more mandates in the Balanced Budget Act of 1997 that have had no regulations published at all, such as how regional carriers will process clinical laboratory claims, and how durable medical equipment suppliers must comply with the surety bond requirements.

And get this: In 1986, Congress passed very sweeping legislation to make sure that the delivery of quality care in the nursing homes of America, and the agency took 8 years, from the date of enactment, to publish the enforcement regulations on the nursing home laws.

Even more egregious, there are no final regulations published for the Medicaid Drug Rebate Program, a program enacted into law over 10 years ago.

So the list goes on and on. I hope you can see this is an agency that is already overloaded and is seriously behind on many Federal mandates Congress has put in place over the last decade; and in the case of nursing home laws, a decade and a half ago.

We cannot expect, nor should we expect, that this agency is capable of enforcing patients' protections under this legislation.

The Secretary of Health and Human Services has already told us they are working 24/7 to improve operations and responsiveness for their existing programs, such as Medicare and Medicaid.

In the end, it is the patient who is going to suffer when patient protection regulations get delayed or are improperly enforced or, in some instances, such as the nursing home laws, for 8 years, not enforced at all.

That is exactly what will happen under the Kennedy-McCain bill where the sole responsibility of enforcing and implementing patient protection certification falls on the agency that formerly was called the Health Care Financing Administration.

I cannot support the Kennedy-McCain bill with these meaningless enforcement provisions. In fact, it would be irresponsible to do so when the agency itself has made very clear to the public that they will not be able to handle any new patient protection mandates.

I do not presume that Senator KENNEDY and Senator MCCAIN meant for this provision of their legislation to be meaningless in its enforcement. But, as a practical matter, if HCFA is already overloaded, and if they are already not writing the regulations for legislation that has been passed over the past 10 years, the ultimate result of passing this bill this way—putting this responsibility on the Health Care Financing Administration—is that it will not be enforced any more than the nursing home laws, which as I said were left unenforced for 8 years.

So I have come to the conclusion that the Collins-Nelson amendment is the right thing to do. Why fool the American people? Washington bureaucrats do not always know best. And we, as Congressmen, if we have not lost touch with the grassroots of America, and if we exercise a little common sense, we ought to be able to show to a majority of this body—and for a majority of this body to understand—that if HCFA cannot carry out the law, if they have not carried out a lot of mandates of the Congress of the United States in the past decade, why would you put more responsibilities on their back? If you want patient protection, then let it be done where it can be done, and that is in those States that have meaningful enforcement laws already for patient protection, because this amendment allows States to maintain the hard-fought patient protections they have put in place for their own citizens. And the amendment encourages States to develop even stronger protections.

So I urge my colleagues to support this approach, one that recognizes the

vital role that States play in tailoring patient protections to best meet the needs of their respective citizens.

I thank the Chair.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Wyoming.

Mr. ENZI. Thank you, Mr. President.

I appreciate the other side allowing us this opportunity to state our case at the beginning because of some important considerations we have.

I particularly congratulate the Senator from Maine, SUSAN COLLINS, for her tremendous efforts on this entire Patients' Bill of Rights. On any issue in which she gets involved, you will find that she studies it to a greater depth than anyone. She does additional research; she gets all of the help she can; she gets to the point where she understands what she is doing; and then she works with others to make it better. It does not happen a lot around here. But she is one dedicated Senator who is always willing to look at a better idea.

She has teamed up, in this particular instance, with Senator NELSON, a neighbor of mine, from Nebraska. One of the reasons this is an interesting team is that they have both been State insurance commissioners. They both understand the State side of this. They both understand what is in the bill. I would not want to imply that everybody does not, but these are two people who absolutely understand what is going on in the bill. They have teamed up and said there is a way that we can provide the protections, that we can get the States involved, and that we can enlarge the scope. They put it together. I congratulate them for their tremendous efforts.

For 2 weeks, I have been saying that on 80 percent of this bill both sides agree. On eighty percent of it we agree. It is that other 20 percent where there are some philosophical differences.

I have seen—both in legislating that I did before I got to the Senate and since I have arrived—that one of the keys to passing legislation is to put a good title on the bill. That is something we agree on 100 percent: The Patients' Bill of Rights is a great title. What you do with that can be an abuse of the title. And on 20 percent of this bill, there is an abuse of that title.

There are some substantial changes that need to be made. One of those is, who is going to administer it? There are two very different philosophies involved in the administration of this bill. One side says: Washington knows best. Bring it back to Washington. If the bureaucracy isn't big enough now, we will make it big enough. And we will put enough dollars in it that we will be able to solve it.

For anybody in America who has ever had to work with the Washington bureaucracy, picture the difference between Washington and your local and State governments.

When you call Washington, have you ever gotten to talk to the same person twice? That means that when you call in today with a problem that you have to explain, and then when they do not take care of it—because they really do not have the involvement that they do if they know you—you have to call them back. Well, you would not know by tomorrow; you would not know by next week. You would be lucky to know by next month. But next month, when you are sure Washington has not solved your problem, you have to call again. And I guarantee you, you will talk to a different person who will say: What is your problem? And after you have gone through all of the explanation again, they will say: We will get back to you on it. And you are going to spend another month getting back to them on it.

Contrast that with State and local calls that you have had to make. You can almost always talk to the same person again, so the problem that you discussed yesterday they still remember today. And you do not have to wait a month for the decision because they are doing the job efficiently.

There are various ranges of bureaucracies and efficiencies in Washington, also. This bill has chosen to give the jurisdiction to that agency that is doing the poorest job. Don't believe me. Don't believe the debate. What I ask you to do is call your doctor and ask them what they think of HCFA. Call it HCFA; it is the Health Care Financing Administration. But they call it HCFA because that is a four-letter cuss word to them. You will find that your doctor thinks HCFA is a cuss word. That is how impressed they are with the administration of this agency, the one to which we are about to turn over all of the jurisdiction for the problems you have worked with your State on before. We are going to take what the States have been doing, and doing well for over 50 years, where there are people you can talk to every day, and we are going to say, no, you are not doing a good enough job because there is some bureaucrat in Washington who decided that they know better and they want to handle your problem.

Find out how efficient HCFA is. I am certain under the new administration that it will be more effective, but it will be a long time recovering from the problems it has right now. Yes, we can throw more money at it. Is that where you want your tax money to go?

Right now, your States are paying for that. We are going to duplicate and supersede, without saving you a dime and in fact costing you more.

Does the Federal Government do a better job? One of the things I have been working on since I have been here is OSHA. OSHA allows two different processes. One is State plan States. That is where the States do the work. The other is the Federal plan. That is where the Federal Government takes care. I can tell you that the accidents are less in the State plan States for just the reasons I mentioned before. A bureaucracy operating out of Washington, trying to handle the whole country as a one-size-fits-all problem can't do the same job as the people at home in your State.

What are some of the things they have to handle? I will tell you, the new reason that HCFA is going to become a bigger cuss word is called HIPAA. This has to do with portability of insurance. The change in some of my phone calls this week has been calls from doctors and hospitals. They weren't concerned about a Patients' Bill of Rights yet. They were concerned about the HIPAA privacy rules. Ask your doctors and your hospitals what they think about that.

Privacy is important to all of us, but they have managed to muff that one. The same agency that people are calling me and complaining about right now is related to where we are going to turn over, under the opposing amendment, all of the workload.

This week and last week you heard about a number of amendments. One of the things I am very proud of is that all of those amendments were different solutions that needed to be done on this 20 percent of the bill where there is a problem, different approaches. It was not the same amendment time after time after time, which we have seen here before. It was different approaches to different problems in the bill. There are about six problems that we have to get solved, that we have to get some consensus on in order to have a good bill, one that matches up to the title of Patients' Bill of Rights.

What you are seeing here, of course, is us trying to solve in the committee of the whole what could have been done in committee. You are seeing more amendments here than what you might see on the floor with the bill. But that is because normally we have the committee meetings where we get to put forward lots of amendments in a smaller group and, therefore, be able to get them decided with less discussion because there are fewer people.

I mentioned some phone calls. I have to add that I am starting to get some other phone calls now which are from my school districts, wondering how this bill is going to affect them. They know we just finished the education bill and that there might be some more money under the education bill for them. They are asking: But we provide insurance to our employees; is this going to suck up all that money, and how liable will we be?

Again, I congratulate the Senator from Maine and the Senator from Nebraska for the tremendous work they have done in coming up with a solution—one we talked about last year—on which there was a lot of consensus. There was a lot more give, a lot more understanding, and even people supporting this one who seem to think HCFA is a better solution now.

One of the groups supporting the Collins amendment that I want to point out is the National Conference of State Legislatures. They recognize the value of the State handling these insurance problems.

I ask unanimous consent that there be printed in the RECORD after my remarks a letter from the National Conference of State Legislatures.

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

(See Exhibit 1.)

Mr. ENZI. Among the handful of principles that are fundamental to any true protection for health care consumers, probably the most important is allowing States to continue in their role as the primary regulator of health insurance. It is because of my commitment to preserving existing consumer protections that I am glad to be a cosponsor of the Collins-Nelson amendment. Their amendment recognizes a principle that has been recognized and respected for more than 50 years.

In 1945, Congress passed the McCarran-Ferguson Act, a clear acknowledgment by the Federal Government that States are indeed the most appropriate regulators of health insurance. It was acknowledged that States are better able to understand their consumers' needs and concerns. It was determined that States are more responsive, more effective enforcers of consumer protections.

As recently as last year, this fact was reaffirmed by the General Accounting Office. GAO testified before the Health, Education, Labor, and Pensions Committee saying:

> In brief, we found that many states have responded to managed care consumers' concerns about access to health care and information disclosure. However, they often differ in their specific approaches, in scope and in form.

Wyoming has its own unique set of health care needs and concerns. Every State does. For example, despite our elevation, we don't need the mandate regarding skin cancer that Florida has on the books. My favorite illustration of just how crazy a nationalized system of health care mandates would be comes from my own time in the Wyoming Legislature. It is about a mandate I voted for and still support today. Unlike Massachusetts or California, for example, in Wyoming we have few health care providers, and their numbers virtually dry up as you head out of town. We don't have a single city with competing hospitals. So we passed an ''any willing provider'' law that requires health plans to contract with any provider in Wyoming who is willing to do so.

While that may sound strange to my ears in any other context, it was the right thing for Wyoming to do. But I know it is not the right thing for Massachusetts or California. I wouldn't dream of asking them to shoulder the same kind of mandate for our sake when we can simply, responsibly apply it within our borders. That is what States have been doing with the 1,100 laws they have passed dealing with patients' bills of rights.

What is even more alarming to me is that Wyoming has opted not to enact health care laws that specifically relate to HMOs. But that is because there are ostensibly no HMOs in Wyoming. There is one which is very small. It is operated by a group of doctors who live in town, not a nameless, faceless insurance company. Yet the sponsors of the underlying bill insist they know what is best for everybody. So they want to require the State of Wyoming to enact and actively enforce—that is what the opposing amendment does, enact and actively enforce—what they say is the right thing for our State. They want to regulate under 15 new laws a style of health insurance that doesn't even exist in our State.

It requires States to forsake laws that they have already passed dealing with patient protections included in the bill, if they are not the same as the new Federal standard. The technical language in the bill reads ''substantially equivalent,'' ''does not prevent the application of,'' and under the process of certifying these facts with the Secretary of Health and Human Services, the State will have to prove that their laws are ''substantially equivalent'' or some other variation of words. There are a whole bunch of words that could be used there.

There could be a whole series of amendments to undermine the Collins amendment. This is one of them.

The proponents of this language—whichever version you care to look at, except for Collins—say that it won't undo existing State laws that are essentially comparable, but that isn't what their bill requires. Under either amendment—the bill or the Breaux-Jeffords amendment—they are going to force States to change laws that they have already reviewed, that they believe already work in their States.

Is it that the proponents aren't overly concerned with the implementation of the law versus being able to say that their bill meets the political test of covering all Americans, regardless of existing, meaningful protections that State legislatures have enacted? If the laws just have to be comparable, why don't they use that phrase? I will get into this issue in more detail as the debate proceeds. I believe we can compromise. I don't think this is the compromise. I like the language of the Collins amendment. The only hard proof that we have right now is that States are, by and large, good regulators, while the Federal Government has done a lousy job. The General Accounting Office has been reporting to us that since we passed the Health Insurance Portability and Accountability Act in 1996. And that is the ''consumer protection enforcement'' mechanism around which the bill before us is written.

Wyoming currently requires that the plans provide information to patients about coverage, copays and so on, much as we would do in this bill; a ban on gag clauses between doctors and patients; and an internal appeals process to dispute denied claims. I am hopeful that the State will soon enact an external appeals process, too. This is a list of patient protections that a person in any kind of health plan needs, which is why the State has acted. But requiring Wyoming to enact a series of additional laws that don't have any bearing on consumers in our State is an unbelievable waste of the citizens' legislature's time and resources.

As consumers, we should be downright angry at how some of our elected officials are responding to our concerns about the quality of our health care and the alarming problem of the uninsured in this country.

We are talking about driving up the price of insurance and driving people out of the insurance market. I keep mentioning that insurance in this country is provided on a voluntary basis. We have had amendments that dealt with small businesses to see if they could get any kind of relief. Most of them are strained to the maximum. The smaller your business, the higher your potential risk, so the higher the rates you pay. Insurance is risk protection. We discriminate against the smaller businesses on rates because it is actuarially more difficult to calculate that.

Under this bill, we have had some opportunities to provide some relief to those small businessmen. It hasn't happened. They have been ignored. I will be bringing an amendment that will deal with the large businesses. I almost exclusively work with small businesses. Tomorrow, I will be bringing one that deals with the big self-insured, self-administered companies to see if there is going to be any hope of relief for those people who provide the best insurance in this country.

Mr. President, we will be committing two fouls against consumers if we do not adopt the Collins-Nelson amendment. The first would be to eliminate all meaningful patient protections that are not exactly like the Federal law. Second would be to put in enforcement responsibilities with the agency that has already said it can't do the job. Add to that the third foul that the rest of the bill prices millions of people out of health insurance and we have done anything but hit a home run for patients.

I urge my colleagues to consider the valuable experience and wisdom of the amendment sponsors, as well as the urging of the National Council of State Legislatures. Think about the divergence of philosophy. Do you want your health care to be one size fits all in Washington, determined by HIPAA and HCFA, or do you still want your States to be involved? Do you want your States to have the control? Do you want your States to be able to continue the kind of service they have been providing through your State legislatures that can make decisions based on your State and your needs?

I yield the floor.

EXHIBIT 1

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, June 27, 2001.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.
Hon. BEN NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS AND SENATOR NELSON: On behalf of the National Conference of State Legislatures, I would like to take this opportunity to commend you for authoring an amendment to S. 1052, the pending Patients' Bill of Rights legislation. Your amendment recognizes the important work states have done regarding the regulation of managed care entities and supports the continued role of states in the regulation of health insurance.

The amendment substantially addresses concerns we expressed in our recent letter to you and your colleagues. In that letter we urged you to: (1) grandfather existing state patient and provider protection laws; and (2) provide a transition period between the enactment of federal legislation and the effective date of the Act to provide each state an opportunity to preserve their authority to regulate managed care entities. This amendment also addresses our concerns regarding the adequacy of the federal infrastructure to enforce the patient and provider protections established in the bill. Finally, it is important to emphasize that the proposed amendment recognizes that insurance markets differ among the states and a ''one size fits all'' approach may have adverse results among states and within regions of a state. This amendment permits a state to certify adverse impact and head off disruption in its insurance market.

NCSL supports this amendment. States are best situated to provide oversight and enforcement of the patient and provider protections established in the legislation. The record of the states is strong. We are looking for an approach that supports the traditional role of states in the regulation of insurance and that recognizes the differences in state insurance markets and provides a mechanism for states to protect those markets.

NCSL supports passage of Patients' Bill of Rights legislation that makes a promise that can be fulfilled. We believe state oversight and enforcement is an integral part of ensuring fulfillment of the promise and we look forward to continuing to work with you to develop legislation that will improve the quality of health care without adversely affecting access to care.

Sincerely,

GARNET COLEMAN,
Texas House of Representatives,
Chairman, NCSL Health Committee.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I will be brief because I see the Senator from Massachusetts also desires to speak. First, I thank my colleague and friend from Wyoming for his extraordinarily generous comments and also for his excellent statement. As a former State senator, he has a great deal of experience in this area. As a businessman, he knows what it is to provide health insurance and to try to provide good benefits for his employees. I am grateful for his support.

Very briefly, I want to respond to a couple of comments that have been made tonight. The former chairman of the Finance Committee, Senator GRASSLEY, talked about the burden on HCFA. I think this is very important because the McCain-Kennedy bill—and, unfortunately, the amendment offered by my friend from Louisiana continues this problem—is expecting that HCFA is somehow going to be able to step into the role of insurance regulator, which is something the States have performed well for more than 50 years.

Look at what would be required under the Breaux-Jeffords amendment. Let me read you one part of the burden on the Secretary under the provisions called ''Petition Process'':

Effective on the date on which the provisions of this Act become effective, as provided for in section 401, a group health plan, health insurance issuer, participant, beneficiary, or enrollee may submit a petition to the Secretary for an advisory opinion as to whether or not a standard or requirement under a State law applicable to the plan, issuer, participant, beneficiary, or enrollee that is not the subject of a certification under this subsection, is superseded under subsection (a)(1) because such standard or requirement prevents the application of a requirement of this title.

In other words, this sets up a process by which the Secretary of HHS is going to be inundated with requests for advisory opinions from anyone who is covered under a State-regulated insurance plan who wants to know whether or not a certain provision of that particular State's laws is superseded by the Federal law. This is just not workable. There is just no way that HCFA is going to be able to take over these responsibilities.

My friend from Louisiana drew the analogy with the State Children's Insurance Plans. I am very proud of that program. I was one of the original cosponsors of the legislation that the Senator from Massachusetts and the Senator from Utah proposed to create this important program to expand access to insurance to low-income children. But these are not analogous situations. We are not talking about a federally funded health program. We are not talking about that. We are talking about the regulation of health insurance.

The Federal Government is not providing funds for this. The Federal Government is not involved in this traditionally. This is entirely different from pointing to a Federal program that happens to be administered by the States but which is federally funded where, of course, it makes sense for the Federal Government to set standards. So it is two entirely different matters.

Finally, I make the point that one should look—and I encourage the Senator from Louisiana to look—at the provisions of his State's laws on consumer and patient protections. They are not identical to the standards in the McCain-Kennedy bill. For example, when you look at the Louisiana law dealing with emergency room access, we find that Louisiana has a law, but that it is crafted in a different way than the McCain-Kennedy bill. So now we have to decide, is it substantially compliant with the provisions of the bill, which would be the standard the Senator from Louisiana would have? It differs in some respects—on reimbursements, on how much is covered, on poststabilization care.

If the State of Louisiana crafted a law dealing with emergency room access, as they have, why should we second-guess that law? Why should we substitute our judgment for the judgment of the good people of the State of Louisiana?

I remind my colleagues that the States have not fallen down on the job. There are more than 1,100 patient protections out there far beyond the confines of this bill.

Unfortunately, while the Breaux-Jeffords amendment is an improvement over the underlying bill, it is still fatally flawed. I urge my colleagues to vote no on the Breaux-Jeffords amendment and yes on the Collins-Nelson amendment.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have great respect for my friend and colleague from Maine, Senator COLLINS. Senator COLLINS is a member of our Health, Education, Labor, and Pensions Committee. As always, she has demonstrated tonight that she is well informed, articulate, and persuasive—I hope in this instance not too persuasive—to her point of view.

As always, she spends a great deal of time thinking through these issues. I commend her for her presentation, and I respect her for her position, although it is a position that I cannot support, and I will urge my colleagues to support the alternative, which is the Breaux-Jeffords amendment.

We have tried over time, although we do not receive great acknowledgment for it, to find ways we can work with the administration. We have had four or five major issues. The administration really did not take a position about the tax incentives in the legislation, although many of us saw that the tax incentives in the legislation, which many of us supported, would have resulted in the end of this legislation for reasons that have been pointed out earlier. The tax-raising power lies with the House of Representatives, and not with the Senate.

Second, on the issue of responsibility of employers, the President made very clear in his statement that he wanted employers who were exercising their judgment in ways HMOs normally do—to bear responsibility if there is injury and harm to patients.

We have been wrestling with that definition for several days. We will have an additional opportunity to wrestle with it, but the President has been very clear about wanting to hold responsible those employers who make judgments that interfere with the medical judgments which adversely affect patients. He wants to hold them responsible. That is what many of our

colleagues have been attempting to do, and they have been doing it in a bipartisan way.

We have had amendments to eliminate all responsibility for employers, and amendments for employers with 50 employees or less. These have been defeated.

The President was talking in ways many of us understood. We may differ as to the language, and we do have differences with the President on the liability provisions, but on those other issues, we are very much along the same lines.

The President, as well, in his support for the Frist-Breaux bill, basically supported the medical necessity provisions we had included in the McCain-Edwards legislation. They are virtually identical to those in the underlying bill, and the President indicated support of the medical necessity provisions. Those are enormously important.

We come to the third of the major issues, and that is scope. Who is going to be covered, and for what particular protections? The President again indicated in his principles for a bipartisan bill that it should apply to all Americans—all Americans; that a Federal Patients' Bill of Rights should ensure that every person—not just some people, not just a few people in some States, not just some who are covered for certain protections in a few States—but that all Americans, every person enrolled in a health plan, enjoy strong patient protections. Those are words that he used.

The Breaux amendment is consistent with that particular principle. It is not drafted exactly the way I would like to have it drafted. It does not go to the extent I would like to have gone to guarantee the strong protections which Americans deserve. But nonetheless, in a very important way, the Breaux amendment complies with this particular provision. It will ensure that all Americans are going to be covered and that they will have strong protections. The Breaux proposal also ensures that protections for Americans will remain in the States. They will be the primary regulator under the Breaux proposal. That is the way it was drafted, and it is a preferable way to ensure not only what the President has stated, but what I think I have heard stated by my good friend, the Senator from Tennessee, our ranking member on the HELP Committee, and others.

As a matter of fact, every proposal that the House of Representatives considered in their debate last year—I believe there were four major proposals offered by Republicans—all of them included all Americans. That was not a debatable point. It is tonight, and tomorrow morning, we will have the opportunity to see where the Senate is going to stand.

I will make a few points, and if I am not correct, Senator COLLINS will correct me—we only received the amendment just prior to the time the Senator offered it, although clearly we were very much aware this amendment was coming and Senator COLLINS told us about that. I will make a statement and a point, and if I am wrong, the Senator from Maine will correct me.

If her amendment is passed tomorrow, or whenever we pass the final legislation, there will no guarantee of one new protection for most Americans. Do my colleagues understand what I am saying? Mr. President, do they understand what I am saying? If the Collins amendment succeeds and is passed, when it goes into law, there will not be one new protection for most people in this country. There will not be any protection for the children who need speciality care; there will not be any new protections guaranteed for women who need clinical trials; there will be no new protections in a wide range of provisions that are included in the underlying legislation. None, unless—unless—the States go about the business of applying and providing them.

Let me be very clear about it, with the passage of her amendment, there is not one new protection from an HMO making the medical decisions they have made in the past.

It seems to me that is why we are here because we have, for the last 5 years, been battling to make sure families in this country receive protections, whether they are in Massachusetts, Nevada, or Maine.

Let's look at what the circumstances are of some of the States. First, there is an authorization for $500 million, a pool—new funds of $500 million. That is in the amendment. Where we are going to get the money for those funds is not in there. We have authorized funds on many other issues and they have not been appropriated. Welcome to the club. This relies on a $500 million appropriation.

When this is passed, there will still be 39 States that do not require any access to clinical trials. In the United States, you might work in Massachusetts today, and maybe you will be transferred to Nevada next year, and then transferred to another State after that. Let me make it clear to you and your family you had better make sure they are one of the 11 States that have clinical trials. Most of the states that have clinical trials are for cancer, but don't include other life-threatening diseases.

When I came to the Senate, you worked at the shipyard, your father worked there, and your grandfather worked there. You graduated from high school and had a good life. Those in the workforce today may have nine different jobs over the course of their life, moving all over the country. We ought to get a dartboard to find out where the protections are in the various States for you and your family, moving from one company to another.

There are 39 States that do not require clinical trials. Zero States affirmatively require timely access to specialists. If we pass the Collins amendment, there will be a signing ceremony at the White House—hopefully and after the bill is in effect, someone will say: I thought when I had a child who had cancer and we went to our HMO, we would get the guarantee of accessing a specialist. And now that is overridden. I thought we would get the protections we needed. I listened to the debate in Washington that said we could get specialty care.

No, no, no, that is not so, because they passed the Collins amendment. The Collins amendment says, only if the States provide it do they get access to specialists.

We have 20 States that do not ban financial incentives for providers to delay or deny care. What is happening in HMOs is, as we heard in the numerous committee hearings we have held, there are financial incentives and disincentives for doctors on the procedures they recommend in terms of treating patients. Do we do anything about that? No, no, we are not going to do anything about that, not in 20 States, not if you live in one of those 20 States. They will have incentives and disincentives for the doctors.

Tell me what consumer knows about that. Ask any Member of the Senate, if they didn't have a briefing sheet before them, whether their State does or does not ban financial incentives. They will not have to worry because we have good Federal employee health insurance. We will not have to worry. But I doubt whether any Member knows whether their State prohibits it or not.

There is nothing under the Collins amendment that will make sure states ban inappropriate financial incentives. Under the underlying bill, there is a prohibition on their use. No HMO ought to provide incentives or disincentives to doctors in terms of providing or recommending necessary treatment. What do we have to learn from this? We have hearings, we find out, we see the affected families, and then do we say, no, Washington does not know best, in this case, ensuring we do not have inappropriate financial incentives? We ought to be able to agree on that. Is that a vast intrusion on States rights?

The list goes on. We have seven States that have not adopted a prudent layperson standard for emergency care. If you live in one of those seven States and you think you are having a heart attack and go to the emergency room, you may end up without that care covered. We have seen a number of States take action. It is important to do that.

The Breaux alternative says, when the States have taken action in these various areas, there will be respect for that action being taken in the State to protect their citizens and deference will be given to them. That is the way it ought to be. In areas where there is no protection, we are trying to establish a federal floor. If the States want to go beyond that, they can, but at least establish a floor of protections.

I listened with interest to both the Senator from Maine and the Senator

from Wyoming about two previous pieces of legislation, CHIP and HIPAA. When we passed the CHIP program we provided incentives and money. That is not the issue. The issue is, we gave the States the certain criteria that had to be met, and if they met those criteria the Federal provisions did not apply. Mr. President, 49 of 50 States have done that.

I monitored that program closely in our HELP committee. Even when I was not chairman, we had meetings with the previous administration to find out what was happening with that program. I am familiar with it. We don't have complaints from the States. We are not hearing from the States about the heavy hand of the Federal Government for establishing CHIP. They can say they were getting money for that, fine; they were also ensuring that children would have the range of services that would meet needs—not the complete range of services I would like to see. We still don't provide the comprehensive care—eyeglasses or hearing that we ought to provide for children. Dental work was left out, along with many other services that children need, but we find States conforming to the package that was developed.

The other reference was with regard to HIPAA. I have heard that speech from the Senator from Oklahoma now eight times. He gets better at it each time he talks about HIPAA and HCFA. I point out, when the GAO recommended $11 million so HCFA would be able to implement HIPAA, he was the one who led the fight against the $11 million, and he was successful. They put in $2 million. And he led the fight to strike out that $2 million so that HCFA could not implement it because they wanted greater flexibility in the States so the insurance companies—that is my conclusion—would be less interfered with. I have had that argument and I will not spend time on it now.

The fact is, tonight there are only five States which are not in complete compliance with HIPAA. It has taken time. Many of the criteria placed upon the States are similar to what is in the Breaux proposal. I personally would like to see a stronger provision. At the time we pass this bill, I would like to see all Americans have protections. We have taken those steps in the past on other issues.

We decided as a pattern of national policy we were going to pass Federal laws to outlaw child labor in this country. We didn't say: You can go ahead and have that up in Massachusetts if you want to. We passed laws. Anyone can visit now in Lawrence and Lowell, go through the mill, look at the museums and read the poems and letters of 9- and 10-year-old children trapped in factories for 10 or 12 hours a day who wrote as they looked outside and saw other children play. We went through that as a nation and passed federal laws to prohibit that.

We also said, we will pass a minimum wage law. We know there are many here who resented it. We passed laws in order to protect our environment because we recognize that environmental issues go through various States and the environmental issues know no borders. I make the same case with regard to workers today, as well. It was not that way in the old days, but it is that way today.

We made the same judgment with regard to civil rights. You can say, well, these patient protections are not of the dimension of the issues on civil rights. I think there is a lot you can say about that. But if you listen to the HMO victims whom many of us have heard, if you see the failure of the recommendations of doctors and nurses and medical professionals—the failure of their recommendations because of an HMO bureaucrat many miles away, and you see how lives have been destroyed and how families have been absolutely destroyed—we can ask ourselves, why shouldn't we give that kind of protection to families in this country?

Americans, I think, are under a lot of pressures today. Working families are under a lot of pressure. They are not asking for much. They are asking for good jobs with a good future. They are asking for schools where their children can learn. They are asking for health insurance that is going to cover them. They want clean water, they want clean air, they want safety and security in their communities, they want to own their own home, they want a national security and defense that are going to protect our interests, and they want human rights policies abroad that are going to represent our fundamental values.

They are not asking for much. But one of the things we can do is protect them when they do get that health insurance. We will be back. We give the other side the assurance we will be back. All those speeches we have heard over these past days asking why are we doing this when we have so many people uninsured—we will be back with legislation on the uninsured. We hope for support from so many of those who have been speaking recently about how we ought to make sure people are going to be covered. We will be back to try to make sure we deal with those individuals.

But when you have an opportunity to relieve families of the anxiety so every time they go to a doctor they are going to get the best the doctor can prescribe and the best the nurse can give —when you give that guarantee to every family in America, you are going to ease their anxiety when they have a sick one.

Why are we going to play roulette? Let's say you live in Massachusetts today, or Florida, or New Mexico tomorrow. You shouldn't have to worry, which one is going to give strong patient protections?

That is what this is about. I do not know what we need as a record. The reasons for this are so powerful, so compelling, so real. We have had statements from every Member in this body about the damage that has taken place and the disruptions to families. We have the opportunity to do something about it. It seems scope is a key issue, a key question. I hope the Senate will come down on the side of the proposal of the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I first want to say I very much enjoyed working with my colleague from New England. He is a passionate advocate for children on health care and education issues. He did, however, make a misstatement about the implications of my amendment and has invited me to correct the record if it was wrong. I want to take the opportunity to do so.

In fact, my approach does provide new consumer protections. Let me expand on that because I must not have been clear in explaining it earlier.

Under current law, there are federally regulated insurance plans and there are State-regulated insurance plans. The Federal plans, under ERISA, are beyond the reach of Federal regulators. So all those laws we have talked about, those 1,100 or more State laws and regulations, do not apply to consumers who are enrolled and covered by ERISA plans, the federally regulated plans, because State governments are prohibited from applying regulations to ERISA plans. They are preempted in that way.

All of these great consumer protections that the States have enacted over the last decade do not apply to patients who are covered by ERISA plans. This legislation—and it is one of the reasons I strongly support patient protection legislation at the Federal level—would close that gap. It would ensure that consumers who are part of ERISA plans receive the kinds of consumer protections that are available to patients whose health care coverage is provided by plans that are regulated by State governments.

So it is not accurate to say my approach will not result in any new consumer protections. Rather, the approach my colleague from Nebraska, Senator NELSON, and I have proposed is intended to make sure we can provide the same kinds of protections for consumers in Federal plans that the States have done for consumers who are covered by State-regulated plans.

In addition, there is a requirement under the Collins-Nelson amendment for States that have not enacted consumer protection laws—there are many that have in many areas, but there are some holes here and there. There is a requirement that those States either enact a law that is consistent with the purposes of those patient protections in the McCain-Kennedy bill by the date of enactment—we are not even giving them very long. They have to do it by October 1 of next year. That is going to be difficult for some States that have biennial legislatures. But we require

them to either enact a law that is consistent with the purposes of the consumer protections in the McCain-Kennedy law or, if they decline to do so, they have to certify their reasons for not doing so to the Secretary.

It is just not true to say our approach, the Collins-Nelson approach, does not result in any new consumer protections. In fact, what it does is preserve the good work that the States have done, rather than requiring the States to adopt a one-size-fits-all, made-in-Washington approach that may not work in their particular States. We preserve the State laws, but then we close the gap by requiring federally regulated insurance plans to have similar consumer protections. That is very important. That does result in new patient protections for millions of Americans whose insurance is under federally regulated plans.

In addition, States cannot ignore this issue. They haven't ignored it; they have been very active, but, as I said, there are some holes. What they would have to do as a State is consider this issue and No. 1, enact a law consistent with the purposes of McCain-Kennedy or, No. 2, certify to the Secretary that they did not enact a law because either there is no managed care in their State—such as Alaska or Wyoming, where it is irrelevant—or they believed the costs were such that they would drive people out of the insurance market and cause people to lose access to health insurance altogether.

Let us remember the best consumer protection is having health insurance coverage. That is the best patient protection we can apply and provide. So our amendment, the amendment I have crafted with my colleague, Senator NELSON, which is supported by so many of our colleagues who have spoken eloquently tonight, is an important one. It will advance consumer protections. But it will respect the good work that has been done by the States, the States that have been far ahead of the Federal Government.

Finally, let's remember the important point. States have been regulating insurance for more than 50 years. They have done a good job. They have acted without any prod or mandate from Washington to provide patient protections. They are way ahead of us in this area. Why do we want to second guess their work? Why do we want to supersede their laws? Why do we want to wipe out the good work done by the States? I submit we should grandfather in those good State laws and concentrate on the gaps.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for her correction. The figures are, of the 195 million Americans with private health insurance, the 56 million who are the self-insured would have coverage. This would leave out the 139 million who are not in self-insured plans, as I understand it. These include state and local public service employees. These include firemen. These would be the police officers. These would be the self-employed. There are 139 million who would not have a federal floor of protections. I have read through this, so I appreciate what the Senator has said.

Listen to this. Under this proposal, there is going to be some $500 million that is going to be out there. A State can make a proposal for a new program, and they can receive grants for the new program.

They say the States can pass laws which are consistent with the purposes of the Federal standard. But they can keep the money and decline to enact a law because of the adverse impact of a law on premiums which would lead to a decline in coverage. So they could get the money to pass it. But, if there is a judgment that there might be a decline in coverage, they could, I guess, keep the money. They do not have to do anything further to enact a law if the managed care market in the State is negligible. There is no additional responsibility for them to take action for additional protections. They still get money from their fund.

I make the point that during the course of this debate there have been a lot of different ways of trying to cut the protections. We heard in our Health, Education, Labor and Pensions Committee about the kinds of abuses that are taking place across the country. The President of the United States recognized that. He indicated that he wanted every person covered. We want to have every person covered. We don't want to carve out a third and say they will be covered, but we will leave out two-thirds who will not be covered with a great many of these protections.

I continue to believe in the power of this issue and its impact on families. Why are we going to draw a distinction between neighbors on the same street? One works for a fire department, their family goes to a doctor, and the kind of medical advice their doctor gives to them for their child is overridden by an HMO, and they don't have protections, but his neighbor is protected because his employer self-insures? What possible fairness is there in that? What is the possible justice in that?

We should be interested in protecting all families. The President understands that. Hopefully the Senate will understand that tomorrow.

If it were left up to me, I would make sure that all of these protections were guaranteed. But we have the Breaux amendment which says: Wait. We are going to say if States have taken action in these areas, there is going to be deference given to the State. There is going to be enforcement and supervision by the State in protecting these areas.

I would have liked to see it stronger. But what is very important is guaranteeing some floor of protections.

Finally, we are talking about commonsense protections. We are talking about access to the emergency room, specialty care, OB/GYN, and continuity of care. If a woman is pregnant, and the HMO and her employer end their relationship, at least she can see her obstetrician until after the baby is born.

We are talking about prescription drug formularies. If the doctor recommends a certain medically necessary drug and it is not included in the formulary, the patient can still get the needed drug. There is going to be a shared expense by the patient as well as the HMO. That has been worked out. We use the same cost sharing that is used in the various formularies.

Point of service: There is a closed panel, and a need for outside expertise. Clinical trials are so important. Every one of the protections that is guaranteed are in existence today either in Medicare and Medicaid, or they have been recommended by the insurance commissioners, or they were unanimously recommended under President Clinton's panel, which was bipartisan and included distinguished representatives of all aspects of the health delivery system. Those are the only ones.

Finally, as we are hopefully coming fairly close to the end of this debate. We have the support of almost every health organization, every professional medical organization, every patients' organization, every children's organization, every women's organization, every disability group, and every cancer organization for this kind of protection.

The reason is very simple. They are out there on the firing line day in and day out. They understand what is happening to families. These are trained men and women who have given their lives for the protection of good health care for families in this country. They have seen what is happening and how many times they are being overruled. They have stated that is what is necessary.

The scope and protections that Senator BREAUX has included are what they strongly support.

We will have a chance to say another word about this tomorrow.

Mr. EDWARDS. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I thank my friend from Maine.

I am glad to yield.

Mr. EDWARDS. Let me ask the Senator, as somebody who has been involved in this issue for so long, as the Senator knows, we have been working very closely with Senator BREAUX on his amendment in an effort to make sure that all Americans are covered. One of the guiding principles of our efforts in this area is to make sure that families have protections provided in this legislation so that all families in this country can make their own health care decisions. We have worked with Senator BREAUX very closely on his amendment to make sure there is a floor for every family in America.

Will the Senator comment on whether, under the amendment of the Senator from Maine, every family in America will in fact get the minimum protections as provided in our bill as opposed to the language we worked out with Senator BREAUX?

Mr. KENNEDY. As the language is constructed, they will only provide the protections to these self-insured and not to everyone else who has received their health insurance through other means—the self-employed, those who are getting it through state and local employment, those working for employers who purchase health insurance plans. There are 139 million Americans who will not have those protections.

As I mentioned earlier, they will have to rely on protections from the States. There are States that do not require access to clinical trials. There are States that do not require timely access to appropriate, accessible specialists.

I mentioned earlier the ban on inappropriate financial incentives. Twenty States don't ban plans from giving financial incentives and disincentives to doctors to delay or deny care. They won't have those protections.

The point I mentioned earlier was that we are a society in movement. We find so many families are moving from State to State. Members of families are moving with jobs and going back and forth.

We have to ask ourselves ultimately and finally—as the Senator pointed out, this is a federal floor of protections—if you are in a State with clinical trials, why should you have to make sure they have a similar protection requiring access to the clinical trials which your wife might need, but you move to another State and find there is no access to clinical trials?

That is strictly because of the protections that you might have in a particular State.

It makes absolutely no sense. We ought to have that basic federal floor. I know the Senator agrees with me.

The way the Breaux amendment has been devised, it gives the maximum deference to the States if they provide protections in these areas. I mentioned just a half dozen different protections. We could go into others this evening. I will not take the time to do so, but they are illustrative of the protections. These are pretty commonsense protections.

The PRESIDING OFFICER (Mr. MILLER). The Senator from North Carolina.

Mr. EDWARDS. Mr. President, the debate on these two amendments is critical to the issue of whether all Americans—all families in this country—will have access to the protections provided for in this Bipartisan Patient Protection Act. That is the reason this vote tomorrow morning is critical to the vitality of this bill.

We have worked very closely with Senators on both sides of the aisle to ensure that two things are accomplished with respect to coverage: No. 1, that every American is covered by this legislation and, No. 2, we give deference to States that, through their own work, have established good systems for patient protection. We honor those State legislatures and that State legislation.

So that is the purpose of this amendment, the Breaux amendment. It strikes the right balance between making sure every American is covered—every family is covered—on the one hand, and, secondly, giving deference to the States that have already done good work in this area.

We need to ensure that we do not take away the protections we are providing for all Americans by exempting a huge chunk of Americans, which, unfortunately, the Collins amendment would do.

The Breaux amendment, though, is one in a series of consensus agreements that have been reached on this legislation. Starting with the issue of scope, which the Breaux amendment addresses, we now have an agreement which I think a great majority of the Senate will be able to support and be comfortable with.

On the issue of the independence of the appeals, we have an amendment that will be supported, I believe, by virtually all of the Senate, establishing the principle that we believe the HMOs should not have direct control over who is on the independent appeal panel.

On the issue of exhaustion of remedies—exhaustion of the appeals process before a case can go to court—we are working very closely with the Senator from Tennessee to reach a bipartisan consensus on that issue. We have made great progress, and I am optimistic about it.

On the issue of employer liability, from the outset we had—the sponsors of the legislation, along with the Presiding Officer—as a principle that it was important that employers be protected, period. We have worked very hard with Senator SNOWE and Senator NELSON from Nebraska, and other Senators on both sides of the aisle, to ensure that that is being done. Tomorrow morning we will offer an amendment on that issue.

We have worked our way through a series of hurdles, going from the issue of scope, to the issue of exhaustion of remedies, to the issue of clinical trials, to the issue of medical necessity, on which we have worked with Senators BAYH and CARPER to make sure we have a consensus on what is covered, giving proper deference to the contract and the contractual language but making sure the independent reviewers have the ability to make sure that if particular treatments are needed, they can be provided.

So we started 2 weeks ago with a series of obstacles in front of us, starting with scope and running throughout the legislation. What has happened during the course of this debate, and the work that has been done, is that one by one those obstacles, those barriers, have fallen, and we have been able to reach consensus agreement.

There is great momentum to do something that really matters to the American people. The winners in this debate are not politicians. The winners of this debate are not the people within this Chamber. The winners are the American people and the families all over this country.

We have in this body an opportunity to do an extraordinary thing, which is to give people more control over their lives and more control, specifically, over their health care decisions, the things that affect their families and members of their families.

All of us have worked very hard—Republicans and Democrats—to try to get to the place where we have consensus on this legislation, and one by one by one the barriers to passing real patient protection have fallen to the floor.

We have more work to do. We will have issues of liability that remain to be resolved. But the reality is, we are a long way down the road. We have tremendous momentum for doing what there is a consensus in this country to do. Not just in the Senate, not just in the House of Representatives, but all across America, all of us who have spent time in our States have heard over and over that the American people expect us to do something about this issue.

The time has come. It is time to quit talking about it. It is time for the political debate to stop. It is time to do something that can really affect people's lives. We have an extraordinary opportunity to do something important. We have made extraordinary progress toward that goal, but we are not quite there. We need to keep our nose to the grindstone, keep working, keep debating, and finish this legislation, get it through the House, and get it on the President's desk, with great hope and optimism that the President, when confronted with legislation that during his campaign he vowed to support, will stand by his vow and do what he has told us he would do. We are optimistic about that. We believe the President will do what is right for the American people.

So I thank my colleagues for all their work on this issue.

I ask my colleagues to vote, tomorrow morning, against the Collins amendment and for the Breaux amendment, which is a bipartisan consensus that has been reached. And we will continue our work toward providing the American people the protection they need and they deserve.

Thank you, Mr. President. I yield the floor.

EXPLANATION OF VOTE

Mr. HELMS. Mr. President, I regret I was not present to cast my vote on the motion to table the amendment offered by the Senator from Arizona (Mr. KYL) and the Senator from Nebraska (Mr. NELSON). I wish the RECORD to reflect that had I been present, I would have voted ''nay.''

The PRESIDING OFFICER. The Senator from Nevada.

SUPPLEMENTAL APPROPRIATIONS

Mr. REID. Mr. President, Majority Leader DASCHLE was asked earlier today, on several occasions by Senator BYRD and Senator STEVENS, if he would bring to the floor a unanimous consent request that there be a time set on the supplemental appropriations bill that is now with the Appropriations Committee that would set a time certain for filing of amendments on this most important legislation.

Such a request has been cleared by Senator DASCHLE and the majority, but objection has been raised by the minority. So the request by Senators BYRD and STEVENS cannot be met tonight. Hopefully, this request will be cleared by the minority tomorrow so that there can be a time certain set for the amendments on this, as I said, most important piece of legislation, the supplemental appropriations bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. 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. Mr. President, I ask unanimous consent there now be a period for morning business, with Senators permitted to speak for up to 5 minutes each.

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

OFFSHORE OIL

Mr. NELSON of Florida. Mr. President, I want to take a moment while the leadership of the Senate is, at this very moment, deciding which course the rest of the day will take with regard to this important legislation, the Patients' Bill of Rights. While we have a moment in which we might reflect on other items, I want to draw to the attention of the Senate the considerable concern of 16 million Floridians that the Bush administration is trying to drill for oil and gas off the shores of the State of Florida.

It is most instructive, if one looks at a map of the Gulf of Mexico, where colored in on the gulf waters are the active drilling leases. One will see clearly that, from the central Gulf of Mexico all the way to the western Gulf of Mexico, almost all of the waters of the gulf are shaded in, indicating active oil and gas drilling leases. Indeed, there is a reason for that. It is because the reserves were there, the oil and gas deposits are there, the future reserves are expected to be there. As a matter of fact, I believe it is 80 percent of all economically recoverable, undiscovered gas reserves on the Outer Continental Shelf—which not only includes the gulf but also the Atlantic and Pacitic—80 percent of the Nation's known, recoverable gas reserves in the central and western gulf and 60 percent of the future recoverable oil reserves are in that area too. They are no in the area off the State of Florida.

The State of Florida has consistently taken the position that we should not have oil and gas drilling because of the high cost and potential damage to our environment and to our economy. One of our primary industries is the tourism industry, which so often is dependent upon those pure, sugary white beaches being unspoiled so millions of visitors who come to Florida to enjoy the sunshine and the waters and the beaches can do so without having to worry about having oil spread across the beach.

I can tell you that 16 million Floridians, in unison, do not want oil lapping up on our beaches. The cost to our environment and the cost to our economy would be simply too high.

Why, you would ask, other than that the oil and gas reserves are in the central and western gulf, is there not any drilling off the coast of Florida? It goes back to the early 1980s, under the Reagan administration and a Secretary of the Interior, James Watt. He offered tracts for lease from as far north as Cape Hatteras, NC, in the Atlantic, south all the way as far as Fort Pierce, FL.

I had the privilege of being a Member of the House of Representatives at the time. So I went to work, knowing the people of my congressional district, in the early 1980s, didn't want oil lapping up onto their beaches. We were able to persuade the appropriations subcommittee on the Department of the Interior appropriations bill to insert language that said no money appropriated under this act shall be used for offering for lease tracts such and such, and then listed the tracts all the way from North Carolina south to Fort Pierce, FL. And we prevailed in the appropriations.

The administration left Floridians alone on offshore oil drilling for a couple of years but came back under a new Secretary of the Interior and tried again. This time it was harder to stop. This time it escalated all the way to the full House Appropriations Committee. But we finally prevailed, interestingly, not on the threat to the economy or to the environment of Florida, and indeed the United States eastern coastline, but prevailed by getting NASA and the Defense Department to own up to the fact that you cannot have oil rigs down there in the footprint of where you are dropping solid rocket boosters off the space shuttle and where you are dropping first stages off the expendable booster rockets that are being launched out of the Cape Canaveral Air Force station. And we have not been bothered since the early 1980s, in Florida, about offshore oil drilling—until now.

The bush administration is pressing a 6-million-acre lease off the northwest coast of Florida in a strange configuration called lease-sale 181, of which the bulk of the 6 million acres is 100 miles offshore but a stovepipe runs northward to within about 20 miles of the Alabama coastline, which is about 20 miles, then, from the white sands of Perdido Key, State of Florida.

In a meeting of the Vice President with a Florida congressional members delegation, the Vice President suggested a compromise, which was to knock off that stovepipe coming off the bulk of the 6 million acres. That is no compromise. That is unacceptable because that is still oil drilling off the State of Florida where the future reserves are shown to be not as abundant. The tradeoff to 16 million Floridians is simply not worth what potentially could be discovered in oil and gas—the despoiling of our environment and the killing of our economy.

Thus, it was such welcome news when we learned last week that the other side of the Capitol, the House of Representatives, added to the Interior appropriations bill an amendment that would prohibit such drilling. The vehicle was the Interior appropriations bill. It prohibits it for only 6 months. It will be my intention, and certainly the intention of my wonderful colleague, the distinguished senior Senator from the State of Florida, Mr. GRAHAM, that we in the future will offer amendments either to the Interior appropriations bill, to bring it in conformity with the House-passed bill, or more likely amendments that would cause a prohibition of lease-sale 181 as well as offering similar amendments to the authorizing bill that will come out of Chairman BINGAMAN's committee.

I want our colleagues to be clear. This is an issue of enormous magnitude to 16 million Floridians. It happens to be of enormous magnitude to New Jersey, the State of the Senator who sits as Presiding Officer, as well as all the States in New England which value so much the pristine waters and the waters particularly as you get on north of New Hampshire and Maine—those waters that produce such delicacies as the Maine lobsters. This is a matter of grave concern to many of us.

It is time to draw the line in the sand—hopefully, not a line that will be washed over by oil on our beaches' sands but, rather, a line that will indicate the unanimity of 16 million Floridians, joined by their sister States along the eastern seaboard, of opposition to offshore oil drilling.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. 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 April 15, 1998 in Boise, Idaho. Mark Bangerter was brutally beaten because of his perceived sexual orientation. As a result of this attack, Mr. Bangerter was left with severe facial injuries and blindness in one eye.

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.

HUNGER AND POVERTY IN AFRICA

Mr. LEVIN. Mr. President, it is my pleasure to join with Senators LEAHY and HAGEL in submitting S. Con Res. 53, which encourages the development of strategies to reduce hunger and poverty in sub-Saharan Africa.

In the year 2000, almost 200 million Africans, fully a third of the total population, went to sleep hungry and 31 million African children under the age of five were malnourished. One child out of seven dies before the age of five, and one-half of these deaths are due to malnutrition. Nearly half of sub-Saharan Africa's population, some 291 million people, live on less than $1 a day, and almost 85 percent of the world's 41 heavily indebted poor countries are in sub-Saharan Africa.

These problems are compounded by epidemics of HIV/AIDS, tuberculosis, malaria, cholera, and other diseases now ravaging the continent. The human costs are staggering. Almost 4 million people are infected with AIDS each year, adding to the over 25 million already infected. Over 75 percent of the people worldwide who have died of AIDS lived in Africa. One million people each year, mostly children, die from malaria.

Hunger only adds to the spread of disease, rendering the poor and malnourished too weak to defend against AIDS and other infectious diseases. Even if treatment clinics are available, those suffering from hunger are unable to afford fees for care or medicine to aid them with their battle against the illness.

Despite funding shortfalls, the U.S. Agency for International Development, USAID, and other U.S. government agencies, foundations, universities, non-governmental organizations, NGOs, and private sector companies are presently implementing many innovative programs directed toward alleviating hunger and poverty in Africa.

While tremendously significant, these actions are not enough to keep poverty and hunger from growing in many African countries. Many of our experts have concluded that the United States is not tapping into the full range of interest, ability, experience and capacity available to address this problem. The introduction of our Resolution, which addresses these issues, coincides with the conference of The Partnership to Cut Hunger in Africa, an independent effort formed by U.S. and African public and private sector institutions, international humanitarian organizations and higher educational institutions. Michigan State University continues to play a strong leadership role in this effort. The President of Michigan State University, Peter McPherson, serves as one of the Partnership's co-chairs and was instrumental in arranging conference-discussion activities in the Senate this week.

The goal of the Partnership is to formulate a vision, strategy, and action plan for renewed U.S. efforts to help African partners cut hunger dramatically by 2015. For three days this week, the Partnership's 22 distinguished policy experts and practitioners from the U.S. and 8 African countries will share their views on hunger in Africa and will open a dialogue on the role the U.S. might play in diminishing hunger and poverty in Africa. On Thursday, June 28, 2001, Partnership experts will culminate their 3-day conference with a roundtable discussion on Capitol Hill, during which time they will share their findings and action plan to effectively combat hunger and poverty in Africa. I am honored to have the opportunity to join in hosting this event.

I ask unanimous consent that the members of the Partnership to Cut Hunger in Africa and the Partnership's expert panel be printed in the RECORD. They are as follows:

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

PARTNERSHIP TO CUT HUNGER IN AFRICA

EXPERT PANEL

From Bamako, Mali:

Dr. Bino teme, Scientific director, Institute for Rural Economics.

Mme. Konare Nafissatou Guindo, Administrative and Financial Director, Ministry of Territorial Administration and Local Government.

Dr. Niama Nango Dembele, Coordinator, APCAM–MSU Market, Information Support Project, Visiting Assistant Professor, Michigan State University.

Dr. Mbaye Yade, Coordinator, Institute du Sahel/MSU, Food Security Support Project, Visiting Assistant Professor, Michigan State University.

From Maputo Mozambique:

Mr. Joao Carrilho, Vice-Minister, Ministry of Agriculture and Rural Development.

Mr. Sergio Chitara, Executive Director, Confederation Of Mozambican Business Associations CTA.

From Accra, Ghana:

Dr. Sam Asuming Brempong, Department of Agricultural Economics, Faculty of Agriculture, University of Ghana.

Dr. Kwaku Owusu Baah, Faculty of Agriculture, University of Ghana.

From Abuja, Nigeria:

Dr. Salisu A. Ingawa, Head of Unit, Projects Coordinating Unit (PCU), Federal Ministry of Agriculture and Rural Development.

Dr. Ango Abdullahi, Special Adviser to the President on Food Security.

From Entebbe, Uganda:

Dr. Isaac Joseph Minde, Coordinator of ECAPAPA Project, ASARECA.

Dr. Fred Opio, International Food Policy Research Institute, Regional Office for the 2020 Network—Eastern Africa.

Dr. Peter Ngategize, Plan for Agriculture Modernization, Ministry of Finance.

Dr. J.J. Otim, Presidential Advisor on Agriculture, Office of the President.

From Addis Ababa, Ethiopia:

Mamou Ehui, Economic Commission for Africa.

From Rwanda:

Edson Mpyisi, Coordinator of Food Security Research Project-FSRP//MINAGRI, Ministry of Agriculture.

Others:

Dr. Akin Adesina, Resident Representative for Southern Africa, The Rockefeller Foundation.

Serge Rwamisarabo—USAID/Rwanda, Francis Idachaba University of Ibadan, Nigeria, Kandeh Yumkella—UNIDO/Nigeria, Mbenga Musa, Executive Secretary of CILSS, Ouagadougou, Yamar Mbodj, Food Security Advisor, CILSS Secretariat, Ouagadougou.

EXECUTIVE COMMITTEE

Peter McPherson, Co-Chair, President, Michigan State University.

Alpha Oumar Konare, Co-Chair, President, Republic of Mali.

Senator Robert Dole, Co-Chair, Special Counsel, Verner, Liipfert, Bernhard, McPherson and Hand.

Lee Hamilton, Co-Chair, Director, The Woodrow Wilson International Center for Scholars.

David Beckmann, President, Bread for the World.

Mary Chambliss, Deputy Administrator, Export Credits, Foreign Agriculture Service, USDA.

Imani Countess, Outreach Director, Shared Interest.

William B. DeLauder, President, Delaware State University.

Stephen Hayes, President, Corporate Council on Africa.

Joseph Kennedy, Co-Founder, Africare.

George Rupp, President, Columbia University.

Emma Simmons, Director, Center for Economic Growth and Agricultural Development, USAID.

Edith Ssempala, Ambassador, Republic of Uganda.

Bob Stallman, President, American Farm Bureau Federation.

THE CHALLENGE OF BIOTERRORISM

Mr. AKAKA. Mr. President, I rise to address the threat of bioterrorism to our Nation's security.

President Bush has asked Vice President CHENEY to ''oversee the development of a coordinated national effort so that we may do the very best possible job of protecting our people from catastrophic harm.'' He also asked Joseph Allbaugh, Director of the Federal Emergency Management Agency, FEMA, to create an Office of National Preparedness to implement a national effort.

On May 9, 2001, Attorney General Ashcroft testified before a Senate Appropriations subcommittee that the Department of Justice is the lead agency and in sole command of an incident

while in the crisis management phase, even if consequence management activities, such as casualty care and evacuation, are occurring at the same time. Clearly, FEMA and the Department of Justice need to work together to shoulder the burden of responding to a large scale event. What is unclear, however, is how the Department of Justice will know that its crisis management skills are needed during a bioterrorism event.

When will a growing cluster of disease be recognized as a terrorist attack? How do we differentiate between a few individuals with the flu and a flu-like epidemic perpetrated by terrorists? When will it be called a crisis? When will the FBI or Justice be called in to handle the newly declared ''crisis?'' In the case of a bioterrorist attack, the response will most likely be the same as if it was a naturally occurring epidemic. The key question is not ''how to respond to an attack'' but ''are we prepared to respond to any unusual biological event?''

What would happen if a bioterrorist attack occurred today? It would not be preceded by a large explosion. Rather, over the course of a few days or a couple of weeks, people would start to get sick. They would go to hospitals, doctor's offices, and clinics. Hopefully, a physician in one hospital would notice similarities between two or three cases and contact the local public health officials. Maybe another physician would do the same and maybe, finally, the Center for Disease Control would be notified. So, the first responders would not be a Federal agency.

Across the country, local law enforcement, fire, HAZ MAT and emergency medical personnel are doing a tremendous job preparing and training for terrorist attacks, and I commend their efforts. But, in the scenario I described, they would not be our first line of defense. Instead, the first responders for a biological event would be the physicians and nurses in our local hospitals and emergency rooms. We need to ensure that hospitals and medical professionals are prepared to deal with this threat. This is not the case today.

This past November, emergency medical specialists, health care providers, hospital administrators, and bioweapon experts met at the Second National Symposium on Medical and Public Health Response to BioTerrorism. A representative of the American Hospital Association, Dr. James Bentley, spoke about the challenges hospitals are confronting and stated that ''we have driven over the past twenty years to reduce flexibility and safeguards.'' Flexibility and safeguards are exactly what is needed by a hospital to go from ''normal'' to ''surge'' operations. Surge operations do not require the extreme scenario of thousands of casualties from a bioweapon. Dr. Thom Mayer, chief of the emergency department at Inova Fairfax Hospital, was quoted in the Washington Post, on April 22, 2001, stating that 20 or 30 extra patients can throw an emergency department into full crisis mode.

Dr. J.B. Orenstein, an emergency room physician, in a recent Washington Post op-ed, wrote about the ''State of Emergency'' the dedicated men and women working in our hospitals and clinics are already facing without the added worry of bioterrorism. Until a year ago, hospitals dealt with surges for only a few days or a week a year during the winter flu, cold and icy sidewalk season. Now, mini-surges occur in the spring, summer and fall due to decreasing numbers of emergency rooms, beds available in any hospital, and qualified nurses. On May 9, 2001, the Society for Academic Emergency Medicine convened a special meeting in Atlanta to discuss ''The Unraveling Safety Net.'' Are we, with all the planning and funding the Federal Government has done over the past few years to address terrorism, providing sufficient help for hospitals to prepare for bioevents?

As Chairman of the Subcommittee on International Security, Proliferation and Federal Services, I am concerned that we are not addressing a fundamental problem. Would a biological event be a national security/law enforcement incident with public health concerns, or would it be a public health crisis with a law enforcement component? I hope that the effort led by Vice President CHENEY will address specifically this question and that the unique problems biological weapons present are not overlooked by any national plan to counter terrorism. I ask unanimous consent that the text of Dr. Orenstein's article be printed in the RECORD.

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

[From the Washington Post, April 22, 2001]

STATE OF EMERGENCY

(By J.B. Orenstein)

It's a typical bad-day crowd in my ER: Here's a wheezing baby who developed a blue spell in front of her panicked mom. This 62-year-old gentleman came in with chest pain 36 hours ago; his worrisome EKG and equivocal lab tests should have put him inside for observation, but there's no room in the ICU so he's been waiting here for 24 hours. This lady, razor sharp at 89, suddenly started acting ''not right,'' so her granddaughter brought her in; she's been in the triage area for three hours, but can't get into treatment because chest-pain guy, blue baby and 18 other patients are parked in the treatment beds while they wait to be admitted.

Our communications nurse just told an approaching ambulance to find someplace else to take its potentially critical passenger because we had no place to put him. Not in the ER, not in an ICU, not even in a plain old bed in a ward. The official term for what's happening here is ''saturation,'' but down in the pit this is known as buttlock.

And it's happening too often, in more hospitals than ours. On May 9, the society for Academic Emergency Medicine will convene a special meeting in Atlanta on ''The Unraveling Safety Net.'' The meeting was called in December because panic buttons were being pushed in overcrowded ERs across the country—Boston, St. Louis, Chicago, New York. It was a medical version of the California power crisis, with our rolling blackouts coming in the form of ambulance ''diversions.''

Up until a year or two ago, we faced this nerve-racking logjam for only a few days or weeks in winter, when flue and cold viruses turn into potentially fatal pneumonia, babies fall prey to respiratory and intestional viruses, depression fills the psych wards and slippery ice keeps the orthopedists busy. But now we're seeing mini-surges in the spring, summer and fall as well.

When I started at Inova Fairfax Hospital in 1991, the ER treated 55,000 patients in the course of the year. Last year the number was 70,000. This is in keeping with the national picture. In 1988, there were 81 million visits to U.S. emergency rooms, according to the National Center for Health Statistics. The number for 1998: 100.4 million. Meanwhile, over the same decade, the number of emergency departments fell from about 5,200 to just over 4,000. Their average annual patient volume rose from 15,500 to 24,800—that's more than 50 percent.

In all of American medicine, the only place that federal law guarantees Americans the right to a physician, 24–7, is the emergency room. This is because of the 1986 ''anti-dumping'' law, the Emergency Medical Treatment and Labor Act, known as EMTALA. ''[A]s enforced by the Health Care Finance Administration and recently upheld by the U.S. Supreme Court, EMTALA is a civil right extended to all U.S. residents,'' Wesley Fields, chairman of the American College of Emergency Physicians Safety Net Task Force, recently wrote. Crowded as we are, if you walk in the door, you'll be treated whether you can pay or not. Just get in line and take a number with everyone else.

I don't like this any more than my dissatisfied, frustrated patients do. I tell them that it's like rush hour on I–66—too many bodies packed into a space built ages ago for a much smaller population.

But like most of life, the mess is more complicated than that. One very important factor is the total number of beds available in any hospital—particularly ICU beds. State and local health agencies regulate the number of beds based on a long list of factors: population, estimates of disease prevalence, average lengths of stay. In the early 1990s, conventional wisdom held that managed care would reduce the occupancy rate. To a significant extent, that happened, and in the mid-90's empty beds forced a number of underused hospitals to close. In 1990, according to the American Hospital Association, there were 927,000 staffed beds in 5,384 community hospitals in America. In 1999, the last year for which there are complete numbers, 4,956 such hospitals provided just over 829,000 beds. Meanwhile, the country's population had grown by 10 percent.

Many of those vanished beds might have been superfluous anyway, due to a sweeping explosion in medical technology and therapeutics. Ten years ago, a heart attack kept a patient in the hospital for just under nine days; by 1998, these folks were out the door in six. Stroke? The average length of stay was down by a half: 10 days to five. Home nursing and IV therapy freed countless patients from the confines of a hospital bed. But the hospital closings were uneven. In booming suburban areas such as Northern Virginia, money poured into expanding both high-tech services and customer-friendly support at mega-hospitals like Inova Fairfax. But some smaller hospitals, like Jefferson Hospital in Loudoun County, found their beds chronically empty and had to close. (The planned shutdown of D.C. General's inpatient facility is a result of forces pushing in the opposite direction, resulting in too many unused beds.)

When hospitals close, it puts more pressure on those that survive. At Inova Fairfax, occupancy averaged a jam-packed 92 percent over the past year. Thom Mayer, chief of our emergency department, put it this way: ''The inpatient population is so high so regularly that a mere 20 or 30 extra patients throws us back into full crisis mode.'' And that can happen during one shift in a busy emergency room.

Beyond the number of beds, just how many are available at any given time often comes down to two letters: RN. A hospitalized patient needs a doctor for just a few minutes each day, but nursing care must be available around the clock. But, like hospital beds, fully qualified nurses have been disappearing fast, too. A widely cited study from Vanderbilt University, published last year in the Journal of the American Medical Association, pointed to some ominous trends. A key finding: The average age of nurses is rising. The number of nurses under the age of 30 fell from 419,000 in 1983 to 246,000 in 1998; by the end of this decade, the study said, 40 percent of working nurses will be older than 50. Retirement will create an estimated shortfall of half a million nurses in the year 2020. The clear reason: A decline in the number of high school girls who go to college intent on becoming nurses. ''Women, who traditionally comprise the majority of nursing personnel, are finding other career options that are less physically demanding, more emotionally rewarding and come with a higher rate of pay,'' Brandon Melton, representing the American Hospital Association, told a Senate subcommittee earlier this year. And men aren't making up for the shortfall.

My wife, a savvy, experienced nurse, last did floor work more than 10 years ago, and though conditions were tough enough then, she recoils at what she would face if she went back now: More and sicker patients on an exponentially higher number of meds; less time getting to know the person who is the patient, and therefore less opportunity to catch early signs of deterioration; widespread use of ''health techs''—people who take vital signs and dispense pills but have no training for more meaningful interaction. No wonder students at nursing schools dread the first few years following graduation, because before they can get to the challenging, rewarding places to work, such as ERs or ICUs, they have to get experience on inpatient wards.

It's crowding in those ICUs that puts the worst pressure on the ER. In the highly sophisticated environment of the ICU, a patient's heart rate or blood pressure can be fine-tuned with a shift of an IV drip. A phalanx of monitors register any number of physiological trends to answer the question, ''Is this person getting better or worse?'' When a patient requires this moment-by-moment scrutiny and all ICU beds are filled, the only place with roughly equal capacity—the only place we can perform the same level of care—is the ER. This ties up our nurses and blocks the bed from the next guy waiting to get in.

And chances are, that next guy is in pretty bad shape. Most people who come to the ER these days have higher ''acuity'' than a decade ago—that is, they're sicker. There's been no easy way to quantify this change, but, like tornado victims, ER does know what we've been big with. We spend more time trying to get a borderline patient ''tuned up'' enough to go home rather than be admitted to a busy, barely staffed hospital floor. We arrange home delivery of nebulizer machines for asthma patients. We check out the patient discharged yesterday after surgery who is back today, feeling weak, wondering if he's really well enough to be home. I kind of miss the good old days when a 10-hour shift meant a string of straightforward technical procedures—like reducing a dislocated shoulder or sewing a complex laceration. These days, it seems more time is spent tracking down a patient's three or four specialists—the oncologist, the psychiatrist, the infectious disease guy—or negotiating with the intake person to authorize a bed or transfer the patient to a hospital that accepts his insurance.

Whine, whine, whine. I started writing this as a letter of apology to all the miserable, aggravated patients who wonder why they have had to wait so many hours to see me, and here I am complaining about my own problems. I'll try to get back on track, because the worst is still ahead. And the worst by far is ambulance diversion.

It happened a lot over this past winter. In Boston—hardly a hospital-deprived town—the Globe reported that 27 area ERs went ''on diversion'' for a total of 631 hours in November, 677 hours in December and more than 1,000 hours in January. And it was worse in Northern Virginia: In January, the area's 13 ERs placed themselves on diversion for more than 4,000 hours. Evenly divided, and it most assuredly was not, that would be every ER refusing ambulances for 10 hours every day. Almost half the time, back in that icy January, if you needed an ambulance to get to an ER you were SOL: severely out of luck.

The American College of Emergency Physicians is certainly concerned about the problem: Last October, an advisory panel proposed guidelines for ambulance diversion, blaming ''a shortage of health care providers, lack of hospital-based resources and ongoing hospital and ED [emergency department] closures.'' But it's easy to get the feeling that others at the national level aren't taking it seriously. At a public health conference in November, at the beginning of the critical winter season, U.S. Surgeon General David Satcher was quoted as recommending that people be ''educated'' not to go the emergency room unless they really need to. Dennis O'Leary, head of the Joint Commission on Accreditation of Healthcare Organizations, a critical monitoring group, was quoted as saying: ''Quite frankly, this problem waxes and wanes . . . but without anything tangibly happening it resolves itself . . . The system will somehow muddle through.''

They're right: I muddle through each shift worrying about patients trapped in the waiting room or ambulances that can't discharge their passengers at our door. I mutter humble apologies to private docs outraged that the patients they sent in specifically for urgent treatment—pain control, antibiotics, whatever—cool their heels for hours on end. I go home exhausted and aggravated with myself after 10 hours of juggling alternatives so as not to put a patient into a scarce bed—telling people to try a ''stronger'' antibiotic, ratchet up the home respiratory treatments, take a few extra tabs of pain reliever each day, and always be sure to follow up with your own doctor tomorrow. I wonder which patients are going to be back in another ER the next day because I missed their real problems or insisted on an ineffective patch.

Doctors and nurses have a bottom line that ultimately distinguishes us from other professions: quality patient care. When we can't provide this, we have failed. Our hospital administrators and department chiefs assume that excellent patient care is a non-negotiable minimum standard. But every winter, and increasingly at other times, the crash of the system is the quite capitulation to these accumulated pressures. When forced to maneuver so many sick patients through an overwhelmed system, I just don't know if I'm doing a good job any more. As a result, I often find myself phoning the patient the next day, checking in: ''Everything okay today?''

Many of the region's hospitals have received, or are negotiating for, approval for more beds. Where more nurses will come from is another problem. Anthony Disser, the chief executive nurse at Fairfax, says the intrinsic value of nursing is already luring a certain number of burned-out software writers or disappointed entrepreneurs for a second career. Yeah, I guess we are muddling through, after all.

I look forward to that ''Unraveling Safety Net'' meeting in Atlanta in three weeks, where I expect to be transfixed, like the audiences at ''Hannibal,'' by the horror stories and dire statistics of other ER docs and public health researchers. Maybe they've been coming up with some solutions. If they have, I hope they haven't been waiting till May to share them with the rest of us.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 26, 2001, the Federal debt stood at $5,656,750,181,308.17, five trillion, six hundred fifty-six billion, seven hundred fifty million, one hundred eighty-one thousand, three hundred eight dollars and seventeen cents.

One year ago, June 26, 2000, the Federal debt stood at $5,647,619,000,000, five trillion, six hundred forty-seven billion, six hundred nineteen million.

Five years ago, June 26, 1996, the Federal debt stood at $5,118,149,000,000, five trillion, one hundred eighteen billion, one hundred forty-nine million.

Ten years ago, June 26, 1991, the Federal debt stood at $3,500,901,000,000, three trillion, five hundred billion, nine hundred one million.

Fifteen years ago, June 26, 1986, the Federal debt stood at $2,040,983,000,000, two trillion, forty billion, nine hundred eighty-three million, which reflects a debt increase of more than $3.5 trillion, $3,615,767,181,308.17, three trillion, six hundred fifteen billion, seven hundred sixty-seven million, one hundred eighty-one thousand, three hundred eight dollars and seventeen cents during the past 15 years.

ADDITIONAL STATEMENTS

TIMOTHY J. RHEIN

• Mr. BREAUX. Mr. President, I rise today to pay tribute to Timothy J. Rhein, who recently retired after 34 years with American President Lines, Ltd. APL is today one of the world's largest shipping and intermodal lines, and a globally recognized brand, thanks in large part to Tim Rhein's leadership.

I came to know Tim through his appearances before the Subcommittee on Merchant Marine, and I can personally attest to his commitment to merchant shipping and his leadership in the U.S. shipping industry. His rise to president and chief executive officer of APL from 1995 to 1999, and then to chairman, was marked by key decisions in a difficult business.

He was instrumental in expanding APL from primarily an Asia-America business into a truly global operation. He gained a decisive edge on his competitors by embracing information technology earlier than anyone else in his business. He knew the numbers and metrics of his business better than anyone. He was rarely at a loss for an answer before our committee, and always worth listening to.

And he worked very hard at developing one particular line of business—the U.S. military—to the point where our government is today APL's largest customer. One of the reasons for that success was his understanding of logistics, of managing supply lines, a critical skill to the military as well as to APL's multinational corporate customers.

But without doubt his toughest decision was to negotiate the sale of APL to a non-U.S. buyer, in order to protect all of APL's stakeholders and to preserve the APL presence and brand. APL was the oldest continuously operating shipping company in America, and a premier US-flag shipping company. He stuck his neck out on that one, put his reputation on the line, and negotiated the sale personally—and successfully.

Tim Rhein understood his business. He was a nimble and gutsy decisionmaker, and we in Washington will miss his understanding and knowledge as we continue our pursuit of a policy to promote a strong U.S. flag maritime shipping presence. I hope he will continue to avail us of his knowledge and wise counsel.

Good luck in your retirement, Tim Rhein.●

DEATH OF ROBERT McKINNEY

● Mr. BINGAMAN. Mr. President, earlier today I sent a letter to the oldest daily newspaper in the West, ''The New Mexican'' regarding the death of its publisher, Robert McKinney.

Robert McKinney was well known to the Senate. His decades of service to this country, in one capacity or another, and his remarkable career in business and publishing brought him into contact with many of us, and with colleagues who have preceded us in this body. He and Clinton Anderson, late a Senator for New Mexico, were great friends, and worked together on the San Juan-Chama water project for our State.

Five presidents called on him for service from Harry Truman through Richard Nixon. He put his prodigious skills to work at various times at the Department of the Interior, the Atomic Energy Commission, and the Department of the Treasury. Under President Kennedy, he served as our Ambassador to Switzerland.

He was a fine citizen, and a good friend who will be missed, but whose influence, I know, is ''a widening ripple, down a long eternity.'' The world is a better place for his having lived.

I ask that my letter be printed in the RECORD.

The letter follows:

LETTER TO THE EDITOR OF ''THE NEW MEXICAN''

To the Editor: With so many others, I was saddened earlier this week when word came of the death of Robert McKinney whose American life made him one of the world's distinguished citizens. When he died in New York on Sunday night, this man of the American West had forged great successes in business, journalism, international diplomacy, public service and public policy in the course of his ninety years. His was the ''life well lived'' and much of it was lived in New Mexico where he was the deeply respected publisher of this newspaper.

He was a singular individual with a wide-ranging mind, vast talents, and varied interests. He brought his considerable energy to bear on issues from architecture to atomic energy, war to peace, land use to poetry. He was most certainly a force for good in this world. I was honored to have the benefit of his counsel and the gift his friendship. I will miss him.

JEFF BINGAMAN,
United States Senator.●

UNVEILING OF TIGER STADIUM COMMEMORATIVE STAMP

● Mr. LEVIN. Mr. President, it is with great pride that I pay tribute to a special place in my hometown of Detroit that for the last century has inspired not only our city but our country. This year we are commemorating the tricentennial of the founding of a city that to Americans has long meant great automobiles. To Detroiters, it also means great sports teams and inspiring hero-athletes. Indeed, as Detroit enters its fourth century, our pride in our city is equaled by our pride in the house these heroes built—our storied Tiger Stadium.

Today at home plate, the people of Detroit will gather to unveil one of eleven new stamps commemorating Baseball's Legendary Playing Fields. Of those eleven ballparks, only four still stand, and one is right in Detroit, where baseball was the pastime at The Corner of Michigan and Trumbull for more than a century.

The history of this stadium is in so many ways the history of our city. The spirit of hard work and determination that has always defined Detroit revealed itself early. When the Great Depression hit Detroit harder than most American cities, it was the 1935 World Champion Tigers—and the renowned ''G-Men'': Charlie Gehringer, Goose Goslin, and Hank Greenberg—who renewed the hopes of an entire city. Detroit would forever after be the City of Champions, with four World Series titles to prove it.

When the riots and ruin of 1967 left deep scars of division across our city, it was the 1968 World Champion Tigers led by Al Kaline, Willie Horton, Bill Freehan, Denny McLain and Mickey Lolich who led one of the greatest comebacks in baseball history and who, in their unforgettable victory, united us to celebrate as one city.

It is no exaggeration to state that the heroes of Tiger Stadium also pointed us to a better America. By the time the prize fighter Joe Louis triumphed over Bob Paster in then-Briggs Stadium in 1939, he was more than a hometown hero from the East Side, he was a national hero and a symbol to all people of all races. Even today, I almost weep thinking of ''Hammerin' Hank'' Greenberg's grand slam in 1945 that put the Tigers in the Series and for what that one swing of the bat meant. When Nelson Mandela spoke to a massive rally in Tiger Stadium a decade ago, his words rung out past the rafters to every American on the endurance and inspiring power of the human spirit.

In this City of Champions, the names and feats of champions echo still. Here is where the three time NFL champion Detroit Lions played for more than three decades. Here is where the legends of baseball's Golden Age took to the field in the unforgettable 1941 All-Star Game—Bob Feller, Joe DiMaggio, and Ted Williams. Here is where the Tigers earned three divisional championships, nine pennants, and those four World Series titles. Here is the where the Tiger greats were born, the eleven Hall of Famers: Sparky Anderson, Ty Cobb, Mickey Cochrane, Sam Crawford, Hank Greenberg, Hugh Jennings, Al Kaline, George Kell, Heinie Manush, Hal Newhouser, and Charlie Gehringer. And one more Hall of Famer, broadcaster Ernie Harwell, made sure that when we couldn't physically be at Michigan and Trumbull, the sights and sounds of the ballpark were part of our lives.

This house of heroes may have been built on the shoulders of giants, but someone else sustained it, the fans. If ever a community has unified around a place, Detroiters came together at The Corner. In this city of immigrants, attending a game there became an American rite of passage. The language of Tiger Stadium, as the Detroit News once put it, was not Polish or Armenian or Ukranian, it was baseball. Generations of parents brought their children to those sun-drenched bleachers. Years later, those grown children brought their own children to Tiger Stadium. I know because like many Detroiters I still call the old ballpark the place of my youth, a place where our parents took us and where I took my daughters and granddaughter.

To this day I remember my father leading me through the corridors to see Game 1 of the 1945 World Series. Through all my visits back through all the years since, I have never forgotten the sights, smells and sounds of that day and the unique character of that park. There was the sight of heroes—like Hal Newhouser—who I had only imagined while listening to the radio and could now virtually reach out and

touch. That is, when he wasn't obscured by one of the much-beloved posts that always caused so many of us to strain our necks. There was the smell of the popcorn, the peanuts and the hot dogs. And there were the unforgettable sounds the crack of the bat, and the roar of a hometown crowd.

Like many Detroiters, my feelings on this occasion are best captured by the words spoken by Al Kaline about his first day at Tiger Stadium. He said, ''As I was walking under the corridors trying to find the locker room, I took a peek right behind home plate. I walked out, the sun was shining beautifully, and I thought, 'Man, I never saw anything so pretty in my life.' ''

While over the years, the name may have changed, the address for baseball in Detroit was the same the Corner of Michigan and Trumbull. It is still one of oldest ballparks in one of the oldest cities in America. In it we feel our hometown pride in a national landmark. Our city. Our ballpark. The new commemorative stamp to be unveiled today celebrates their common spirit, and it gives me great pride today to join the people of Detroit, in praise of both.●

REMEMBERING KAREN KITZMILLER

● Mr. LEAHY. Mr. President, I rise today to remember a very special Vermonter, and a good friend, Karen Kitzmiller. Karen, at the young age of 53, lost her long battle with breast cancer on May 20 of this year. In East Montpelier the following Saturday, I joined hundreds of family, friends, colleagues, and admirers who gathered together to share their memories of Karen, and to honor her life.

For the past 11 years Karen Kitzmiller served as Montpelier's Democratic State representative in the Vermont Legislature. Her legislative achievements were many, but most outstanding was her work on the House Health and Welfare Committee. Karen was a determined advocate and principled leader on behalf of the health and well-being of Vermonters. She fought to prevent tobacco companies from targeting children with advertisements designed to encourage youth smoking. To help patients appeal coverage denials by health maintenance organizations, Karen dedicated her efforts to the establishment of Vermont's health care ombudsman. She devoted considerable energies to the provision of health care coverage for the uninsured. This spring, after almost four years of effort, she witnessed the Governor sign legislation to ensure that uninsured patients who volunteer to participate in cancer treatment clinical trials are provided with health care coverage.

Karen was diagnosed with cancer more than four years ago, and yet through it all, she did not give up her work on behalf of Vermonters. She continued to serve in the Legislature, she leant her experience as a cancer survivor in efforts to promote awareness about the importance of support groups, and she helped to establish the annual Breast Cancer Conference in Burlington. These are just a few of the lasting contributions that will serve as a tribute to Karen's life for years to come.

Karen leaves behind a loving family—her husband, Warren, and two daughters, Amy and Carrie. Amy is a student at the University of Virginia, studying government and women's studies, and Carrie is a student at the University of Pennsylvania studying at the School of Arts and Sciences. I had the privilege of sponsoring Amy as a Senate Page in 1996 and as an intern in my Montpelier office in the summer of 2000. They are both bright young women. I know their mother was very proud of them both. Although their loss is great, the Kitzmillers can take some small comfort in knowing how special Karen was to so many people. Her strength, her courage, and her compassion served as inspiration to all those who were fortunate enough to come in contact with her. She will be missed by all.●

TRIBUTE TO SHERRY YOUNG

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Sherry Burnett Young of Concord, NH, on being named as recipient of the Athena Award. The award is presented to an individual who has demonstrated excellence in her business or profession, served the community in a meaningful way and assisted women in reaching their full potential.

Sherry is founder and director of the Rath, Young and Pignatelli law firm of Concord, NH. She began her legal career with Orr and Reno, P.A., of Concord, as an estate and trust attorney.

She is involved in community service with several organizations including: Horizon Bank Board of Directors, New England Legal Foundation, Business and Industry Association of New Hampshire, and the New England Council. Some of her civic and charitable activities include: New Hampshire Historical Society Board of Trustees, Concord Hospital Board of Trustees, Greater Concord Chamber of Commerce and New Hampshire Chapter of the American Red Cross.

Sherry is affiliated with professional memberships at the American Bar Association and the New Hampshire Bar Association. She is the first woman elected to chair the State Capital Law Firm, a global association of independent law firms throughout the Americas, Europe, Asia and Africa. In 2000, she was named as one of the top environmental lawyers in New Hampshire by New Hampshire Magazine.

She is a graduate of Cornell University and Franklin Pierce School of Law and lives in Concord with her husband, Gary, and her three children: Garrett, Valerie and Alanna.

I commend Sherry for her dedicated service and contributions to the citizens of New Hampshire and am proud to call her a friend. Her exemplary performance and civic awareness have benefitted the lives of the people of our State. It is an honor and a privilege to represent her in the Senate.●

TRIBUTE TO RON WELLIVER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Ron Welliver of Nashua, NH, on being named as Police Officer of the Year by the Nashua Exchange Club.

Ron has been a dedicated member of the Nashua police force and his community for more than twenty years. An exemplary citizen, he has contributed to the civic needs of Nashua serving as a football coach at Fairgrounds Junior High School and baseball coach at Bishop Guertin High School in Nashua.

Ron is a team player at the Nashua Police Department who accepted his award by giving praise and recognition to his fellow police officers. During his career he has worked in nearly all areas of the Nashua Police Department including: detective, undercover narcotics and recruiter assignments.

Ron and his wife, Sue, reside in the Nashua area with their two daughters.

I commend Ron Welliver for his dedicated service to the people of Nashua and our entire State. He is a role model to the Nashua community who risks his own safety as a law enforcement officer to protect the citizens of Nashua. It is truly an honor and a privilege to represent him in the Senate.●

TRIBUTE TO DR. GLENN DUBOIS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Dr. Glenn DuBois for his service to the State of New Hampshire as Commissioner of the New Hampshire Community Technical College System.

Glenn has taught for more than ten years working with students of all ages and from diverse ethnic and racial backgrounds. He has served for many years in State college and university positions and was appointed by the Governor to the Workforce Opportunity Council and Governor's Kid's Cabinet.

He has served in many other capacities including: New Hampshire Governor's Commission on Information Technology, New Hampshire Post Secondary Education Commission, Job's for New Hampshire's Graduates Program and the New Hampshire Police Standards and Training Council.

Glenn has been the recipient of many awards including: Distinguished Administrative Performance, President's Recognition, Award, Distinguished Service Award by the State University of New York, the highest recognition given by the faculty council, and most currently was named as New Hampshire's Leader for the 21st Century.

Glenn is a tribute to his community and his profession. His ability, dedication and determination to serve the

students and citizens of our State is commendable. It is an honor and a privilege to represent him in the Senate.●

TRIBUTE TO CHUCK CLEMENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Chuck Clement of Rochester, NH, on being named by the Rochester Chamber of Commerce as Business Leader of the Year 2001.

Mr. Clement is a third generation owner of Eastern Propane. Thanks to Chuck's leadership and management skills, Eastern Propane is now the 23rd largest retailer in the Nation providing propane, oil, kerosene, diesel fuels, and service throughout New England.

Chuck has provided his customers with high quality service and has implemented several service programs to further enhance his business. Due to his commitment to the community of Rochester, he has moved his central office from Danvers, MA, to Rochester, NH, his new hometown.

He encourages his employees to give back to the community by donating their time and efforts to organizations including: Strafford County YMCA, Rochester Rotary Club, and the Greater Rochester Chamber of Commerce. Chuck was among the first supporters of the Rochester Public Library Fund and the Rochester Opera House Fund drives.

Chuck's outstanding contribution and leadership in his business and community are commendable. His exemplary performance and civic awareness have benefitted the community of Rochester and our entire State. It is an honor and privilege to represent him in the Senate.●

TRIBUTE TO LAURA MONICA

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Laura Monica of Bow, NH, for being named by the Greater Manchester Chamber of Commerce as Small Business Person of the Year 2001.

Laura is president and founder of High Point Communications Group, Inc. located in Bow, NH. Her firm is a strategic communications company that works with companies, non-profit organizations and government agencies throughout New England and the United States. High Point specializes in the areas of public relations, marketing, corporate communications, media relations and media training.

Laura is a contributor to the local community and is active in many civic organizations including: Greater Manchester Chamber of Commerce, Leadership New Hampshire, Greater Manchester American Red Cross, American Cancer Society New Hampshire Division, and Greater Manchester United Way.

She is active in professional organizations and is a member of the Public Relations Society of America and is a former member of the Bank Investor Relations Association and the National Investor Relations Institute.

Laura received her BA from the University of New Hampshire graduating magna cum laude and received her MPA from the University of New Hampshire graduating summa cum laude. She has attended seminars by the Wharton School and by the American Bankers Association, School of Bank Investments. She resides in Bow, NH, with her husband, Bill Verville, and their twin daughters: Brittany and Caitlin.

I commend Laura for her exemplary achievements in business and civic responsibilities. The citizens of Bow and our entire State have benefitted from her contributions to the community and local economy. It is truly an honor and a privilege to represent her in the U.S. Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON BLOCKING PROPERTY OF PERSONS WHO THREATEN INTERNATIONAL STABILIZATION EFFORTS IN THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT—PM 30

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency in response to the unusual and extraordinary threat posed to the national security and foreign policy of the United States by (i) actions of persons engaged in, or assisting, sponsoring, or supporting, extremist violence in the former Yugoslav Republic of Macedonia, southern Serbia, the Federal Republic of Yugoslavia (FRY), and elsewhere in the Western Balkans region, and (ii) the actions of persons engaged in, or assisting, sponsoring, or supporting acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo. The actions of these individuals and groups threaten the peace in or diminish the security and stability of the Western Balkans, undermine the authority, efforts, and objectives of the United Nations, the North Atlantic Treaty Organization (NATO), and other international organizations and entities present in those areas and the wider region, and endanger the safety of persons participating in or providing support to the activities of those organizations and entities, including United States military forces and Government officials. In order to deal with this threat, I have issued an Executive order blocking the property and interests in property of those persons determined to have undertaken the actions described above.

The Executive order prohibits United States persons from transferring, paying, exporting, withdrawing, or otherwise dealing in the property or interests in property of persons I have identified in the Annex to the order or persons designated pursuant to the order by the Secretary of the Treasury, in consultation with the Secretary of State. Included among the activities prohibited by the order are the making or receiving by United States persons of any contribution or provision of funds, goods, or services to or for the benefit of any person designated in or pursuant to the order. In the Executive order, I also have made a determination pursuant to section 203(b)(2) of IEEPA that the operation of the IEEPA exemption for certain humanitarian donations from the scope of the prohibitions would seriously impair my ability to deal with the national emergency. Absent such a determination, such donations of the type specified in section 203(b)(2) of IEEPA could strengthen the position of individuals and groups that endanger the safety of persons participating in or providing support to the United Nations, NATO, and other international organizations or entities, including U.S. military forces and Government officials, present in the region. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to issue regulations in exercise of my authorities under IEEPA to implement the prohibitions set forth in the Executive order. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the order, and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

I am enclosing a copy of the Executive order I have issued. The order was effective at 12:01 a.m. eastern daylight time on June 27, 2001.

I have issued the order in response to recent developments in the former Yugoslav Republic of Macedonia, southern Serbia, and elsewhere in the

Western Balkans region where persons have turned increasingly to the use of extremist violence, the incitement of ethnic conflict, and other obstructionist acts to promote irredentist or criminal agendas that have threatened the peace in and the stability and security of the region and placed those participating in or supporting international organizations, including U.S. military and government personnel, at risk.

In both Macedonia and southern Serbia, individuals and groups have engaged in extremist violence and other acts of obstructionism to exploit legitimate grievances of local ethnic Albanians. These groups include local nationals who fought with the Kosovo Liberation Army in 1998–99 and have used their wartime connections to obtain funding and weapons from Kosovo and the ethnic Albanian diaspora. Guerrilla attacks by some of these groups against police and soldiers in Macedonia threaten to bring down the democratically elected, multi-ethnic government of a state that has become a close friend and invaluable partner of NATO. In March 2001, guerrillas operating on the border between Kosovo and Macedonia attempted to fire upon U.S. soldiers participating in the international security presence in Kosovo known as the Kosovo force (KFOR). Guerrilla leaders subsequently made public threats against KFOR.

In southern Serbia, ethnic Albanian extremists have used the Ground Safety Zone (GSZ), originally intended as a buffer between KFOR and FRY/Government of Serbia ((FRY/GoS) forces, as a safe haven for staging attacks against FRY/GoS police and soldiers. Members of ethnic Albanian armed extremist groups in southern Serbia have on several occasions fired on joint U.S.-Russian KFOR patrols in Kosovo. NATO has negotiated the return of FRY/GoS forces to the GSZ, and facilitated negotiations between Belgrade authorities and ethnic Albanian insurgents and political leaders from southern Serbia. A small number of the extremist leaders have since threatened to seek vengeance on KFOR, including U.S. KFOR.

Individuals and groups engaged in the activities described above have boasted falsely of having U.S. support, a claim that is believed by many in the region. They also have aggressively solicited funds from United States persons. These fund-raising efforts serve to fuel extremist violence and obstructionist activity in the region and are inimical to U.S. interests. Consequently, the Executive order I have issued is necessary to restrict any further financial or other support by United States persons for the persons designated in or pursuant to the order. The actions we are taking will demonstrate to all the peoples of the region and to the wider international community that the Government of the United States strongly opposes the recent extremist violence and obstructionist activity in Macedonia and southern Serbia and elsewhere in the Western Balkans. The concrete steps we are undertaking to block access by these groups and individuals to financial and material support will assist in restoring peace and stability in the Western Balkans region and help protect U.S. military forces and Government officials working towards that end.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 27, 2001*.

REPORT ON THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I transmit herewith to you the Twenty-second Annual Report of the Federal Labor Relations Authority for Fiscal Year 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 27, 2001*.

MESSAGES FROM THE HOUSE

At 3:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2299. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

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.

At 3:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 657. An act to authorize funding for the National 4–H Program Centennial Initiatives.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2299. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; to the Committee on Appropriations.

The following concurrent resolution was read, and referred as indicated:

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 the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2587. A communication from the Chief Financial Officer and Plan Administrator, First South Agricultural Credit Association, transmitting, pursuant to law, the annual pension plan report for calendar year 2000; to the Committee on Governmental Affairs.

EC–2588. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Report of the Attorney General for the period July 1 to December 31, 2000; to the Committee on Foreign Relations.

EC–2589. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Change of Official EPA Mailing Address; Additional Technical Amendments and Corrections'' (FRL6772–2) received on June 25, 2001; to the Committee on Environment and Public Works.

EC–2590. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of rule entitled ''Oil Pollution Prevention and Response; Non-Transportation-Related Facilities'' (FRL7003–1) received on June 25, 2001; to the Committee on Environment and Public Works.

EC–2591. A communication from the Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Section 8 Homeownership Program; Pilot Program for Homeownership Assistance for Disabled Families'' (RIN2577–AC24) received on June 25, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2592. A communication from the Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Conversion of Developments from Public Housing Stock; Required Initial Assessments'' (RIN2577–AC02) received on June 25, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2593. A communication from the Acting Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''NIDRR—Community-Based Research Projects on Technology for Independence; Resource Centers for Community-Based Disability and Rehabilitation Research Projects on Technology for Independence; Assistive Technology Outcomes and Impacts and Assistive Technology Research Project for Individuals with Cognitive Disabilities'' received on June 21, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2594. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the

report of a rule entitled ''Federal Work-Study Programs, Federal Supplemental Educational Opportunity Grant Program, and Special Leveraging Educational Assistance Partnership Program'' received on June 25, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2595. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the annual report on the financial status of the railroad unemployment insurance system for 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2596. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Children Born Outside the United States; Application for Certificate of Citizenship'' (RIN115–AF98) received on June 14, 2001; to the Committee on the Judiciary.

EC–2597. A communication from the Deputy Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Regulations Under the DNA Analysis Backlog Elimination Act of 2000'' received on June 25, 2001; to the Committee on the Judiciary.

EC–2598. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the annual report of the Office of Police Corps and Law Enforcement Education for calendar year 2000; to the Committee on the Judiciary.

EC–2599. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Removing Russia from the list of countries whose citizens or nationals are ineligible for transit without visa (TWO) privileges to the United States under the TWOV program'' (RIN115–AG27) received on June 14, 2001; to the Committee on the Judiciary.

EC–2600. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Eligibility Requirements After Denial of the Earned Income Credit'' (RIN1545–AV61) received on June 22, 2001; to the Committee on Finance.

EC–2601. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Removal of the Federal Reserve Banks as Federal Depositories'' (RIN1545–AY10) received on June 25, 2001; to the Committee on Finance.

EC–2602. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—May 2001'' (Rev. Rul. 2001–35) received on June 26, 2001; to the Committee on Finance.

EC–2603. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Recodification of Regulations on Tobacco Products and Cigarette Papers and Tubes'' (RIN1515–AC41) received on June 26, 2001; to the Committee on Finance.

EC–2604. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Diamond Mountain District Viticultural Area'' (RIN1512–AA07) received on June 26, 2001; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 2002'' (Rept. No. 107–35).

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. HARKIN (for himself, Mr. WELLSTONE, Mr. KENNEDY, Mr. SARBANES, Mr. AKAKA, Mr. BINGAMAN, Mr. DODD, Mrs. MURRAY, Mr. LEAHY, Ms. MIKULSKI, Mr. FEINGOLD, Mr. KERRY, Mr. LEVIN, Mr. BAUCUS, Mr. ROCKEFELLER, and Mrs. BOXER):

S. 1107. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1108. A bill to authorize the transfer and conveyance of real property at the Naval Security Group Activity, Winter Harbor, Maine, and for other purposes; to the Committee on Armed Services.

By Mr. COCHRAN (for himself and Mrs. LINCOLN):

S. 1109. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances; to the Committee on Finance.

By Mr. ENZI:

S. 1110. A bill to require that the area of a zip code number shall be located entirely within a State, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CRAIG (for himself, Mr. CONRAD, Mr. ALLARD, Mr. BAUCUS, Mr. BINGAMAN, Mr. BURNS, Ms. COLLINS, Mr. CRAPO, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. ENZI, Mr. GRAMM, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LUGAR, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REED, Mr. ROBERTS, Mr. SARBANES, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. THOMAS, and Mr. WELLSTONE):

S. 1111. A bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. CHAFEE, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. AKAKA, Mr. KERRY, Mr. SARBANES, Mr. JOHNSON, and Mr. INOUYE):

S. 1112. A bill to provide Federal Perkins Loan cancellation for public defenders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1113. A bill to amend section 1562 of title 38, United States Code, to increase the amount of Medal of Honor Roll special pension, to provide for an annual adjustment in the amount of that special pension, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPECTER:

S. 1114. A bill to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself, Mr. STEVENS, Mr. INOUYE, Mrs. HUTCHISON, and Mr. CORZINE):

S. 1115. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. KENNEDY, Mrs. HUTCHISON, and Mr. CORZINE):

S. 1116. A bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control; to the Committee on Foreign Relations.

By Ms. LANDRIEU:

S. 1117. A bill to establish the policy of the United States for reducing the number of nuclear warheads in the United States and Russian arsenals, for reducing the number of nuclear weapons of those two nations that are on high alert, and for expanding and accelerating programs to prevent diversion and proliferation of Russian nuclear weapons, fissile materials, and nuclear expertise; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 381

At the request of Mr. ALLARD, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 381, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes.

S. 409

At the request of Mrs. HUTCHISON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 460

At the request of Mr. WELLSTONE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 460, a bill to provide for fairness and accuracy in high stakes educational decisions for students.

S. 466

At the request of Mr. HAGEL, the name of the Senator from Arkansas

(Mrs. LINCOLN) was added as a cosponsor of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 556

At the request of Mr. JEFFORDS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 556, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 561

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 561, a bill to provide that the same health insurance premium conversion arrangements afforded to Federal employees be made available to Federal annuitants and members and retired members of the uniformed services.

S. 570

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 582

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 677

At the request of Mr. BREAUX, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 677, supra.

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 677, supra.

S. 718

At the request of Mr. MCCAIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 718, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

S. 830

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

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 847

At the request of Mr. DAYTON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 860

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 866

At the request of Mr. REID, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. 906

At the request of Mr. ENZI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 906, a bill to provide for protection of gun owner privacy and ownership rights, and for other purposes.

S. 920

At the request of Mr. BREAUX, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 926

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Minnesota (Mr. DAYTON), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 926, a bill to prohibit the importation of any article that is produced, manufactured, or grown in Burma.

S. RES. 117

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 117, a resolution honoring John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters.

S. CON. RES. 9

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Con. Res. 9, a concurrent resolution condemning the violence in East Timor and urging the establishment of an international war crimes tribunal for prosecuting crimes against humanity that occurred during that conflict.

S. CON. RES. 34

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

S. CON. RES. 53

At the request of Mr. HAGEL, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Maryland (Ms. MIKULSKI), and the Senator from New Jersey (Mr. CORZINE) 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself Mr. WELLSTONE, Mr KENNEDY, Mr. SARBANES, Mr. AKAKA, Mr. BINGAMAN, Mr. DODD, Mrs MURRAY, Mr. LEAHY, Ms. MIKULSKI, Mr. FEINGOLD, Mr. KERRY, Mr. LEVIN, Mr. BAUCUS, Mr. ROCKEFELLER and Mrs. BOXER).

S. 1107. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I, along with 15 of my colleagues are introducing a bill today that addresses an issue we haven't talked enough about in the Senate in recent years—but it's a critically important issue that we cannot continue to ignore.

I'm talking about workers' rights—specifically the erosion of a worker's fundamental right to strike, to protect that right.

Today, we are introducing the Workplace Fairness Act. This may sound familiar to many of my colleagues here in the Senate. It was a bill my good friend and former colleague Senator Howard Metzenbaum from Ohio introduced in the 102nd and 103rd congress.

The Workplace Fairness Act would amend the National Labor Relations

Act and the Railway Labor Act by prohibiting employers from hiring permanent replacement workers during a strike. It would also make it an unfair labor practice for an employer to refuse to allow a striking worker who has made an unconditional offer to return to go back to work.

Why do we need this legislation?

Because right now, a right to strike is a right to be permanently replaced—to lose your job. Every cut-rate, cut-throat employer knows they can break a union if they are willing to play hardball and ruin the lives of the people who have made their company what it is. In my own state of Iowa—Titan Tire Company out of Des Moines, is trying to drive out the union workers with permanent replacements—the union has been on strike for three years now.

Over the past two decades, workers' right to strike has too often been undermined by the destructive practice of hiring permanent replacement workers. Since the 1980s, permanent replacements have been used again and again to break unions and to shift the balance between workers and management.

Titan Tire just outside is just one of many examples.

On May 1, 1998, the 650 members of the United Steelworkers of America, Local 164, who work in Des Moines Titan Tire plant, were forced into an Unfair Labor Practice Strike.

During the contract negotiations preceding this strike, Titan International Inc. President and CEO, Morry Taylor, attempted to eliminate pension and medical benefits and illegally move jobs and equipment out of the plant. He also forced employees to work excessive mandatory overtime, sometimes working people as many as 26 days in a row without a day off.

Well, the membership decided that Titan's final offer was impossible to accept, and they voted to strike. Two months later, in July, 1998, Titan began hiring permanent replacement workers.

During the past three years, approximately 500 permanent replacement workers have been hired at the Des Moines plant. And little or no progress has been made toward reaching a fair settlement. In fact on April 30, 2000, the day before the second anniversary of the Titan strike, Morrie Taylor predicted that the strike would never be settled.

Workers deserve better than this. Workers aren't disposable assets that can be thrown away when labor disputes arise.

When we considered this legislation in 1994, the Senate labor and Human Resources Committee heard poignant testimony about the emotional and financial hardships caused by hiring permanent replacement workers. We heard about workers losing their homes; going without health insurance because of the high costs of COBRA coverage; feeling useless when they were permanently replaced after years of loyal service.

The right to strike—which we all know is a last resort since no worker takes the financial risk of a strike lightly—is fundamental to preserving workers' rights to bargain for better wages and better working conditions. Without the right to strike, workers forgo their fair share of bargaining power.

Permanent striker replacement not only affects the workers who were replaced. It affects other workers in competing companies. When one employer in an industry breaks a union, hires permanent replacements, and cuts salaries and benefits, it affects all the other companies in the industry. Now they either have to find a way to compete with the low-wages and shoddy benefits of a cut-rate, cut-throat business—or they have to follow suit.

Also, workers faced with being replaced are forced to make a choice. They can either stay with the union and fight for their jobs, or they can cross the picket line to avoid losing the jobs they've held for ten or twenty or thirty years.

Is this a free choice, as some of our colleagues would suggest? Or is this blackmail that takes away the rights and the dignity of the workers of this country? What does it mean to tell workers, ''you have the right to strike''—when we allow them to be summarily fired for exercising that right?

In reality, there is no legal right to strike today. And because there is no legal right to strike, there is no legal right to bargain collectively. And since there is no legal right to bargain collectively, there is no level playing field between workers and management.

In other words, Management gets to say that you must bargain on their terms—or find some other place to work. If you're permanently replaced, that means you're out of work; you lose all your pension rights; you lose your seniority; you lose your job forever.

How did this happen? We've got to go back to the 1930's for the answer.

In response to widespread worker abuses—and union busting—Congress passed the National Labor Relations Act—the Wagner Act—in 1935 and it was signed into law by President Roosevelt. The Wagner Act guarantees workers the right to organize and bargain collectively and strike if necessary. It makes it illegal for companies to interfere with these rights. In fact, it specifies the right to strike and states: 'Nothing in this act—except as specifically provided herein—shall be construed so as to interfere with or impede or diminish in any way the right to strike.'

In 1938, the Supreme Court dealt the Wagner Act a mortal blow in the case National Labor Relations Board (NLRB) versus Mackay Radio and Telegraph Co. In that case, the Court said that Mackay Radio could hire permanent replacement workers for those engaged in an economic strike.

There are two types of strikes: economic and unfair labor practices. Employers must rehire employees in unfair labor practice strikes. The NLRB determines if the strike is economic or based on unfair labor practices. Unions cannot know in advance whether NLRB will rule that their employer has engaged in unfair labor practices. So any employee participating in a strike runs a risk of permanently losing his or her job.

What's interesting is that following the Court's ruling, companies did not take advantage of this loophole until the 1980s. Before then, they recognized that doing that would upset this level playing field. For almost 40 years, management rarely hired permanent replacements.

That began to change in the 1980s. Since then, hiring permanent replacements has become a routine practice to break unions and shift the balance between workers and management.

Again, the Workplace Fairness Act would restore the fundamental principle of fair labor-management relations—the right of workers to strike without having to fear losing their jobs.

Permanent striker replacement keeps us from moving forward as a nation into an era of high-wage, high-skilled, highly productive jobs in the global marketplace. Without the right to strike, workers' rights will continue to erode. The result will be fewer incentives and less motivation to produce good work, and companies will also suffer with less quality in their products.

Obviously, this legislation won't be adopted this year. But we are introducing it today to signal my intent on raising it and other fundamental labor law reforms in the next session of Congress. It's time for us to level the playing field for hard-working Americans.

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. 1107

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

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting ''; or''; and

(2) by adding at the end thereof the following new paragraph:

''(6)(i) to offer, or to grant, the status of a permanent replacement employee to an individual for performing bargaining unit work for the employer during a labor dispute; or

''(ii) to otherwise offer, or grant, an individual any employment preference based on the fact that such individual was employed, or indicated a willingness to be employed, during a labor dispute over an individual who—

''(A) was an employee of the employer at the commencement of the dispute;

''(B) has exercised the right to join, to assist, or to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection through the labor organization involved in the dispute; and

''(C) is working for, or has unconditionally offered to return to work for, the employer.''.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting ''(a)'' after ''Fourth.''; and

(2) by adding at the end the following:

''(b) No carrier, or officer or agent of the carrier, shall—

''(1) offer, or grant, the status of a permanent replacement employee to an individual for performing work in a craft or class for the carrier during a dispute involving the craft or class; or

''(2) otherwise offer, or grant, an individual any employment preference based on the fact that such individual was employed, or indicated a willingness to be employed, during a dispute over an individual who—

''(A) was an employee of the carrier at the commencement of the dispute;

''(B) has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through the labor organization involved in the dispute; and

''(C) is working for, or has unconditionally offered to return to work for, the carrier.''.

Mr. WELLSTONE. Mr. President, I am pleased to join my good friend Senator HARKIN as an original cosponsor of the Workplace Fairness Act of 2001. This measure, along with the ''Right to Organize Act of 2001,'' which I introduced yesterday, are two of the most important pieces of legislation that will come before the Senate this year.

Together, these measures strengthen workers' rights to organize, to join a union, and to advocate for fair collective bargaining and fair agreements. Together, these measures produce the basic platform for healthy economies, healthy communities, and healthy families.

Specifically, the Striker Replacement Act is designed to combat an unfair labor practice which strikes at the very heart of the collective bargaining process in this country: the permanent replacement of striking workers. The goal of this Act is to restore the labor-management balance in today's workplace by preventing the fundamental right to strike from being transformed into a right to be fired.

The record shows that permanent replacement of striking workers has been used increasingly over the years. Private sector employers, emboldened by the Reagan Administration's permanent replacement of striking Federal employees in the early 1980's, began to use the permanent replacement of striking workers as a means of abrogating collective bargaining agreements and bringing in new hires often screened for their anti-union biases.

The process is fairly simple: require major and unreasonable concessions of a union; force them to strike; permanently replace them with workers unsympathetic to the union; and move to decertify the union. This should be called what it is: outright union busting. And it should not be tolerated.

The purpose of the Railway Labor Act and the National Labor Relations Act was to respond to the persistent—and sometimes violent—denial by certain employers of the right to organize and bargain collectively. The resulting strikes and other forms of industrial unrest in the 1930's were held by the courts to have severely burdened free and open commerce across the country. As a result, the Railway Labor Act and the National Labor Relations Act were passed, guided by two fundamental principles: 1. Employees have a right to pursue their interests collectively without fear of employer reprisals, and 2. Questions about representation must be separated from substantive issues in dispute. Government-supervised procedure should be established to ensure fair representation; while collective bargaining should be the forum for settling the remaining substantive disputes.

This system and these principles are sound. Workers have a right to organize without being retaliated against for exercising that right. And they have a right to negotiate wages, benefits, and other items through collective bargaining.

But these principles only work if the right to strike, in the words of the National Labor Relations Act, is not ''interfered with or impeded or diminished in any way.'' In 1938, the Supreme Court in the Mackay Radio case cut a huge swath through these guiding principles by creating the striker replacement doctrine. Under this doctrine, affirmed in subsequent decisions, such as Belknap v. Hale (1983) and TWA v. IFFA (1989), even though it is unlawful to fire a striking worker, it is not unlawful to permanently replace him or her.

The distinction between firing and permanent replacement, is ludicrous—and it is untenable. The central practical reality—as any man or woman who has exercised his or her right to strike and has paid the consequences can tell you—in either case, whether it is called a firing or a permanent replacement—the employee loses their job because he or she has exercised the right to strike. That's the reality. That's the harsh reality.

The measure we are introducing today is a simple one. It does two things: 1. It amends the National Labor Relations Act and the Railway Labor Act to prohibit employers from hiring permanent replacement workers during a strike, or giving employment preference to cross over employees, and 2. It makes it an unfair labor practice for an employer to refuse to allow a striking worker to return to work if that worker has unconditionally offered to return to work.

It's that simple. These are fundamental protections. These are protections that are part of the basic compact with the American worker created by the National Labor Relations Act and the Railway Labor Act. It is long past time that workers seeking to better their lives, their families, and their communities are given access to a collective bargaining process that is fair and even-handed. It is long past time that workers be allowed to advocate for reasonable terms and conditions of their employment without fear of devastating retribution.

Finally, this measure not only meets the needs of workers, their families, and their communities, it also serves the interest of our nation in a global economy. As others have pointed out, if we are to remain strong and competitive as a nation, we must develop a highly motivated and skilled workforce and we must create stable worker-employer relationships that are based on mutual respect and a mutual commitment to a joint economic enterprise. This will only happen if we level the playing field and support a just, sound, and effective collective bargaining process.

This measure, the Workplace Fairness Act, is one key to achieving these goals. I urge my colleagues to join me in supporting this legislation.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1108. A bill to authorize the transfer and conveyance of real property at the Naval Security Group Activity, Winter Harbor, Maine, and for other purposes; to the Committee on Armed Services.

Ms. SNOWE. Mr. President. I rise today with my colleague from Maine to introduce legislation facilitating the land conveyance at Winter Harbor, ME.

First, may I note that this bill is the product of countless hours of hard work and deliberation by the communities it affects—Winter Harbor and Gouldsboro—the State of Maine, and the Maine Delegation. I would like to thank those involved: Chairmen Stan Torrey and Tom Mayor and members of the Gouldsboro and Winter Harbor Base Reuse Committees; Jean Marshall, the Defense Conversion Coordinator for Eastern Maine Development; Linda Pagels and Roger Barto, Town Managers for Gouldsboro and Winter Harbor; and Commander Edwin Williamson, Commanding Officer of Naval Security Group Activity Winter Harbor, for their efforts in crafting legislation that all concerned can support.

The Navy has been a strong and supportive presence in the Winter Harbor region since the establishment of their facility over 80 years ago. What started as one man's patriotic efforts in World War I to establish a radio station for transatlantic communications developed into a complex network of sophisticated equipment that became Winter Harbor Naval Security Group Activity. Throughout the two World Wars and subsequent Cold War, the men and women stationed at Winter Harbor provided invaluable services in our Nation's defense.

Maine and the Navy have always had a special relationship, and that relationship extended to Winter Harbor. The base and community embraced one another and developed a good neighbor relationship seldom seen between a military installation and the surrounding community. For both sides, it was truly a win-win situation. The sailors and their families enjoyed the hospitality of Maine while the towns of Winter harbor and Gouldsboro economically benefited from the Navy's presence.

Unfortunately, the advent of new technology has made the equipment and mission of Winter Harbor obsolete. With the announcement that the Winter Harbor Naval Activity would close in June 2002, the communities began the laborious process of planning for life without the good neighbors of Winter Harbor NSGA.

With this base closing, Maine will lose an economic base it has depended on for over 80 years. At its high point, Winter Harbor had approximately 250 sailors, 140 civilian employees, and their family members in residence and the base became an economic focal point for the region with an estimated $11 to $15 million being contributed to the local economy on an annual basis.

To offset this impending loss, the towns applied for and received a small Economic Development Administration Defense Conversion Planning Grant in the amount of $200,000. While these funds proved crucial to the start of the reuse process, many needs still remain unmet. This legislation is intended to address some of those needs and to minimize the financial consequences of the base closure.

The towns of Winter Harbor and Gouldsboro are not looking for charity. As you will see, this legislation's intent is to reimburse the towns for infrastructure improvements made at the Navy's behest and to provide the means for the region to restore its economic viability.

As I mentioned earlier, the Maine Delegation has been working with the local communities, the State, Navy, and National Park Service to develop a comprehensive plan for reuse of the property and facilities. The primary facilities at Winter Harbor are located on a beautiful and breathtaking portion of the Maine coastline known as Schoodic Point. Once the base closes, this legislation dictates that the Schoodic Point property will shift to the Department of the Interior's jurisdiction for inclusion in Acadia National Park.

In preparation for this property transfer, the National Park Service has initiated a plan to establish a Research and Education Center at the site. This center will host educational programs and private and public research facilities, becoming a source for meaningful employment and economic generation for the communities. However, the National Park Service effort will not be achieved overnight and, like all programs, requires adequate funding.

As such, this legislation was drafted to include financial provisions to ease and expedite this transition as well as to reimburse the community for local services and infrastructure improvements.

In closing, I would like to thank all of those in the local communities, the State of Maine, the Navy, and the National Park Service and, of course, my colleagues from the Maine Delegation for their assistance in crafting this legislation. I urge my colleagues to support this initiative and allow the good people of Winter Harbor and Gouldsboro to make the most of this unique base reuse opportunity.

I ask unanimous consent 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. 1108

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

SECTION 1. LAND TRANSFER AND CONVEYANCE, NAVAL SECURITY GROUP ACTIVITY, WINTER HARBOR, MAINE.

(a) TRANSFER OF JURISDICTION OF SCHOODIC POINT PROPERTY AUTHORIZED.—(1) The Secretary of the Navy may transfer, without consideration, to the Secretary of the Interior administrative jurisdiction of a parcel of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 26 acres as generally depicted as Tract 15–116 on the map entitled ''Acadia National Park Schoodic Point Area'', numbered 123/80,418 and dated May 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) The transfer authorized by this subsection shall occur, if at all, concurrently with the reversion of administrative jurisdiction of a parcel of real property consisting of approximately 71 acres, as depicted as Tract 15–115 on the map referred to in paragraph (1), from the Secretary of the Navy to the Secretary of the Interior as authorized by Public Law 80–260 (61 Stat. 519) and to be executed on or about June 30, 2002.

(b) CONVEYANCE OF COREA AND WINTER HARBOR PROPERTIES AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine, all right, title, and interest of the United States in and to any of the parcels of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 485 acres and comprising the former facilities of the Naval Security Group Activity, Winter Harbor, Maine, located in Hancock County, Maine, except for the real property described in subsection (a)(1).

(c) TRANSFER OF PERSONAL PROPERTY.—The Secretary of the Navy shall transfer, without consideration, to the Secretary of the Interior in the case of the real property transferred under subsection (a), or to any recipient of such real property in the case of real property conveyed under subsection (b), any or all personal property associated with such real property so transferred or conveyed, including—

(1) the ambulances and any fire trucks or other firefighting equipment; and

(2) any personal property required to continue the maintenance of the infrastructure of such real property, including the generators and an uninterrupted power supply in building 154 at the Corea site.

(d) MAINTENANCE OF PROPERTY PENDING CONVEYANCE.—The Secretary of the Navy shall maintain any real property, including any improvements thereon, appurtenances thereto, and supporting infrastructure, to be conveyed under subsection (b) in accordance with the protection and maintenance standards specified in section 101–47.4913 of title 41, Code of Federal Regulations, until the earlier of—

(1) the date of the conveyance of such real property under subsection (b); or

(2) September 30, 2003.

(e) INTERIM LEASE.—(1) Until such time as any parcel of real property to be conveyed under subsection (b) is conveyed by deed under that subsection, the Secretary of the Navy may lease such parcel to any person or entity determined by the Secretary to be an appropriate lessee of such parcel.

(2) The amount of rent for a lease under paragraph (1) shall be the amount determined by the Secretary to be appropriate, and may be an amount less than the fair market value of the lease.

(3) Notwithstanding any other provision of law, the Secretary shall credit any amount received for a lease of real property under paragraph (1) to the appropriation or account providing funds for the operation and maintenance of such property or for the procurement of utility services for such property. Amounts so credited shall be merged with funds in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as the funds with which merged.

(f) REIMBURSEMENT FOR ENVIRONMENTAL AND OTHER ASSESSMENTS.—(1) The Secretary of the Navy may require each recipient of real property conveyed under subsection (b) to reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis carried out by the Secretary with respect to such property before completing the conveyance under that subsection.

(2) The amount of any reimbursement required under paragraph (1) shall be determined by the Secretary, but may not exceed the cost of the assessment, study, or analysis for which reimbursement is required.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property transferred under subsection (a), and each parcel of real property conveyed under subsection (b), shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of any survey under the preceding sentence for real property conveyed under subsection (b) shall be borne by the recipient of the real property.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with any conveyance under subsection (b), and any lease under subsection (e), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2. TRANSFER OF FUNDS TO DEPARTMENT OF THE INTERIOR.

The Secretary of Defense shall transfer to the Secretary of the Interior amounts as follows:

(1) $5,000,000 for purposes of capital investments for the development of a research and education center at Acadia National Park, Maine.

(2) $1,400,000 for purposes of operation and maintenance activities at Acadia National Park Maine.

SEC. 3. FINANCIAL ASSISTANCE.

(a) GRANT ASSISTANCE FOR TOWN OF WINTER HARBOR.—(1) The Secretary of the Navy

shall, by grant, provide financial assistance to the Town of Winter Harbor, Maine (in this subsection referred to as the ''Town''), in each of fiscal years 2002, 2003, and 2004, for the purpose of reimbursing the Town for costs incurred in making improvements to the water and sewer systems of the Town for the benefit of the Naval Security Group Activity, Winter Harbor, Maine, located in Hancock County, Maine.

(2) The amount of the grant under paragraph (1) in fiscal year 2002 shall be $68,000.

(3) The amount of the grant under paragraph (1) in each of fiscal years 2003 and 2004 shall be the amount, not to exceed $68,000, jointly determined by the Secretary and the Town to be appropriate to reimburse the Town as described in that paragraph in the applicable fiscal year.

(b) GRANT ASSISTANCE FOR SCHOOL ADMINISTRATIVE DISTRICT.—(1) The Secretary shall, by grant, provide financial assistance to the School Administrative District (SAD) operating Sumner High School, Sullivan, Maine.

(2) The purpose of the grant is to offset the loss of impact aid under title VIII of the Elementary and Secondary Education Act of 1965 that the local educational agency experienced for fiscal years 2000 and 2001 as a result of the closure of the Naval Security Group Activity, Winter Harbor, Maine.

(3) The amount of the grant under paragraph (1) shall be $86,000.

SEC. 4. AUTHORIZATIONS OF APPROPRIATIONS.

(a) TRANSFERS OF FUNDS TO DEPARTMENT OF INTERIOR.—There is hereby authorized to be appropriated for the Department of Defense for fiscal year 2002, $6,400,000 for purposes of the transfers of funds required by section 2.

(b) GRANTS.—There is hereby authorized to be appropriated for the Department of the Navy for purposes of the grants required by section 3, amounts as follows:

(1) For fiscal year 2002, $154,000.

(2) For each of fiscal years 2003 and 2004, such amounts as may be necessary.

(c) SUPPLEMENT NOT SUPPLANT.—The amounts authorized to be appropriated by this section for the Department of Defense, or for the Department of the Navy, for a fiscal year are in addition to any other amounts authorized to be appropriated for such Department for such fiscal year under any other provision of law.

(d) AVAILABILITY.—Amounts authorized to be appropriated by this section for a fiscal year shall remain available until expended, without fiscal year limitation.

Ms. COLLINS. Mr. President, I am pleased to be joining my distinguished colleague, Senator SNOWE, today in introducing this legislation, the Naval Security Group Activity at Winter Harbor Conveyance Act. This conveyance legislation will authorize the transfer of land, which has been under the control of the Naval Security Group for some seventy plus years back to the Department of the Interior, and to the State, ultimately to be put to good use by our local communities.

Over the past seven decades, the Navy has performed a key national security mission called Classic Wizard at Winter Harbor. The Navy has played a significant role in the economic development of the local communities as Maine residents and Navy personnel have supported this mission. As the requirement for the Classic Wizard mission at Winter Harbor is coming to an end, and as technology advances, this naval activity will be ending its ties to the base in the summer of 2002.

While the Navy will be missed, it has worked hand-in-hand with me and the other members of the Maine delegation, the Department of Interior, National Park Service, and our local communities in creating a viable economic development and reuse plan for the naval base and its associated property.

As part of its reuse plan for the site, the National Park Service has proposed developing a research and education center at the Schoodic Point. The center would accommodate and promote a variety of research activities including wildlife genetics and serve as a base for permanent and visiting scientists to conduct interdisciplinary research.

I worked with the National Park Service in the development of its proposal, and I have offered to help make the concept a reality. Maine Governor Angus King shares my support for the proposed research and learning center and has expressed the State's willingness to work as a partner in the effort to establish a wildlife genetics laboratory at the center. We believe that such a laboratory would generate good jobs and promote the region's economy. The work done at Schoodic Point also would compliment the world class research underway at other area facilities in the area such as The Jackson Laboratory, the Mount Desert Island Biological Laboratory, and the University of Maine's Cooperative Aquaculture Research Center.

The National Park Service's proposed reuse of the peninsula also includes an educational component that would promote the public's understanding of the important natural and cultural resources that are a part of our national park system. Moreover, those who have visited Schoodic would agree that the remarkably beautiful 100 acres are worthy of being a part of Acadia National Park, one of our Nation's greatest natural treasures.

It is important for the Federal Government to lend a hand to communities that are struggling to cope with the adverse effects of a base closure. Our legislation, which was developed in consultation with the local communities, the State, the Department of the Interior and the Navy, provides the options and opportunities that the region needs to move beyond the loss of the Naval Security Group Activity at Winter Harbor. I will work to secure approval of this bill by the Senate Armed Services committee and the full Senate.

By Mr. ENZI:

S. 1110. A bill to require that the area of a zip code number shall be located entirely within a State, and for other purposes; to the Committee on Governmental Affairs.

Mr. ENZI. Mr. President, I rise to announce the introduction of a bill that would help preserve the identity of American communities that have struggled with the United States Postal Service to acquire their own, individual zip codes. The bill would do this by prohibiting the Postal Service from extending zip codes across State boundaries.

This bill was introduced in response to concerns raised by the community of Alta, WY. Alta is a small, rural town situated next to the Wyoming-Idaho border at the western base of the Grand Teton Mountains. Because of treacherous travel conditions to the east of Alta, the Postal Service made the decision to serve Alta residents out of the post office in neighboring Driggs, ID. Alta is isolated from other parts of Wyoming and it simply would be too dangerous to require the Postal Service to cross the Teton mountain range in the winter to deliver mail to Alta. In providing this service, however, the post office has not provided Alta residents their own zip code at the Driggs post office, but has required them to use the Driggs zip code even though Alta residents live in an entirely different State.

While this may not seem like a big deal on its face, there are a number of technical complications that arise in the lives of Alta residents because the Postal Service has not been willing to extend the courtesy of an Alta zip code.

By requiring Alta residents to use the Driggs zip code, the Postal Service has created a lot of confusion for Alta residents who attempt to conduct business with mail order companies. What sales tax do they pay? Idaho or Wyoming? Although the Postal Service maintains that zip codes are not used to identify specific locations, other companies use zip codes as an important location code that is necessary to adequately conduct their business. Sales tax is often programmed by zip code, so are car insurance rates, life insurance, homeowner's insurance, even our Federal and State income taxes use zip codes as an indicator of when and where to pay taxes.

The requirements of this bill will not be onerous for the Postal Service to implement. It will not require the service to build new facilities or even to change its method of operations. All it will do is require the Postal Service to identify those communities whose mail service crosses State boundaries and to assign them the necessary identification number that they need to provide the rest of the world a clear and concise description of where they live and who they are.

I urge my colleagues to support this most important legislation.

By Mr. CRAIG (for himself, Mr. CONRAD, Mr. ALLARD, Mr. BAUCUS, Mr. BINGAMAN, Mr. BURNS, Ms. COLLINS, Mr. CRAPO, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. ENZI, Mr. GRAMM, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LUGAR, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REED, Mr. ROBERTS, Mr. SARBANES, Mr.

SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. THOMAS, and Mr. WELLSTONE):

S. 1111. A bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes; to the Committee on Agriculture Nutrition and Forestry.

Mr. CRAIG. Mr. President, I rise today with Senator CONRAD to introduce the National Rural Development Partnership Act of 2001—a bill to codify the National Rural Development Partnership, NRDP or the Partnership, and provided a funding source for the program, I am pleased that Senators ALLARD, BAUCUS, BINGAMAN, BURNS, COLLINS, CRAPO, DASCHLE, DAYTON, DORGAN, ENZI, GRAMM, GRASSLEY, HAGEL, HELMS, HUTCHISON, JEFFORDS, JOHNSON, KENNEDY, KERRY, LEAHY, LUGAR, MIKULSKI, MURRAY, BEN NELSON, REED, ROBERTS, SARBANES, BOB SMITH, GORDON SMITH, THOMAS, and WELLSTONE are joining us as original cosponsors.

The Partnership was established under the Bush administration in 1990, by Executive Order 12720. Although the partnership has existed for ten years, it has never been formally authorized by Congress. The current basis for the existence of the partnership is found in the Consolidated Farm and Rural Development Act of 1972 and the Rural Development Policy Act of 1980. In addition, the conference committee report on the 1996 federal farm bill created specific responsibilities and expectations for the partnership and State rural development councils, SRDCs.

The partnership is a nonpartisan interagency working group whose mission is to ''contribute to the vitality of the Nation by strengthening the ability of all rural Americans to participate in determining their futures.'' The NRDP and SRDCs do something no other entities do: facilitate collaboration among federal agencies and between Federal agencies and State, local, and tribal governments and the private and non-profit sectors to increase coordination of programs and services to rural areas. When successful, these efforts result in more efficient use of limited rural development resources and actually add value to the efforts and dollars of others.

On March 8, 2000, the Subcommittee on Forestry, Conservation, and Rural Revitalization, which I chaired, held an oversight hearing on the operations and accomplishments of the NRDP and SRDCs. The subcommittee heard from a number of witnesses, including officials of the U.S. Departments of Agriculture, Transportation, and Health and Human Services, State agencies, and private sector representatives. The hearing established the need for some legislative foundation and consistent funding. The legislation we introduced last year and are reintroducing this Congress accomplishes just that.

This legislation formally recognizes the existence and operations of the partnership, the National Rural Development Coordinating Committee, NRDCC, and SRDCs. In addition, the legislation gives specific responsibilities to each component of the Partnership and authorizes it to receive congressional appropriations.

Specifically, the bill formally establishes the NRDP and indicates it is composed of the NRDCC and SRDCs. NRDP is established for empowering and building the capacity of rural communities, encouraging participation in flexible and innovative methods of addressing the challenges of rural areas, and encouraging all those involved in the partnership to be fully engaged and to share equally in decisionmaking. This legislation also identifies the role of the Federal Government in the partnership as being that of partner, coach, and facilitator. Federal agencies are called upon to designate senior-level officials to participate in the NRDCC and to encourage field staff to participate in SRDCs. Federal agencies are also authorized to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils, regardless of the form of legal organization of a State rural development council.

The composition of the NRDCC is specified as being one representative from each Federal agency with rural responsibilities, and governmental and non-governmental for-profit and nonprofit organizations that elect to participate in the NRDCC. The legislation outlines the duties of the council as being to provide support to SRDCs; facilitate coordination among Federal agencies and between the Federal, State, local and tribal governments and private organizations; enhance the effectiveness, responsiveness, and delivery of Federal Government programs; gather and provide to Federal agencies information about the impact of government programs on rural areas; review and comment on policies, regulations, and proposed legislation; provide technical assistance to SRDCs; and develop strategies for eliminating administrative and regulatory impediments. Federal agencies do have the ability to opt out of participation in the council, but only if they can show how they can more effectively serve rural areas without participating in the partnership and council.

This legislation provides that states may participate in the partnership by entering into a memorandum of understanding with USDA to establish an SRDC. SRDCs are required to operate in a nonpartisan and nondiscriminatory manner and to reflect the diversity of the States within which they are organized. The duties of the SRDCs are to facilitate collaboration among government agencies at all levels and the private and non-profit sectors; to enhance the effectiveness, responsiveness, and delivery of Federal and State Government programs; to gather information about rural areas in its State and share it with the NRDCC and other entities; to monitor and report on policies and programs that address, or fail to address, the needs of rural areas; to facilitate the formulation of needs assessments for rural areas and participate in the development of the criteria for the distribution of Federal funds to rural areas; to provide comments to the NRDCC and others on policies, regulations, and proposed legislation; assist the NRDCC in developing strategies for reducing or eliminating impediments; to hire an executive director and support staff; and to fundraise.

As I have stated before, this legislation authorizes the partnership to receive appropriations as well as authorizing and encouraging federal agencies to make grants and provide other forms of assistance to the partnership and authorizing the partnership to accept private contributions. The SRDCs are required to provide at least a 33-percent match for funds it receives as a result of its cooperative agreement with the Federal Government.

As you know, too many parts of rural America have not shared in the boom that has brought great prosperity to urban America. We need to do more to ensure that rural citizens will have opportunities similar to those enjoyed by urban areas. To do so, we do not necessarily need new government programs. Instead, we must do a better job of coordinating the many programs available from USDA and other Federal agencies that can benefit rural communities. With the passage of this legislation, the NRDP and SRDCs will be better situated to provide that much needed coordination.

Mr. CONRAD. Mr. President, I am pleased to join Senator LARRY CRAIG and 31 of our colleagues today in the introduction of the National Rural Development Partnership Act of 2001. This bill is similar to S. 3175 which Senator CRAIG and I sponsored last year during the 106th Congress. I am pleased that so many members from both sides of the aisle have recognized the importance of this measure by agreeing to join as original cosponsors.

The National Rural Development Partnership had its origin in Executive Order 12720, issued by President George H. Bush in 1990. Through the issuance of this order, the U.S. Department of Agriculture was assigned the responsibilities of creating the partnership and providing assistance to States that wish to form rural development partnerships. The intent of the legislation is the same. At least 40 States have now formed partnership councils to coordinate rural development activities of Federal, State, local, and tribal governments with private and non-profit organizations, to address community and economic development needs, and to coordinate community and job building activities in rural areas. The funding for these activities has been voluntary from various Federal agencies, including the Departments of Health and Human Services, Labor, Transportation, Veterans, and state

agencies. The U.S. Department of Agriculture has historically provided the largest single amount.

The needs of rural America are great. The demands on the Federal budget are also great. If we are to make optimum use of hard-to-find Federal, State, local, and private resources in rural areas, it is imperative that we find ways to coordinate development activities. This legislation does that. It formally authorizes National Rural Development Councils and also authorizes appropriations for this program.

The existing partnerships are doing an outstanding job in coordinating activities to enhance the quality of life and to build jobs in areas that have historically lacked high paying opportunities. While we recognize the continuing importance of the agriculture industry in many States, especially a State like North Dakota, we recognize that, unless we diversify our economy, we will continue to see out migration from the rural areas into the already crowded metropolitan areas of our country.

Again, I am pleased to join this bipartisan effort.

By Mr. DURBIN (for himself,Mr. CHAFEE, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. AKAKA, Mr. KERRY, Mr. SARBANES, Mr. JOHNSON, and Mr. INOUYE):

S. 1112. A bill to provide Federal Perkins Loan cancellation for public defenders; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, today I rise with Senator CHAFEE to reintroduce legislation to include full-time public defense attorneys in the Federal Perkins Loan Cancellation Forgiveness Program for law enforcement officers. This bill would provide parity to public defense attorneys and uphold the goals set forth by the Supreme Court to equalize access to legal resources. Senators FEINSTEIN, BINGAMAN, AKAKA, KERRY, SARBANES, JOHNSON, and INOUYE are original cosponsors of this bipartisan bill. Representative Tom Campbell of California introduced a companion bill in the House in the 106th Congress.

Under section 465(a)(2)(F) of the Higher Education Act of 1965, a borrower with a loan made under the Federal Perkins Loan Program is eligible to have the loan canceled for serving full-time as a law enforcement officer or correction officer in a local, State, or Federal law enforcement or corrections agency. While the rules governing borrower eligibility for law enforcement cancellation have been interpreted by the Department of Education to include prosecuting attorneys, public defenders have been excluded from the loan forgiveness program. This policy must be amended.

Like prosecutors, public defense attorneys play an integral role in our adversarial process. This judicial process is the most effective means of getting at truth and rendering justice. The United States Supreme Court in a series of cases has recognized the importance of the right to counsel in implementing the Sixth Amendment's guarantee of a fair trial and the Fourteenth Amendment's due process clause requiring counsel to be appointed for all person accused of offenses in which there is a possibility of a jail term being imposed.

Absent adequate counsel for all parties, there is a danger that the outcome maybe determined not by who has the most convincing case but by who has the most resources. The Court rightly addressed this possible miscarriage of justice by requiring counsel to be appointed for the accused. Public defenders fill this Court mandated role by representing the interests of criminally accused indigent person. they give indigent defendants sufficient resources to present an adequate defense, so that the public goal of truth and justice will govern the outcome.

The Department of Education's interpretation of the statute to include public defenders from the loan forgiveness program undermines the goals set forth by the Supreme Court to equalize access to legal resources. It creates an obvious disparity of resources between public defenders and prosecutors by encouraging talented individuals to pursue public service as prosecutors but not as defenders. The criminal justice system works best when both sides are adequately represented. The public interest is served when indigent defendants have access to talented defenders. One of the ways to facilitate this goal is by granting loan cancellation benefits to defense attorneys.

Moreover, public defense attorneys meet all the eligibility requirements of the loan forgiveness program as set forth in current Federal regulations. They belong to publicly funded public defender agencies and they are sworn officers of the court whose principal responsibilities are unique to the criminal justice system and are essential in the performance of the agencies' primary mission. In addition, like prosecuting attorneys, public defenders are law enforcement officers dedicated to upholding, protecting, and enforcing our laws. Without public defense attorneys, the adversarial process of our criminal justice system could not operate.

I urge my colleague to join me, Senator CHAFEE, Senator FEINSTEIN, Senator BINGAMAN, Senator AKAKA, Senator KERRY, Senator SARBANES, Senator JOHNSON, and Senator INOUYE in supporting the goal of equalized access to legal resources, as set forth in the Constitution and elucidated by the Supreme Court, by providing parity to public defenders and allowing them to join prosecutors in receiving loan cancellation benefits.

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. 1112

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

SECTION 1. FEDERAL PERKINS LOAN CANCELLATION FOR PUBLIC DEFENDERS.

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

(1) The Department of Education has issued clarifications that prosecuting attorneys are among the class of law enforcement officers eligible for benefits under the Federal Perkins Loan cancellation program.

(2) Like prosecutors, public defenders also meet all the eligibility requirements of the Federal Perkins Loan cancellation program as set forth in Federal regulations.

(3) Public defenders are law enforcement officers who play an integral role in our Nation's adversarial legal process. Public defenders fill the Supreme Court mandated role requiring that counsel be appointed for the accused, by representing the interests of criminally accused indigent persons.

(4) In order to encourage highly qualified attorneys to serve as public defenders, public defenders should be included with prosecutors among the class of law enforcement officers eligible to receive benefits under the Federal Perkins Loan cancellation program.

(b) AMENDMENT.—Section 465(a)(2)(F) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(F)) is amended by inserting '', or as a full-time public defender for service to a local or State government, or to the Federal Government (directly or by a contract with a private, nonprofit organization)'' after ''agencies''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to—

(1) loans made under part E of title IV of the Higher Education Act of 1965, whether made before, on, or after the date of enactment of this Act; and

(2) service as a public defender that is provided on or after the date of enactment of this Act.

(d) CONSTRUCTION.—Nothing in this section or the amendment made by this section shall be construed to authorize the refunding of any repayment of a loan.

By Mr. SPECTER:

S. 1113. A bill to amend section 1562 of title 38, United States Code, to increase the amount of Medal of Honor Roll special pension, to provide for an annual adjustment in the amount of that special pension, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Mr. President, I have sought recognition at this time to comment on legislation that I have introduced today to increase the special pension that is available to Medal of Honor recipients, and to provide for automatic adjustments in that special pension to reflect annual increases in the cost of living. When the Congress enacted the Medal of Honor pension, it stated, in the 1916 Senate Report, Report No. 240, 64th Congress, accompanying enactment, that the special pension was then necessary to serve as a ''recognition of superior claims on the gratitude of the country,'' and to ''reward . . . in a modest way startling deeds of individual daring and audacious heroism in the face of mortal danger when war is on.'' The legislation that I have introduced today has the same two purposes: to recognize, and to reward, the ''startling deeds of

individual daring and audacious heroism'' to which every Medal of Honor recipient can lay claim.

No one can question that Medal of Honor recipients deserve the Nation's respect and gratitude. And no one could question a limited government pension is a proper sign of that respect and gratitude. I am concerned that some of the 149 surviving Medal of Honor recipients, there are only 149 such people among us, may struggle to make financial ends meet, notwithstanding the availability of the pension. The current $600 monthly amount is simply too small, in my estimation, to afford a minimum standard of living for our Nation's heroes given their expenses.

In 1997, the Congressional Medal of Honor Society suggested that the Medal of Honor pension level be set at $1,000 per month and that the level of the pension be adjusted thereafter on an annual basis to reflect increases in the annual cost of living. At that time, the Senate Committee on Veterans' Affairs, which I then had the privilege of chairing, succeeded in securing an increase in the pension from $400 to $600 per month, but we were not successful in persuading the House to approve an ''indexation'' feature. I believe a compelling argument could be made then, and still can be made now, to grant the entire increase suggested by the Congressional Medal of Honor Society and to approve the indexing of the benefit. I am pleased to offer legislation to that effect today.

Many Medal of Honor recipients, out of a sense of duty and patriotism, make frequent trips to provide accounts of their act of valor and, more importantly, to speak of the lessons learned in battle and the vigilance that freedom requires to this day. Countless young Americans have benefitted by the example of these most distinguished role models. Often, the expenses associated with these excursions are borne by the medal of Honor recipients themselves, men who, we must remember, emerged from, and, in most cases, returned to, the ordinary citizenry from whom America has always drawn her warriors. Testimony offered by AMVETS at a Veterans' Affairs Committee hearing on July 25, 1997, confirmed that the majority of Medal of Honor recipients live only on their social security benefits, supplemented by the Medal of Honor pension, giving them an average monthly income of only $1,600. It is unconscionable to think that we, as a country, can allow them to live so close to the poverty line.

I ask my colleagues to join with me, once again, to show our gratitude to the recipients of our Nation's highest honor. Let us show them—in this minor way—how grateful America truly is for their wonderful example.

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. 1113

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

SECTION 1. INCREASE AND ANNUAL ADJUSTMENT OF MEDAL OF HONOR ROLL SPECIAL PENSION.

(a) INCREASE IN AMOUNT.—Subsection (a) of section 1562 of title 38, United States Code, is amended by striking ''$600'' and inserting ''$1,000, as adjusted from time to time under subsection (e),''.

(b) ANNUAL ADJUSTMENT.—That section is further amended by adding at the end the following:

''(e) Effective as of December 1 each year, the Secretary shall increase the amount of monthly special pension payable under subsection (a) as of November 30 of such year by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1 of such year as a result of a determination under section 215(i) of that Act (42 U.S.C. 415(i)).''.

(c) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to months that begin on or after that date.

(2) The Secretary of Veterans Affairs shall not make any adjustment under subsection (e) of section 1562 of title 38, United States Code, as added by subsection (b) of this section, in 2001.

By Mr. SPECTER:

S. 1114. A bill to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill; to the Committee on Veterans' Affairs.

Mr. SPECTER. Mr. President, I have sought recognition at this time to comment briefly on legislation that I am introducing today to increase educational benefits paid to veterans under the Montgomery GI bill, MGIB. This bill is the same as a bill, H.R. 1291, that was passed by the House, under the leadership of the chairman of the House Committee on Veterans' Affairs, Representative CHRIS SMITH, on June 19, 2001, by a vote of 416–0. I introduce the same legislation here in the Senate, and I urge my colleagues to join with me to complete the task of increasing veterans' Montgomery GI bill benefits.

This legislation, once it is fully phased in over a three year period, would increase the basic monthly benefit paid to veterans with at least three years of service who have returned to school from $650 to $1,100. With this 85 percent increase in MGIB benefits, the largest percentage increase in the history of the Montgomery GI bill, a veteran with three years of service would be able to afford the average cost of tuition, fees, books, and room and board at a four-year public college or university, and still have money left over for transportation expenses or other personal expenses. The legislation would provide greater educational freedom for veterans who are constrained by the current benefit amount; it would open up the possibility of attendance at more expensive universities. And it would promote the national security interests of the United States by providing a substantial inducement for young men and women to serve in the military.

When I became chairman of the Senate Committee on Veterans' Affairs at the start of the 105th Congress in 1997, I committed to increasing MGIB benefits which, due to budget constraints, had been woefully inadequate. I am pleased to report that that picture has changed; the basic MGIB benefit has increased by 52 percent from $427 to 650 per month, and in addition, service members now have the opportunity to ''buy-up'' an additional $150 in monthly benefits, bringing the total level of available benefits to $800 per month, an increase of 87 percent since 1997. Despite this significant progress, however, I remain concerned that the benefit usage rate among young veterans is too low, and that it may not yet be a sufficient inducement to assist the Department of Defense in recruiting high quality young men and women to serve in the military.

Of the young veterans eligible for MGIB benefits, only 57 percent choose to avail themselves of this extraordinary opportunity. According to a recent report by the Department of Veterans Affairs, VA, a significant reason for this relatively low usage rate is the inadequacy of the benefit amount. MGIB benefits have simply not kept pace with rising education costs. As a consequence, veterans who use the benefit must compromise on the educational programs they select; a low percentage of MGIB users, only 12 percent, attend private institutions, and a relatively high percentage of MGIB users, 27 percent, enroll in two-year college programs. Now I do not undervalue the role, contributions, or quality of our two-year colleges. The fact is, however, that many veterans who would choose to attend four-year institutions, even public institutions, cannot afford to do so with the current level of benefits. My legislation would move us closer to the day when the only limitation on veterans' educational choice would be their own interests and aspirations.

One of the primary purposes of the MGIB is to assist the Department of Defense, DOD with service member recruitment. When DOD asked new recruits in 1997 to list the reasons they joined the military, money for college ranked second only to ''a chance to better myself in life'' among the answers given. Even so, tight labor market and the availability of other Federal education aid have resulted in DOD difficulty in meeting recruiting goals. The Assistant Secretary of Defense for Force Management Policy reports that a benefit level ''of approximately $1,000 per month . . . would increase high-quality accessions without having a negative impact on reenlistments. . . .'' Thus, my proposed legislation, which would, in phases, increase

the monthly benefit to $1,100, is consistent with DOD's position that increased MGIB benefits are necessary for it to attract high-quality recruits.

Attracting high-quality young men and women into the military is not only in the interest of the Department of Defense, it is in the national interest of all of our citizens. The United States Commission on National Security/21st Century, chaired by our former colleagues, Senators Gary Hart and Warren Rudman, recently called on Congress to enhance national security by ''significantly enhanc[ing] the Montgomery GI Bill'' by providing a benefit that would pay for the average education costs of four-year U.S. colleges. The Commission emphasized that the ''GI bill is both a strong recruitment tool and, more importantly, a valuable institutional reward for service to the nation in uniform.'' I thank the Commission for recognizing the important role the GI bill has played, and will continue to play, in ensuring the security of our country.

I commend the chairman of the House Committee on Veterans' Affairs, Representative CHRIS SMITH, who has taken the lead on this issue in the House during this first year of his chairmanship. Under Mr. SMITH's leadership, the House did its part on June 19, 2001, by passing H.R. 1291 by a resounding vote of 416–0. I urge my Senate colleagues to join with me to complete the task here in the Senate.

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. 1114

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

SECTION 1. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) IN GENERAL.—(1) Section 3015(a)(1) of title 38, United States Code, is amended to read as follows:

''(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

''(A) for months occurring during fiscal year 2002, $800,

''(B) for months occurring during fiscal year 2003, $950,

''(C) for months occurring during fiscal year 2004, $1,100, and

''(D) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or''.

(2) Section 3015(b)(1) of such title is amended to read as follows:

''(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

''(A) for months occurring during fiscal year 2002, $650,

''(B) for months occurring during fiscal year 2003, $772,

''(C) for months occurring during fiscal year 2004, $894, and

''(D) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or''.

(b) CPI ADJUSTMENT.—No adjustment in rates of educational assistance shall be made under section 3015(h) of title 38, United States Code, for fiscal years 2002, 2003, and 2004.

By Mr. KENNEDY (for himself, Mr. STEVENS, Mr. INOUYE, Mrs. HUTCHISON, and Mr. CORZINE):

S. 1115. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues Senator STEVENS, Senator INOUYE, Senator HUTCHISON, and Senator CORZINE in introducing the Comprehensive Tuberculosis Elimination Act. This bipartisan legislation will provide enhanced authority and greater resources to State, local and Federal health officials to do all they can to combat this deadly infectious disease in our country.

Tuberculosis is the world's leading infectious killer. Its growth has been propelled by the global HIV epidemic, and multi-drug resistant strains have become increasingly prevalent around the world. The World Health Organization estimates that more than one-third of the world's population is infected with tuberculosis. Every year, there are 8 million new cases of active tuberculosis and 2 million deaths from tuberculosis. This disease causes more deaths among women worldwide than all other causes of maternal death combined.

These harrowing statistics illustrate the truth behind the saying that diseases know no borders. Senators INOUYE, STEVENS, and HUTCHISON and I have already introduced the Stop TB Now Act, which focuses on international tuberculosis control. The bill we are introducing today will deal with tuberculosis in our own country. Only through enactment of both of these measures can we be sure of defeating this readily treatable and preventable disease.

Today's bill is intended to fulfill the recommendations of the landmark report issued by the Institute of Medicine last year, entitled ''Ending Neglect: The Elimination of Tuberculosis in the United States.'' Our measure will create a national plan for the eradication of tuberculosis. It will enhance tuberculosis-related research, education and training through the Centers for Disease Control and Prevention. It will also expand support for vaccine research and for international tuberculosis research through the National Institutes of Health.

In the United States, tuberculosis has been going through what the Institute of Medicine calls ''recurrent cycles of neglect'' by public health authorities, ''followed by resurgence'' of the disease. In the late nineteenth century, tuberculosis was one of the leading causes of death in America. As cities swelled with waves of European immigration, millions of individuals and families were forced into overcrowded tenements and unhealthy workplaces. Many fell victim to outbreaks of deadly infectious diseases. In 1886, the leading cause of death among infants was tuberculosis, followed by infant diarrhea.

Although medical science and public health were in their infancy in those days, the need to combat tuberculosis was clear even then. In 1882, Robert Kock first isolated the organism that causes this disease, providing physicians and scientists with a microbial foundation for science-based public health action. In the early twentieth century, health advocates and physicians formed an association dedicated to fighting tuberculosis, which today is the American Lung Association. Their work helped to bring about more sanitary living conditions and workplaces for the poor, stronger public health laws, and the use of sanatoriums to treat people with tuberculosis.

In this century, the possibility of actually eradicating tuberculosis arose following the development of effective antibiotics in the 1950s. But the country failed to capitalize on scientific opportunities or undertake the kind of broad public health campaign that we undertook so successfully against polio. As a result, scientific interest and public health funding for tuberculosis control waned in the following decades. After years of decline, specific Federal funding for tuberculosis control was actually eliminated in 1972.

Our country paid the price for this complacency in the 1980s. A resurgence of cases and an alarming growth in the prevalence of drug-resistant tuberculosis strains challenged public health and shook the confidence of experts. Through great effort and difficulty, we renewed our national commitment to fighting tuberculosis. But the effort took longer than necessary, and the Nation suffered needless deaths and illness as we worked to bring the number of new tuberculosis cases to its current, all-time low.

Today, we have a historic opportunity to eradicate tuberculosis in the United States. We have a generation of public health officials who have lived through and successfully combated the recent resurgence of the disease. And we have expert recommendations from both the Federal Advisory Council for the Elimination of Tuberculosis and the Institute of Medicine to guide our efforts.

This legislation is supported by leading public health organizations, including the American Lung Association, the American Thoracic Society, the National Coalition to Eliminate Tuberculosis and RESULTS International. Its enactment can be an essential in achieving to fulfilling this important and long overdue public health goal, and I urge the Senate to approve it.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. KENNEDY, Mrs. HUTCHISON, and Mr. CORZINE):

S. 1116. A bill amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control; to the Committee on Foreign Relations.

Mr. INOUYE. Mr. President, I rise today to join my colleagues, Senator STEVENS, Senator KENNEDY, Senator HUTCHISON, and Senator CORZINE, to introduce the Stop Tuberculosis Now Act of 2001, a bill that responds to the dire need of the United States and the rest of the world to stop the terrible infection that is threatening citizens in every country of the world.

Tuberculosis is the biggest killer of young women and people with AIDS in the world today, and two million people will die of tuberculosis this year alone. Although tuberculosis is preventable and treatable, last year there were more than 17,000 new cases of tuberculosis in the U.S. Among these cases were new strains of tuberculosis that are resistant to many traditional antibiotics that were very successful in the past. Due to its infectious and resistant nature, tuberculosis cannot be stopped at national borders, and virtually every international airport in the U.S. therefore is a port of entry for carriers of tuberculosis. Thus, it will be impossible to control tuberculosis in the U.S. until we control it worldwide.

Because of this dire situation, we are introducing the ''Stop Tuberculosis Now Act,'' which calls for a U.S. investment in international tuberculosis control of $200 million in 2002, with a focus on expanding the proven, low cost direct observation therapy system, DOTS, tuberculosis treatment for countries with high rates of tuberculosis infection. DOTS tuberculosis treatment involves a health worker observing and ensuring tuberculosis patients take their prescribed medication that is needed to stop a tuberculosis infection successfully. The current projection for implementing an international tuberculosis treatment program is $1 billion. The U.S. share of this program would be $200 million. This is a small price to pay in order to stop this terrible infectious disease which brings such misery and death, to the U.S. and the rest of the world.

This bill would amend the Foreign Assistance Act of 1961 and declare that a major objective of the U.S. foreign assistance program is to control tuberculosis. Congress would designate the World Health Organization and other health organizations to develop and implement a comprehensive tuberculosis control program, including expanding the use of the strategy of DOTS tuberculosis treatment method and strategies to address multi-drug resistant tuberculosis. The particular focus of this program would be in countries with the highest rates of tuberculosis infection. The program would set as goals the cure of at least 95 percent of tuberculosis cases detected and the reduction of tuberculosis related deaths by 50 percent, by December 31, 2010.

I ask unanimous consent that the test the bill be printed in the RECORD.

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

S. 1116

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 ''Stop Tuberculosis (TB) Now Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1)(A) Tuberculosis is one of the greatest infectious causes of death of adults worldwide, killing 2,000,000 people per year—one person every 15 seconds.

(B) Globally, tuberculosis is the leading cause of death of young women and the leading cause of death of people with HIV/AIDS.

(2) An estimated 8,000,000 individuals develop active tuberculosis each year.

(3) Tuberculosis is spreading as a result of inadequate treatment and it is a disease that knows no national borders.

(4) With over 40 percent of tuberculosis cases in the United States attributable to foreign-born individuals and with the increase in international travel, commerce, and migration, elimination of tuberculosis in the United States depends on efforts to control the disease in developing countries.

(5) The threat that tuberculosis poses for Americans derives from the global spread of tuberculosis and the emergence and spread of strains of multi-drug resistant tuberculosis (MDR–TB).

(6) Up to 50,000,000 individuals may be infected with multi-drug resistant tuberculosis.

(7) In the United States, tuberculosis treatment, normally about $2,000 per patient, skyrockets to as much as $250,000 per patient to treat multi-drug resistant tuberculosis, and treatment may not even be successful.

(8) Multi-drug resistant tuberculosis kills more than one-half of those individuals infected in the United States and other industrialized nations and without access to treatment it is a virtual death sentence in the developing world.

(9) There is a highly effective and inexpensive treatment for tuberculosis. Recommended by the World Health Organization as the best curative method for tuberculosis, this strategy, known as directly observed treatment, short course (DOTS), includes low-cost effective diagnosis, treatment, monitoring, and recordkeeping, as well as a reliable drug supply. A centerpiece of DOTS is observing patients to ensure that they take their medication and complete treatment.

SEC. 3. ASSISTANCE FOR TUBERCULOSIS PREVENTION, TREATMENT, AND CONTROL.

(a) ADDITIONAL PREVENTION, TREATMENT, AND CONTROL.—Section 104(c)(7)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(7)(A)) is amended—

(1) in clause (i), by adding at the end before the semicolon the following: '', by expanding the use of the strategy known as directly observed treatment, short course (DOTS) and strategies to address multi-drug resistant tuberculosis (MDR–TB) where appropriate at the local level, particularly in countries with the highest rate of tuberculosis''; and

(2) in clause (ii)—

(A) by inserting after ''the cure of at least 95 percent of the cases detected'' the following: ''by focusing efforts on the use of the directly observed treatment, short course (DOTS) strategy or other internationally accepted primary tuberculosis control strategies''; and

(B) by striking ''and the cure'' and inserting ''the cure''.

(b) FUNDING REQUIREMENT.—Section 104(c)(7) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(7)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) In carrying out this paragraph, not less than 75 percent of the amount appropriated pursuant to the authorization of appropriations under subparagraph (D) shall be used for the diagnosis and treatment of tuberculosis for at-risk and affected populations utilizing directly observed treatment, short course (DOTS) strategy or other internationally accepted primary tuberculosis control strategies developed in consultation with the World Health Organization (WHO), including funding for the Global Tuberculosis Drug Facility of WHO's Stop TB Partnership.''.

(c) ANNUAL REPORT.—Section 104(c)(7) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(7)) is amended—

(1) by redesignating subparagraph (C) (as redesignated by this Act) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) In conjunction with the transmission of the annual request for enactment of authorizations and appropriations for foreign assistance programs for each fiscal year, the President shall transmit to Congress a report that contains a summary of all programs, projects, and activities carried out under this paragraph for the preceding fiscal year, including a description of the extent to which such programs, projects, and activities have made progress to achieve the goals described in subparagraph (A)(ii).''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Subparagraph (D) of section 104(c)(7) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(7)), as redesignated by this Act, is amended by striking ''$60,000,000 for each of the fiscal years 2001 and 2002'' and inserting ''$60,000,000 for fiscal year 2001 and $200,000,000 for fiscal year 2002''.

By Ms. LANDRIEU:

S. 1117. A bill to establish the policy of the United States for reducing the number of nuclear warheads in the United States and Russian arsenals, for reducing the number of nuclear weapons of those two nations that are on high alert, and for expanding and accelerating programs to prevent diversion and proliferation of Russian nuclear weapons, fissile materials, and nuclear expertise; to the Committee on Foreign Relations.

Ms. LANDRIEU. Mr. President, when Winston Churchill addressed the student body at Westminister College in 1946, he declared to the United States that ''with primacy of power is also joined an awe-inspiring accountability to the future . . . you must not only feel the sense of duty done, but also the anxiety lest you fall below that level of achievement.'' Over the course of the cold war, we did not fail in our duty, nor should we in the new century.

In the same speech he laid before the whole world the rhetoric that would define the cold war. In describing the Sphere of Soviet dominance in Eastern Europe, Mr. Churchill described an Iron Curtain which the ancient capitals of Warsaw, Prague, and Budapest were

held. With the fall of communism in the early part of the last decade, the United States has had to re-shape its review of Eastern Europe. No longer do we view the countries of Poland, the Czech Republic, or Hungary as isolated adversaries, but as partners in the very alliance that carried us through the cold war. In the same way that we have looked to reforming our relationship with the countries of the old Warsaw Pact we must find new ways to view Russia. It is difficult to fathom that in the 21st century we view Russia as a declared ally on the world stage while maintaining a nuclear posture at home which treats her as an enemy. It is time that we transform our nuclear doctrine from one that reflects the thinking of the cold war to one that fits in the context of the 21st century and addresses what is perhaps the greatest threat to our security.

When President Bush met with Mr. Putin a few weeks ago, he expressed that the United States and Russia can find a ''common position'' on a ''new strategic framework''. President Bush declared that the two countries are friends and that it is time for the U.S. and Russia to act that way. In context of this historic meeting, it is time that we ''work together to address the world as it is, not as it used to be, it is important that we not only talk differently, we must also act differently.''

I rise today to introduce legislation that would direct the President to seek in his own words: '' . . . a broad strategy of active non-proliferation . . . to deny weapons of terror from those seeking to acquire them . . . and to work with allies and friends who wish to join us to defend against the harm they, WMD can inflict''

The Nuclear threat Reduction Act of 2001, NTRA, would make it the policy of the United States to reduce the number of nuclear warheads and delivery systems held by the U.S. and Russia through bilateral agreements. These reductions should fall to the lowest possible number consistent with national security. It would enable the President to reduce our nuclear stockpile while negotiating such reductions with the Russians that are transparent, predictable and verifiable. To do such a thing would be a mark of principled leadership. It would acknowledge that it is no longer necessary to maintain large stockpiles of nuclear arms by the United States and Russia and that to continue to do so would be unacceptable.

On May 23,2000 President Bush stated ''The premises of cold war targeting should no longer dictate the size of our arsenal.'' I could not agree with the President more. The current level of nuclear weapons maintained by the United States comes at a great cost to ourselves financially and poses a significant threat to our security. The level of nuclear protection that we maintain forces the Russians to keep a similarly robust force which they cannot afford. The crumbling infrastructure of the Russian Military continually raises the risk of accidental launch or greater proliferation. Indeed, the legislation being considered today would ensure that once parts of the Russian arsenal are dismantled, they will be kept safe, they will be accounted for, and they will eventually be destroyed.

The savings from reducing our nuclear arsenal are substantial. A recent CBO report estimated that $1.67 billion could be saved by retiring 50 MX Peacekeeper missiles by 2003. We could use this money to address shortfalls in our conventional capabilities. Additionally, we can devote more funds to meeting the asymmetrical threats that will face us in the future. To invest in deterrents to cyberwarfare and to augment spending on homeland defense would be the best way to transform our thinking and spending from the Cold War to the twenty-first century.

In addition to this, the Nuclear Threat Reduction Act would encourage the U.S. and Russia to take their systems off of high-alert status. In the context of the cold war, such a strategy was necessary to ensure our security, but it no longer applies to present conditions.

The Nuclear Threat Reduction Act would also embolden existing Department of State, Energy, and Defense programs that seek to contain existing nuclear weapons material and expertise in Russia. The economic situation in Russia makes it more and more likely that a rouge state will acquire the means to manufacture nuclear weapons. This could come through the distribution of nuclear material or the exodus of Russian scientists. Our former colleague Sen Nunn put it best when he said ''We dare not risk a world where a Russian scientist can take care of his children by endangering ours.'' The cost to the United States is minuscule compared to the threat of nuclear proliferation. Work on this serious issue has already been addressed by the Nunn-Lugar bill, but it is time that we further our efforts.

In January of this year, a task force headed by Howard Baker and Lloyd Cutler issued a report calling the proliferation of the Russian nuclear stockpile ''The most serious threat to national security we face today''. The Baker-Cutler Task Force strongly endorsed existing non-proliferation programs and suggested that their goals could be achieved in 8–10 years if they are fully funded. Increased support for these programs will certainly bring them more in line with the immediacy and scope of the dangers that they address.

The NTRA requires the President to formulate and submit to Congress a strategic plan to secure and neutralize Russia's nuclear weapons and weapons-usable materials over the next eight years. The plan would have to include the administrative and organizational reforms necessary to provide effective coordination of these programs and to reflect the priority that the President attaches to them. The President himself has advocated such a strategy and I call on him to implement it.

Finally, the NTRA requires the President to submit a report to Congress on the feasibility of establishing a ''debt for security'' program with Russia. Under this concept, a portion of Russia's debts to various major powers would be forgiven in exchange for a Russian commitment to devoting those funds to non-proliferation activities. If successful, such a program could significantly help Russia's secure, account for, and neutralize its weapons materials.

In closing, The Nuclear Reduction Act of 2001 would help us fulfill the duty that comes with being the world's last remaining super power. By preventing the spread of nuclear materials and technology, reducing the nuclear stockpiles of the United States and Russia, and by taking our missiles off of high-alert status, we can fulfill that duty. I ask the other Members of the Senate to join me in support of this measure.

AMENDMENTS SUBMITTED AND PROPOSED

SA 819. Mr. THOMPSON 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.

SA 820. Mr. MCCAIN (for himself, Mr. BAYH, Mr. CARPER, and Mr. EDWARDS) proposed an amendment to the bill S. 1052, supra.

SA 821. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1052, supra; which was ordered to lie on the table.

SA 822. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1052, supra; which was ordered to lie on the table.

SA 823. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1052, supra; which was ordered to lie on the table.

SA 824. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1052, supra; which was ordered to lie on the table.

SA 825. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1052, supra; which was ordered to lie on the table.

SA 826. Ms. COLLINS (for herself, Mr. NELSON, of Nebraska, Mr. ENZI, Mr. VOINOVICH, Mr. HUTCHINSON, and Mr. ROBERTS) proposed an amendment to the bill S. 1052, supra.

SA 827. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1052, supra; which was ordered to lie on the table.

SA 828. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1052, supra; which was ordered to lie on the table.

SA 829. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1052, supra; which was ordered to lie on the table.

SA 830. Mr. BREAUX (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. MCCAIN, and Mr. EDWARDS) proposed an amendment to the bill S. 1052, supra.

TEXT OF AMENDMENTS

SA 819. Mr. THOMPSON 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:

On page 150, strike line 17 and all that follows through page 153, line 8, and insert the following:

''(9) REQUIREMENT OF EXHAUSTION.—

''(A) IN GENERAL.—A cause of action may not be brought under paragraph (1) in connection with any denial of a claim for benefits of any individual until all administrative processes under sections 102 and 103 of the Bipartisan Patient Protection Act of 2001 (if applicable) have been exhausted.

''(B) EXCEPTION FOR NEEDED CARE.—A participant or beneficiary may seek relief exclusively in Federal court under subsection 502(a)(1)(B) prior to the exhaustion of administrative remedies under sections 102, 103, or 104 of the Bipartisan Patient Protection Act (as required under subparagraph (A)) if it is demonstrated to the court that the exhaustion of such remedies would cause irreparable harm to the health of the participant or beneficiary. Notwithstanding the awarding of relief under subsection 502(a)(1)(B) pursuant to this subparagraph, no relief shall be available as a result of, or arising under, paragraph (1)(A) or paragraph (10)(B), with respect to a participant or beneficiary, unless the requirements of subparagraph (A) are met.

''(C) RECEIPT OF BENEFITS DURING APPEALS PROCESS.—Receipt by the participant or beneficiary of the benefits involved in the claim for benefits during the pendency of any administrative processes referred to in subparagraph (A) or of any action commenced under this subsection—

''(i) shall not preclude continuation of all such administrative processes to their conclusion if so moved by any party, and

''(ii) shall not preclude any liability under subsection (a)(1)(C) and this subsection in connection with such claim.

The court in any action commenced under this subsection shall take into account any receipt of benefits during such administrative processes or such action in determining the amount of the damages awarded.

''(D) ADMISSIBLE.—Any determination made by a reviewer in an administrative proceeding under section 103 of the Bipartisan Patient Protection Act of 2001 shall be admissible in any Federal court proceeding and shall be presented to the trier of fact.

On page 165, strike line 15 and all that follows through page 168, line 3, and insert the following:

''(4) REQUIREMENT OF EXHAUSTION.—

''(A) IN GENERAL.—A cause of action may not be brought under paragraph (1) in connection with any denial of a claim for benefits of any individual until all administrative processes under sections 102, 103, and 104 of the Bipartisan Patient Protection Act of 2001 (if applicable) have been exhausted.

''(B) EXCEPTION FOR NEEDED CARE.—A participant or beneficiary may seek relief exclusively in Federal court under subsection 502(a)(1)(B) prior to the exhaustion of administrative remedies under sections 102, 103, or 104 of the Bipartisan Patient Protection Act (as required under subparagraph (A)) if it is demonstrated to the court that the exhaustion of such remedies would cause irreparable harm to the health of the participant or beneficiary. Notwithstanding the awarding of relief under subsection 502(a)(1)(B) pursuant to this subparagraph, no relief shall be available as a result of, or arising under, paragraph (1)(A) unless the requirements of subparagraph (A) are met.

''(C) RECEIPT OF BENEFITS DURING APPEALS PROCESS.—Receipt by the participant or beneficiary of the benefits involved in the claim for benefits during the pendency of any administrative processes referred to in subparagraph (A) or of any action commenced under this subsection—

''(i) shall not preclude continuation of all such administrative processes to their conclusion if so moved by any party, and

''(ii) shall not preclude any liability under subsection (a)(1)(C) and this subsection in connection with such claim.

''(D) ADMISSIBLE.—Any determination made by a reviewer in an administrative proceeding under section 104 of the Bipartisan Patient Protection Act of 2001 shall be admissible in any Federal or State court proceeding and shall be presented to the trier of fact.

SA 820. Mr. MCCAIN (for himself, Mr. BAYH, Mr. CARPER, 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:

On page 36 line 5, strike ''except'' and all that follows through ''(2)'' on line 8.

On page 62, between lines 10 and 11, insert the following:

(V) Compliance with the requirement of subsection (d)(1) that only medically reviewable decisions shall be the subject of independent medical review and with the requirement of subsection (d)(3) that independent medical reviewers may not require coverage for specifically excluded benefits.

On page 62, line 20, after the period insert the following: ''The Secretary, or organization, shall revoke a certification or deny a recertification with respect to an entity if there is a showing that the entity has a pattern or practice of ordering coverage for benefits that are specifically excluded under the plan or coverage.''.

On page 62, between lines 20 and 21, insert the following:

(vii) PETITION FOR DENIAL OR WITHDRAWAL.—An individual may petition the Secretary, or an organization providing the certification involves, for a denial of recertification or a withdrawal of a certification with respect to an entity under this subparagraph if there is a pattern or practice of such entity failing to meet a requirement of this section.

On page 66, between lines 10 and 11, insert the following:

(5) REPORT.—Not later than 12 months after the general effective date referred to in section 401, the General Accounting Office shall prepare and submit to the appropriate committees of Congress a report concerning—

(A) the information that is provided under paragraph (3)(D);

(B) the number of denials that have been upheld by independent medical reviewers and the number of denials that have been reversed by such reviewers; and

(C) the extent to which independent medical reviewers are requiring coverage for benefits that are specifically excluded under the plan or coverage.

SA 821. Mr. ALLARD 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 148, between lines 23 and 24, insert the following:

''(D) EXCLUSION OF SMALL EMPLOYERS.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, in addition to excluding certain physicians, other health care professionals, and certain hospitals from liability under paragraph (1), paragraph (1)(A) does not create any liability on the part of a small employer (or on the part of an employee of such an employer acting within the scope of employment).

''(ii) DEFINITION.—In clause (i), the term 'small employer' means an employer——

''(I) that, during the calendar year preceding the calendar year for which a determination under this subparagraph is being made, employed an average of at least 2 but not more than 15 employees on business days; and

''(II) maintaining the plan involved that is acting, serving, or functioning as a fiduciary, trustee or plan administrator, including——

''(aa) a small employer described in section 3(16)(B)(i) with respect to a plan maintained by a single employer; and

''(bb) one or more small employers or employee organizations described in section 3(16)(B)(iii) in the case of a multi-employer plan.

''(iii) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subparagraph:

''(I) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

''(II) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(III) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

On page 165, between lines 14 and 15, insert the following:

''(D) EXCLUSION OF SMALL EMPLOYERS.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, in addition to excluding certain physicians, other health care professionals, and certain hospitals from liability under paragraph (1), paragraph (1)(A) does not create any liability on the part of a small employer (or on the part of an employee of such an employer acting within the scope of employment).

''(ii) DEFINITION.—In clause (i), the term ''small employer' means an employer—

''(I) that, during the calendar year preceding the calendar year for which a determination under this subparagraph is being made, employed an average of at least 2 but not more than 15 employees on business days; and

''(II) maintaining the plan involved that is acting, serving, or functioning as a fiduciary, trustee or plan administrator, including—

''(aa) a small employer described in section 3(16)(B)(i) with respect to a plan maintained by a single employer; and

''(bb) one or more small employers or employee organizations described in section 3(16)(B)(iii) in the case of a multi-employer plan.

''(iii) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subparagraph:

''(I) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

''(II) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(III) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.''

SA 822. Mr. ALLARD 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:

At the end of the bill, add the following:

SEC. . TEN-YEAR EXTENSION OF MEDICARE COST CONTRACTS.

Section 1876(h)(5)(C) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)), as redesignated by section 634(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–568), as enacted into law by section 1(a)(6) of Public Law 106–554), is amended by striking ''2004'' and inserting ''2014''.

SA 823. Mr. ALLARD 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:

At the end of the bill, add the following:

SEC. . NINE-YEAR EXTENSION OF MEDICARE COST CONTRACTS

Section 1876(h)(5)(C) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)), as redesignated by section 634(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–568), as enacted into law by section 1(a)(6) of Public Law 106–554), is amended by striking ''2004'' and inserting ''2013''.

SA 824. Mr. ALLARD 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:

At the end of the bill, add the following:

SEC. . NINE-YEAR EXTENSION OF MEDICARE COST CONTRACTS

Section 1876(h)(5)(C) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)), as redesignated by section 634(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–568), as enacted into law by section 1(a)(6) of Public Law 106–554), is amended by striking ''2004'' and inserting ''2012''.

SA 825. Mr. ALLARD 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:

At the end of the bill, add the following:

SEC. . SEVEN-YEAR EXTENSION OF MEDICARE COST CONTRACTS.

Section 1876(h)(5)(C) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)), as redesignated by section 634(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–568), as enacted into law by section 1(a)(6) of Public Law 106–554), is amended by striking ''2004'' and inserting ''2011''.

SA 826. Ms. COLLINS (for herself, Mr. NELSON of Nebraska, Mr. ENZI, Mr. VOINOVICH, Mr. HUTCHINSON, and Mr. ROBERTS) 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:

Beginning on page 122, strike line 19 and all that follows through line 16 on page 129, and insert the following:

SEC. 152. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION.

(a) GENERAL RULE.—

(1) NO PREEMPTION.—

(A) IN GENERAL.—Subject to paragraph (2), nothing in subtitles B, C or D shall be construed to preempt or supersede any provision of State law that is enacted prior to the effective date that establishes, implements, or continues in effect any standard or requirement relating to health insurance issuers (in connection with group health insurance coverage or otherwise) and non-Federal governmental plans with respect to a patient protection requirement.

(B) NOTIFICATION.—Subparagraph (A) shall apply to a State that has, by not later than the effective date, submitted a notice to the Secretary of the existence of a State law described in such subparagraph.

(2) APPEALS.—Subtitle A shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers in connection with individual health insurance coverage and to non-Federal governmental plans except to the extent that such standard or requirement prevents the application of a requirement of such subtitle.

(3) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this title shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) with respect to group health plans.

(b) STATE CERTIFICATION.—

(1) IN GENERAL.—Effective beginning on the effective date, a State shall submit to the Secretary a certification that—

(A) the State has enacted one or more State laws or regulations that are consistent with the purposes of the patient protection requirements of this title, with respect to health insurance coverage that is issued in the State, including group coverage, individual coverage, and coverage under non-Federal governmental plans;

(B) the State has not enacted a law described in subparagraph (A) because of the adverse impact that such a law would have on premiums paid for health care coverage in the State and the adverse impact that such increases in premiums would have on the number of individuals in the State with health insurance coverage; or

(C) the State has not enacted a law described in subparagraph (A) because the existence of a managed care market in the State is negligible.

(2) RECEIPT AND REVIEW BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall—

(i) promptly review a certification submitted under paragraph (1); and

(ii) approve the certification unless the Secretary finds that there is no rational basis for such approval.

(B) APPROVAL DEADLINES.—

(i) INITIAL REVIEW.—A certification under paragraph (1) is considered approved unless the Secretary notifies the State in writing, within 90 days after the date of receipt of the certification—

(I) that the certification is disapproved because there is no rational basis for the certification;

(II) with respect to a certification described in paragraph (1)(A), that the Secretary determined that the State law does not provide for patient protections that are consistent with the purposes of the patient protection requirement to which the law relates; or

(III) that specified additional information is needed.

A notice under this clause shall include an explanation of the basis for the determination of the Secretary and shall identify specific deficiencies in the State certification.

(ii) ADDITIONAL INFORMATION.—With respect to a State that has been notified by the Secretary under clause (i)(III) that specified additional information is needed, the Secretary shall make a determination with respect to such certification within 60 days after the date on which such specified additional information is received by the Secretary.

(C) APPROVAL FOR FAILURE TO MEET DEADLINE.—If the Secretary fails to meet the deadline applicable under subparagraph (B) with respect to a State certification, the certification shall be deemed to be approved.

(D) STATE CHALLENGE.—A State that has a certification disapproved by the Secretary under subparagraph (A) may challenge such disapproval in the appropriate United States district court.

(3) CERTIFICATION OF ALL OR SELECTIVE PROTECTIONS.—A certification under this subsection may be submitted with respect to all patient protection requirements or selective requirements.

(4) TERMINATION OF CERTIFICATION.—

(A) IN GENERAL.—The Secretary, not more frequently than once every 5 years, may request that a State with respect to which a certification has been approved under this subsection, submit an assurance to the Secretary that with respect to a certification, the assurances contained in the certification are still applicable with respect to the State.

(B) TERMINATION.—If a State fails to submit an assurance to the Secretary under subparagraph (A) within the 60-day period beginning on the date on which the Secretary makes a request for such an assurance, the certification applicable to the State under this section shall terminate.

(5) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State from submitting more than one certification under paragraph (1).

(c) EFFECT OF CERTIFICATION.—

(1) IN GENERAL.—A State that has submitted—

(A) a notice under subsection (a)(1)(B); or

(B) a certification that has been approved by the Secretary under subsection (b);

with respect to all of the patient protection requirements shall be eligible to receive a grant under subsection (d).

(2) EFFECT OF TERMINATION.—A State that has a certification terminated under subsection (b)(4) shall not be eligible to receive grant funds under subsection (d) until such time as the State has a new certification in effect.

(3) RULE OF CONSTRUCTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this Act shall be construed to apply any patient protection requirement in a State unless the State enacts a State law with respect to such application.

(B) SELF-INSURED PLANS.—Notwithstanding this section, the patient protection requirements of this Act shall apply to self-insured group health plans as provided for under section 714 of the Employee Retirement Income Security Act.

(d) PATIENT QUALITY ENHANCEMENT GRANTS.—

(1) IN GENERAL.—Beginning on the effective date, the Secretary shall award grants to eligible States to enable such States to carry out activities to promote high quality health care.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a State shall—

(A) be a State described in subsection (c)(1); and

(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) USE OF FUNDS.—A State may use amounts awarded under a grant under this subsection to carry out activities to promote increased health care quality, educate consumers on health care products, provide health care coverage, improve patient safety, carry out enforcement activities with respect to compliance with State patient protection laws, and carry out other activities determined appropriate by the Secretary.

(4) FORMULA.—The Secretary shall determine the amount of each grant based on the population of the State relative to other eligible States.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $500,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State with a certification that has been approved under subsection (b) from amending or otherwise modifying State laws or regulations that the approval was based upon.

(f) LIMITATION ON DELEGATION OF FUNCTIONS.—The Secretary may not delegate the duties and authority provided to the Secretary under this section to the Center for Medicare and Medicaid Services.

(g) NONAPPLICABILITY OF PROVISIONS.—Nothing in this section shall be construed to apply the patient protection requirements to States except as specifically provided for in this section.

(h) DEFINITIONS.—In this section:

(1) EFFECTIVE DATE.—The term ''effective date'' means October 1, 2002.

(2) PATIENT PROTECTION REQUIREMENT.—The term ''patient protection requirement'' means any one or more of the following requirements:

(A) Section 111 (relating to consumer choice option) with respect to non-Federal governmental plans only.

(B) Section 112 (relating to choice of health care professional).

(C) Section 113 (relating to access to emergency care).

(D) Section 114 (relating to timely access to specialists).

(E) Section 115 (relating to patient access to obstetric and gynecological care).

(F) Section 116 (relating to access to pediatric care).

(G) Section 117 (relating to continuity of care), but only insofar as a replacement issuer assumes the obligation for continuity of care.

(H) Section 118 (relating to access to needed prescription drugs).

(I) Section 119 (relating to coverage for individuals participating in approved clinical trials).

(J) Section 120 (relating to required coverage for minimum hospital stays).

(K) Section 121 (relating to access to information).

(L) A prohibition under—

(i) section 131 (relating to prohibition of interference with certain medical communications);

(ii) section 132 (relating to prohibition of discrimination against providers based on licensure); and

(iii) section 133 (relating to prohibition against improper incentive arrangements.)

(M) Section 134 (relating to the payment of claims).

(N) Section 135 (relating to protection for patient advocacy).

(3) STATE, STATE LAW.—The terms ''State'' and ''State law'' shall have the meanings given such terms in section 2723(d) of the Public Health Service Act (42 U.S.C. 300gg-23(d)).

SA 827. Mr. DOMENICI 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:

At the appropriate place in title V, insert the following:

SEC. . RADIATION EXPOSURE COMPENSATION ACT.

(a) IN GENERAL.—Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in the subsection heading by striking the first 2 words and inserting ''INDEFINITE''; and

(2) by striking ''authorized to be''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2001.

SA 828. Mrs. HUTCHISON submitted an amendment intended to be proposed by her 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:

Beginning on page 98, strike line 2 and all that follows through line 21 on page 109, and insert the following:

SEC. 121. PATIENT ACCESS TO INFORMATION.

(a) REQUIREMENT.—

(1) DISCLOSURE.—

(A) IN GENERAL.—A group health plan, and a health insurance issuer that provides coverage in connection with health insurance coverage, shall provide for the disclosure to participants, beneficiaries, and enrollees—

(i) of the information described in subsection (b) at the time of the initial enrollment of the participant, beneficiary, or enrollee under the plan or coverage;

(ii) of such information on an annual basis—

(I) in conjunction with the election period of the plan or coverage if the plan or coverage has such an election period; or

(II) in the case of a plan or coverage that does not have an election period, in conjunction with the beginning of the plan or coverage year;

(iii) of information relating to any material reduction to the benefits or information described in such subsection or subsection (c), in the form of a notice provided not later than 30 days before the date on which the reduction takes effect; and

(iv) of information relating to the disenrollment of a participant, beneficiary, or enrollee or relating to the plan or issuer otherwise reducing coverage or benefits as described in clause (iii), in the form of a notice provided not later than 30 days before the date on which the disenrollment or reduction takes effect.

(B) PARTICIPANTS, BENEFICIARIES, AND ENROLLEES.—The disclosure required under subparagraph (A) shall be provided—

(i) jointly to each participant, beneficiary, and enrollee who reside at the same address; or

(ii) in the case of a beneficiary or enrollee who does not reside at the same address as the participant or another enrollee, separately to the participant or other enrollees and such beneficiary or enrollee.

(2) PROVISION OF INFORMATION.—Information shall be provided to participants, beneficiaries, and enrollees under this section at the last known address maintained by the plan or issuer with respect to such participants, beneficiaries, or enrollees, to the extent that such information is provided to participants, beneficiaries, or enrollees via the United States Postal Service or other private delivery service.

(b) REQUIRED INFORMATION.—The informational materials to be distributed under this section shall include for each option available under the group health plan or health insurance coverage the following:

(1) BENEFITS.—A description of the covered benefits, including—

(A) any in- and out-of-network benefits;

(B) specific preventive services covered under the plan or coverage if such services are covered;

(C) any specific exclusions or express limitations of benefits described in section 104(b)(3)(C);

(D) any other benefit limitations, including any annual or lifetime benefit limits and any monetary limits or limits on the number of visits, days, or services, and any specific coverage exclusions; and

(E) any definition of medical necessity used in making coverage determinations by the plan, issuer, or claims administrator.

(2) COST SHARING.—A description of any cost-sharing requirements, including—

(A) any premiums, deductibles, coinsurance, copayment amounts, and liability for balance billing, for which the participant, beneficiary, or enrollee will be responsible under each option available under the plan;

(B) any maximum out-of-pocket expense for which the participant, beneficiary, or enrollee may be liable;

(C) any cost-sharing requirements for out-of-network benefits or services received from nonparticipating providers; and

(D) any additional cost-sharing or charges for benefits and services that are furnished without meeting applicable plan or coverage requirements, such as prior authorization or precertification.

(3) COMPENSATION METHODS.—A summary description by category of the applicable methods (such as capitation, fee-for-service, salary, bundled payments, per diem, or a combination thereof) used for compensating

prospective or treating health care professionals (including primary care providers and specialists) and facilities in connection with the provision of health care under the plan or coverage.

(c) ADDITIONAL INFORMATION.—The informational materials to be provided upon the request of a participant, beneficiary, or enrollee, as provided for under subsection (d), shall include for each option available under a group health plan or health insurance coverage the following:

(1) SERVICE AREA.—A description of the plan or issuer's service area, including the provision of any out-of-area coverage.

(2) PARTICIPATING PROVIDERS.—A directory of participating providers (to the extent a plan or issuer provides coverage through a network of providers) that includes, at a minimum, the name, address, and telephone number of each participating provider, and information about how to inquire whether a participating provider is currently accepting new patients, and the State licensure status of the providers and participating health care facilities, and, if available, the education, training, specialty qualifications or certifications of such professionals.

(3) CHOICE OF PRIMARY CARE PROVIDER.—A description of any requirements and procedures to be used by participants, beneficiaries, and enrollees in selecting, accessing, or changing their primary care provider, including providers both within and outside of the network (if the plan or issuer permits out-of-network services), and the right to select a pediatrician as a primary care provider under section 116 for a participant, beneficiary, or enrollee who is a child if such section applies.

(4) PREAUTHORIZATION REQUIREMENTS.—A description of the requirements and procedures to be used to obtain preauthorization for health services, if such preauthorization is required.

(5) EXPERIMENTAL AND INVESTIGATIONAL TREATMENTS.—A description of the process for determining whether a particular item, service, or treatment is considered experimental or investigational, and the circumstances under which such treatments are covered by the plan or issuer.

(6) SPECIALTY CARE.—A description of the requirements and procedures to be used by participants, beneficiaries, and enrollees in accessing specialty care and obtaining referrals to participating and nonparticipating specialists, including any limitations on choice of health care professionals referred to in section 112(b)(2) and the right to timely access to specialists care under section 114 if such section applies.

(7) CLINICAL TRIALS.—A description of the circumstances and conditions under which participation in clinical trials is covered under the terms and conditions of the plan or coverage, and the right to obtain coverage for approved clinical trials under section 119 if such section applies.

(8) PRESCRIPTION DRUGS.—To the extent the plan or issuer provides coverage for prescription drugs, a statement of whether such coverage is limited to drugs included in a formulary, a description of any provisions and cost-sharing required for obtaining on- and off-formulary medications, and a description of the rights of participants, beneficiaries, and enrollees in obtaining access to access to prescription drugs under section 118 if such section applies.

(9) EMERGENCY SERVICES.—A summary of the rules and procedures for accessing emergency services, including the right of a participant, beneficiary, or enrollee to obtain emergency services under the prudent layperson standard under section 113, if such section applies, and any educational information that the plan or issuer may provide regarding the appropriate use of emergency services.

(10) CLAIMS AND APPEALS.—A description of the plan or issuer's rules and procedures pertaining to claims and appeals, a description of the rights (including deadlines for exercising rights) of participants, beneficiaries, and enrollees under subtitle A in obtaining covered benefits, filing a claim for benefits, and appealing coverage decisions internally and externally (including telephone numbers and mailing addresses of the appropriate authority), and a description of any additional legal rights and remedies available under section 502 of the Employee Retirement Income Security Act of 1974 and applicable State law.

(11) ADVANCE DIRECTIVES AND ORGAN DONATION.—A description of procedures for advance directives and organ donation decisions if the plan or issuer maintains such procedures.

(12) INFORMATION ON PLANS AND ISSUERS.—The name, mailing address, and telephone number or numbers of the plan administrator and the issuer to be used by participants, beneficiaries, and enrollees seeking information about plan or coverage benefits and services, payment of a claim, or authorization for services and treatment. Notice of whether the benefits under the plan or coverage are provided under a contract or policy of insurance issued by an issuer, or whether benefits are provided directly by the plan sponsor who bears the insurance risk.

(13) TRANSLATION SERVICES.—A summary description of any translation or interpretation services (including the availability of printed information in languages other than English, audio tapes, or information in Braille) that are available for non-English speakers and participants, beneficiaries, and enrollees with communication disabilities and a description of how to access these items or services.

(14) ACCREDITATION INFORMATION.—Any information that is made public by accrediting organizations in the process of accreditation if the plan or issuer is accredited, or any additional quality indicators (such as the results of enrollee satisfaction surveys) that the plan or issuer makes public or makes available to participants, beneficiaries, and enrollees.

(15) NOTICE OF REQUIREMENTS.—A description of any rights of participants, beneficiaries, and enrollees that are established by the Bipartisan Patient Protection Act (excluding those described in paragraphs (1) through (14)) if such sections apply. The description required under this paragraph may be combined with the notices of the type described in sections 711(d), 713(b), or 606(a)(1) of the Employee Retirement Income Security Act of 1974 and with any other notice provision that the appropriate Secretary determines may be combined, so long as such combination does not result in any reduction in the information that would otherwise be provided to the recipient.

(16) UTILIZATION REVIEW ACTIVITIES.—A description of procedures used and requirements (including circumstances, timeframes, and appeals rights) under any utilization review program under sections 101 and 102, including any drug formulary program under section 118.

(17) EXTERNAL APPEALS INFORMATION.—Aggregate information on the number and outcomes of external medical reviews, relative to the sample size (such as the number of covered lives) under the plan or under the coverage of the issuer.

(d) MANNER OF DISCLOSURE.—

(1) IN GENERAL.—The information described in this section shall be disclosed in an accessible medium and format that is calculated to be understood by a participant or enrollee.

(2) ADDITIONAL INFORMATION.—The information described in subsection (c) shall be made available and easily accessible, without cost, to participants, beneficiaries, or enrollees upon request. Such information shall be made available in writing and by electronic means (including the Internet) and in any other manner determined appropriate by the Secretary.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a group health plan, or a health insurance issuer in connection with health insurance coverage, from—

(1) distributing any other additional information determined by the plan or issuer to be important or necessary in assisting participants, beneficiaries, and enrollees in the selection of a health plan or health insurance coverage; and

(2) complying with the provisions of this section by providing information in brochures, through the Internet or other electronic media, or through other similar means, so long as—

(A) the disclosure of such information in such form is in accordance with requirements as the appropriate Secretary may impose, and

(B) in connection with any such disclosure of information through the Internet or other electronic media—

(i) the recipient has affirmatively consented to the disclosure of such information in such form,

(ii) the recipient is capable of accessing the information so disclosed on the recipient's individual workstation or at the recipient's home,

(iii) the recipient retains an ongoing right to receive paper disclosure of such information and receives, in advance of any attempt at disclosure of such information to him or her through the Internet or other electronic media, notice in printed form of such ongoing right and of the proper software required to view information so disclosed, and

(iv) the plan administrator appropriately ensures that the intended recipient is receiving the information so disclosed and provides the information in printed form if the information is not received.

SA 829. Mr. DEWINE 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 171, between lines 14 and 15, insert the following:

SEC. 303. LIMITATION ON CERTAIN CLASS ACTION LITIGATION.

Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132), as amended by section 302, is further amended by adding at the end the following:

''(o) LIMITATION ON CLASS ACTION LITIGATION.—

''(1) IN GENERAL.—Any claim or cause of action that is maintained under this section in connection with a group health plan, or health insurance coverage issued in connection with a group health plan, as a class action, derivative action, or as an action on behalf of any group of 2 or more claimants, may be maintained only if the class, the derivative claimant, or the group of claimants is limited to the participants or beneficiaries of a group health plan established by only 1 plan sponsor. No action maintained by such

class, such derivative claimant, or such group of claimants may be joined in the same proceeding with any action maintained by another class, derivative claimant, or group of claimants or consolidated for any purpose with any other proceeding. In this paragraph, the terms 'group health plan' and 'health insurance coverage' have the meanings given such terms in section 733.''.

''(2) EFFECTIVE DATE.—This subsection shall apply to all civil actions that are filed on or after the date of enactment of the Bipartisan Patients' Bill of Rights Act of 2001.''.

SA 830. Mr. BREAUX (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. MCCAIN, 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:

Beginning on page 122, strike line 19 and all that follows through line 5 on page 128, and insert the following:

SEC. 152. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION.

(a) CONTINUED APPLICABILITY OF STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.—

(1) IN GENERAL.—Subject to paragraph (2), this title shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers (in connection with group health insurance coverage or otherwise) except to the extent that such standard or requirement prevents the application of a requirement of this title.

(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this title shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.

(3) CONSTRUCTION.—In applying this section, a State law that provides for equal access to, and availability of, all categories of licensed health care providers and services shall not be treated as preventing the application of any requirement of this title.

(b) APPLICATION OF SUBSTANTIALLY COMPLIANT STATE LAWS.—

(1) IN GENERAL.—In the case of a State law that imposes, with respect to health insurance coverage offered by a health insurance issuer and with respect to a group health plan that is a non-Federal governmental plan, a requirement that substantially complies (within the meaning of subsection (c)) with a patient protection requirement (as defined in paragraph (3)) and does not prevent the application of other requirements under this Act (except in the case of other substantially compliant requirements), in applying the requirements of this title under section 2707 and 2753 (as applicable) of the Public Health Service Act (as added by title II), subject to subsection (a)(2)—

(A) the State law shall not be treated as being superseded under subsection (a); and

(B) the State law shall apply instead of the patient protection requirement otherwise applicable with respect to health insurance coverage and non-Federal governmental plans.

(2) LIMITATION.—In the case of a group health plan covered under title I of the Employee Retirement Income Security Act of 1974, paragraph (1) shall be construed to apply only with respect to the health insurance coverage (if any) offered in connection with the plan.

(3) DEFINITIONS.—In this section:

(A) PATIENT PROTECTION REQUIREMENT.—The term ''patient protection requirement'' means a requirement under this title, and includes (as a single requirement) a group or related set of requirements under a section or similar unit under this title.

(B) SUBSTANTIALLY COMPLIANT.—The terms ''substantially compliant'', substantially complies'', or ''substantial compliance'' with respect to a State law, mean that the State law has the same or similar features as the patient protection requirements and has a similar effect.

(c) DETERMINATIONS OF SUBSTANTIAL COMPLIANCE.—

(1) CERTIFICATION BY STATES.—A State may submit to the Secretary a certification that a State law provides for patient protections that are at least substantially compliant with one or more patient protection requirements. Such certification shall be accompanied by such information as may be required to permit the Secretary to make the determination described in paragraph (2)(A).

(2) REVIEW.—

(A) IN GENERAL.—The Secretary shall promptly review a certification submitted under paragraph (1) with respect to a State law to determine if the State law substantially complies with the patient protection requirement (or requirements) to which the law relates.

(B) APPROVAL DEADLINES.—

(i) INITIAL REVIEW.—Such a certification is considered approved unless the Secretary notifies the State in writing, within 90 days after the date of receipt of the certification, that the certification is disapproved (and the reasons for disapproval) or that specified additional information is needed to make the determination described in subparagraph (A).

(ii) ADDITIONAL INFORMATION.—With respect to a State that has been notified by the Secretary under clause (i) that specified additional information is needed to make the determination described in subparagraph (A), the Secretary shall make the determination within 60 days after the date on which such specified additional information is received by the Secretary.

(3) APPROVAL.—

(A) IN GENERAL.—The Secretary shall approve a certification under paragraph (1) unless—

(i) the State fails to provide sufficient information to enable the Secretary to make a determination under paragraph (2)(A); or

(ii) the Secretary determines that the State law involved does not provide for patient protections that substantially comply with the patient protection requirement (or requirements) to which the law relates.

(B) STATE CHALLENGE.—A State that has a certification disapproved by the Secretary under subparagraph (A) may challenge such disapproval in the appropriate United States district court.

(C) DEFERENCE TO STATES.—With respect to a certification submitted under paragraph (1), the Secretary shall give deference to the State's interpretation of the State law involved and the compliance of the law with a patient protection requirement.

(D) PUBLIC NOTIFICATION.—The Secretary shall—

(i) provide a State with a notice of the determination to approve or disapprove a certification under this paragraph;

(ii) promptly publish in the Federal Register a notice that a State has submitted a certification under paragraph (1);

(iii) promptly publish in the Federal Register the notice described in clause (i) with respect to the State; and

(iv) annually publish the status of all States with respect to certifications.

(4) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing the certification (and approval of certification) of a State law under this subsection solely because it provides for greater protections for patients than those protections otherwise required to establish substantial compliance.

(5) PETITIONS.—

(A) PETITION PROCESS.—Effective on the date on which the provisions of this Act become effective, as provided for in section 401, a group health plan, health insurance issuer, participant, beneficiary, or enrollee may submit a petition to the Secretary for an advisory opinion as to whether or not a standard or requirement under a State law applicable to the plan, issuer, participant, beneficiary, or enrollee that is not the subject of a certification under this subsection, is superseded under subsection (a)(1) because such standard or requirement prevents the application of a requirement of this title.

(B) OPINION.—The Secretary shall issue an advisory opinion with respect to a petition submitted under subparagraph (A) within the 60-day period beginning on the date on which such petition is submitted.

(d) DEFINITIONS.—For purposes of this section:

(1) STATE LAW.—The term ''State law'' includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

(2) STATE.—The term ''State'' includes a State, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any political subdivisions of such, or any agency or instrumentality of such.

On page 132, between lines 11 and 12, insert the following:

SEC. 203. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91 et seq.) is amended by adding at the end the following:

''SEC. 2793. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

''(a) AGREEMENT WITH STATES.—A State may enter into an agreement with the Secretary for the delegation to the State of some or all of the Secretary's authority under this title to enforce the requirements applicable under title I of the Bipartisan Patient Protection Act with respect to health insurance coverage offered by a health insurance issuer and with respect to a group health plan that is a non-Federal governmental plan.

''(b) DELEGATIONS.—Any department, agency, or instrumentality of a State to which authority is delegated pursuant to an agreement entered into under this section may, if authorized under State law and to the extent consistent with such agreement, exercise the powers of the Secretary under this title which relate to such authority.''.

On page 137, lines 3 and 4, strike ''EQUIVALENT'' and insert ''COMPLIANT''.

On page 137, lines 9 and 10, strike ''is substantially equivalent'' and insert ''substantially complies''.

On page 137, line 11, strike ''to'' and insert ''with''.

On page 173, between lines 4 and 5, insert the following:

SEC. 304. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Subpart C of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191 et seq.) is amended by adding at the end the following new section:

''SEC. 735. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

''(a) AGREEMENT WITH STATES.—A State may enter into an agreement with the Secretary for the delegation to the State of some or all of the Secretary's authority under this title to enforce the requirements applicable under title I of the Bipartisan Patient Protection Act with respect to health insurance coverage offered by a health insurance issuer and with respect to a group health plan that is a non-Federal governmental plan.

''(b) DELEGATIONS.—Any department, agency, or instrumentality of a State to which authority is delegated pursuant to an agreement entered into under this section may, if authorized under State law and to the extent consistent with such agreement, exercise the powers of the Secretary under this title which relate to such authority.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 27, 2001 at 10 a.m., in open session to consider the nominations of Dionel M. Aviles to be Assistant Secretary of the Navy (Financial Management and Comptroller); Reginald Jude Brown to be Assistant Secretary of the Army (Manpower and Reserve Affairs); Steven A. Cambone to be Deputy under Secretary of Defense for Policy; Michael Montelongo to be Assistant Secretary of the Air Force (Financial Management and Comptroller); and John J. Young, Jr. to be Assistant Secretary of the Navy (Research, Development and Acquisition).

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 27 at 9:30 a.m. to conduct a hearing. The committee will consider the nominations of Vicky A. Bailey to be an Assistant Secretary of Energy (International Affairs and Domestic Policy), Frances P. Mainella to be Director of the National Park Service, and John Walton Keys, III, to be Commissioner of the Bureau of Reclamation.

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

COMMITTEE ON FINANCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 27, 2001 to hear testimony on ''Prescription for Fraud: Consultants Selling Doctors Bad Billing Advice.''

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 27, 2001 at 9:45 a.m. to hold a nomination hearing as follows:

Nominees: Mr. Clark T. Randt, Jr., of Connecticut, to be Ambassador to the People's Republic of China.

Mr. Douglas Allan Hartwick, of Washington, to be Ambassador to the Lao People's Democratic Republic.

Charles J. Swindells, of Oregon, to be Ambassador to New Zealand, and to serve concurrently and without additional compensation as Ambassador to Samoa to be introduced by Hon. GORDON SMITH.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 27, 2001 at approximately 11:15 a.m. to hold a nomination hearing as follows:

Nominees: Mr. Pierre-Richard Prosper, of California, to be Ambassador at Large for War Crimes Issues.

Mr. William A. Eaton, of Virginia, to be Assistant Secretary of State (Administration).

General Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, with the rank of Ambassador at Large to be introduced by Hon. PAUL S. SARBANES.

Mr. Clark Kent Ervin, of Texas, to be Inspector General, Department of State to be introduced by Hon. PHIL GRAMM.

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

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on ''Protecting the Innocent: Ensuring Competent Counsel in Death Penalty Cases'' on Wednesday, June 27, 2001 at 10:00 a.m., in SD226. No witness list is available yet.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 27, 2001, at 10:30 a.m., to receive testimony from the U.S. Commission on Civil Rights regarding its latest report on the November 2000 election and from other witnesses on election reform in general.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 27, 2001 at 2:30 p.m., to hold a hearing on intelligence matters.

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

SUBCOMMITTEE ON ECONOMIC POLICY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Economic Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 27, 2001 to conduct a hearing on ''The Reauthorization of the Defense Production Act.''

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Committee on Governmental Affairs be authorized to meet on Wednesday, June 27, 2001 at 10:00 a.m., for a hearing to examine ''Finding a Cure to Keep Nurses on the Job: The Federal Government's Role in Retaining Nurses for Delivery of Federally Funded Health Care Services.''

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

ORDERS FOR THURSDAY, JUNE 28, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m. on Thursday, June 28. I further ask consent that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed 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.

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

PROGRAM

Mr. REID. Mr. President, tomorrow the Senate will convene at 9:15 a.m. and resume consideration of the Patients' Bill of Rights. There will be 30 minutes of debate on the Collins and Breaux amendments regarding scope, with two rollcall votes beginning at approximately 9:45 a.m. Additional rollcall votes will occur throughout the day and into the evening.

The majority leader has told me it is his hope that we will complete this bill tomorrow rather than on Friday or Saturday. We have made great progress today. The minority manager, Senator GREGG, has done very good work. We have our managers—Senator MCCAIN, Senator KENNEDY, and Senator EDWARDS—who have done outstanding work. We have really made great headway. So the light at the end of the tunnel is there. It is up to us whether we take that opportunity to finish this.

Then there is the supplemental appropriations bill which needs to be

done, and also the organizing resolution.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Mr. 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, the Senate, at 7:18 p.m., adjourned until Thursday, June 28, 2001, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate June 27, 2001:

NATIONAL TRANSPORTATION SAFETY BOARD

JOHN ARTHUR HAMMERSCHMIDT, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2002, VICE JAMES E. HALL, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

CLAUDE M. KICKLIGHTER, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), VICE DENNIS M. DUFFY, RESIGNED.

EXTENSIONS OF REMARKS

''POSTAL SERVICE HAS ITS EYE ON YOU''

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. PAUL. Mr. Speaker, I am pleased to take this opportunity to draw my colleagues' attention to the attached article ''Postal Service Has Its Eye On You'' by John Berlau of Insight magazine, which outlines the latest example of government spying on innocent citizens. Mr. Berlau deals with the Post Office's ''Under the Eagle's Eye'' program which the Post Office implemented to fulfill the requirements of the Nixon-era Bank Secrecy Act. Under this program, postal employees must report purchases of money orders of over $3,000 to federal law enforcement officials. The program also requires postal clerks to report any ''suspicious behavior'' by someone purchasing a money order. Mr. Speaker, the guidelines for reporting ''suspicious behavior'' are so broad that anyone whose actions appear to a postal employee to be the slightest bit out of the ordinary could become the subject of a ''suspicious activity report,'' and a federal investigation!

As postal officials admitted to Mr. Berlau, the Post Office is training its employees to assume those purchasing large money orders are criminals. In fact, the training manual for this program explicitly states that ''it is better to report many legitimate transactions that seem suspicious than let one illegal one slip through.'' This policy turns the presumption of innocence, which has been recognized as one of the bulwarks of liberty since medieval times, on its head. Allowing any federal employee to assume the possibility of a crime based on nothing more than a subjective judgment of ''suspicious behavior'' represents a serious erosion of our constitutional rights to liberty, privacy, and due process.

I am sure I do not need to remind my colleagues of the public's fierce opposition to the ''Know Your Customer'' proposal, or the continuing public outrage over the Post Office's proposal to increase monitoring of Americans who choose to receive their mail at a Commercial Mail Receiving Agency (CMRA). I have little doubt that Americans will react with the same anger when they discover that the Post Office is filing reports on them simply because they appeared ''suspicious'' to a postal clerk.

This is why I will soon be introducing legislation to curb the Post Office's regulatory authority over individual Americans and small business (including those who compete with the Post Office) as well as legislation to repeal the statutory authority to implement these ''Know Your Customer'' type policies. I urge my colleagues to read Mr. Berlau's article and join me in protecting the privacy and liberty of Americans by ensuring law-abiding Americans may live their lives free from the prying ''Eagle Eye'' of the Federal Government.

POSTAL SERVICE HAS ITS EYE ON YOU

(By John Berlau)

Since 1997, the U.S. Postal Service has been conducting a customer-surveillance program, 'Under the Eagle's Eye,' and reporting innocent activity to federal law enforcement.

Remember ''Know Your Customer''? Two years ago the federal government tried to require banks to profile every customer's ''normal and expected transactions'' and report the slightest deviation to the feds as a ''suspicious activity.'' The Federal Deposit Insurance Corp. withdrew the requirement in March 1999 after receiving 300,000 opposing comments and massive bipartisan opposition.

But while your bank teller may not have been snooping and snitching on your every financial move, your local post office has been (and is) watching you closely, Insight has learned. That is, if you have bought money orders, made wire transfers or sought cash cards from a postal clerk. Since 1997, in fact, the window clerk may very well have reported you to the government as a ''suspicious'' customer. It doesn't matter that you are not a drug dealer, terrorist or other type of criminal or that the transaction itself was perfectly legal. The guiding principle of the new postal program to combat money laundering, according to a U.S. Postal Service training video obtained by Insight, is: ''It's better to report 10 legal transactions than to let one illegal ID transaction get by.''

Many privacy advocates see similarities in the post office's customer-surveillance program, called ''Under the Eagle's Eye,'' to the ''Know Your Customer'' rules. In fact, in a postal-service training manual also obtained by Insight, postal clerks are admonished to ''know your customers.''

Both the manual and the training video give a broad definition of ''suspicious'' in instructing clerks when to fill out a ''suspicious activity report'' after a customer has made a purchase. ''The rule of thumb is if it seems suspicious to you, then it is suspicious,'' says the manual. ''As we said before, and will say again, it is better to report many legitimate transactions that seem suspicious than let one illegal one slip through.''

It is statements such as these that raise the ire of leading privacy advocates on both the left and right, most of whom didn't know about the program until asked by Insight to comment. For example, Rep. RON PAUL, R-Texas, who led the charge on Capitol Hill against the ''Know Your Customer'' rules, expressed both surprise and concern about ''Under the Eagle's Eye.'' He says the video's instructions to report transactions as suspicious are ''the reverse of what the theory used to be: We were supposed to let guilty people go by if we were doing harm to innocent people'' when the methods of trying to apprehend criminals violated the rights of ordinary citizens. PAUL says he may introduce legislation to stop ''Under the Eagle's Eye.''

The same sort of response came from another prominent critic of ''Know Your Customer,'' this time on the left, who was appalled by details of the training video. ''The postal service is training its employees to invade their customers' privacy,'' Greg Nojeim, associate director of the American Civil Liberties Union Washington National Office, tells Insight. ''This training will result in the reporting to the government of tens of thousands of innocent transactions that are none of the government's business. I had thought the postal-service's eagle stood for freedom. Now I know it stands for, 'We're watching you!' ''

But postal officials who run ''Under the Eagle's Eye'' say that flagging customers who do not follow ''normal'' patterns is essential if law enforcement is to catch criminals laundering money from illegal transactions. ''The postal service has a responsibility to know what their legitimate customers are doing with their instruments,'' Al Gillum, a former postal inspector who now is acting program manager, tells Insight. ''If people are buying instruments outside of a norm that the entity itself has to establish, then that's where you-start with suspicious analysis, suspicious reporting. It literally is based on knowing what our legitimate customers do, what activities they're involved in.''

Gillum's boss, Henry Gibson, the postal-service's Bank Secrecy Act compliance officer, says the anti-money-laundering program started in 1997 already has helped catch some criminals. ''We've received acknowledgment from our chief postal inspector that information from our system was very helpful in the actual catching of some potential bad guys,'' Gibson says.

Gillum and Gibson are proud that the postal service received a letter of commendation from then-attorney general Janet Reno in 2000 for this program. The database system the postal service developed with Information Builders, an information-technology consulting firm, received an award from Government Computer News in 2000 and was a finalist in the government/nonprofit category for the 2001 Computerworld Honors Program. An Information Builders press release touts the system as ''a standard for Bank Secrecy Act compliance and anti-money-laundering controls.''

Gibson and Gillum say the program resulted from new regulations created by the Clinton-era Treasury Department in 1997 to apply provisions of the Bank Secrecy Act to ''money service businesses'' that sell financial instruments such as stored-value cash cards, money orders and wire transfers, as well as banks. Surprisingly, the postal service sells about one-third of all U.S. money orders, more than $27 billion last year. It also sells stored-value cards and some types of wire transfers. Although the regulations were not to take effect until 2002, Gillum says the postal service wanted to be ''proactive'' and ''visionary.''

Postal spokesmen emphasize strongly that programs take time to put in place and they are doing only what the law demands.

It also was the Bank Secrecy Act that opened the door for the ''Know Your Customer'' rules on banks, to which congressional leaders objected as a threat to privacy. Lawrence Lindsey, now head of the Bush administration's National Economic Council, frequently has pointed out that more than 100,000 reports are collected on innocent bank customers for every one conviction of money laundering. ''That ratio of 99,999-to-1 is something we normally would not tolerate as a reasonable balance between privacy and the collection of guilty verdicts,'' Lindsey wrote in a chapter of the

● 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.

Competitive Enterprise Institute's book The Future of Financial Privacy, published last year.

Critics of this snooping both inside and outside the postal service are howling mad that the agency's reputation for protecting the privacy of its customers is being compromised. ''It sounds to me that they're going past the Treasury guidelines,'' says Rick Merritt, executive director of Postal Watch, a private watchdog group. The regulations, for example, do not give specific examples of suspicious activity, leaving that largely for the regulated companies to determine. But the postal-service training video points to lots of ''red flags,'' such as a customer counting money in the line. It warns that even customers whom clerks know often should be considered suspect if they frequently purchase money orders.

The video, which Gibson says cost $90,000 to make, uses entertaining special effects to illustrate its points. Employing the angel-and-devil technique often used in cartoons, the video presents two tiny characters in the imagination of a harried clerk. Regina Goodclerk, the angel, constantly urges the clerk to file suspicious-activity reports on customers. ''Better safe than sorry,'' she says. Sam Slick, the devil, wants to give customers the benefit of the doubt.

Some of the examples given are red flags such as a sleazy-looking customer offering the postal clerk a bribe. But the video also encourages reports to be filed on what appear to be perfectly legal money-order purchases. A black male teacher and Little League coach whom the female clerk, also black, has known for years walks into the post office wearing a crisp, pinstriped suit and purchases $2,800 in money orders, just under the $3,000 daily minimum for which the postal service requires customers to fill out a form. He frequently has been buying money orders during the last few days.

''Gee, I know he seems like an okay guy,'' Regina Goodclerk tells the employee. ''But buying so many money orders all of a sudden and just under the reporting limit, I'd rather be sure. He's a good guy, but this is just too suspicious to let go by.''

Gillum says this is part of the message that postal clerks can't be too careful because anyone could be a potential money launderer. ''A Little League coach could be a deacon in the church, could be the most upstanding citizen in the community, but where is that person getting $2,800 every day?'' Gillum asks. ''Why would a baseball coach, a schoolteacher in town, buy [that many money orders]? Our customers don't have that kind of money. If he's a schoolteacher, if he's got a job on the side, he's going to have a bank account and going to write checks on it, so why does he want to buy money orders? That's the point.''

Despite the fact that the Little League coach in the video was black, Gillum insists that the postal service tells its employees not to target by race or appearance.

One thing that should set off alarms, the postal service says, is a customer objecting to filling out an 8105–A form that requests their date of birth, occupation and driver's license or other government-issued ID for a purchase of money orders of $3,000 or more. If they cancel the purchase or request a smaller amount, the clerk automatically should fill out Form 8105–B, the ''suspicious-activity'' report. ''Whatever the reason, any customer who switches from a transaction that requires an 8105–A form to one that doesn't should earn himself or herself the honor of being described on a B form,'' the training manual says.

But the ''suspicious'' customers might just be concerned about privacy, says Solveig Singleton, a senior analyst at the Competitive Enterprise Institute. And a professional criminal likely would know that $3,000 was the reporting requirement before he walked into the post office. ''I think there's a lot of reasons that people might not want to fill out such forms; they may simply think it's none of the post office's business,'' Singleton tells Insight. ''The presumption seems to be that from the standpoint of the post office and the Bank Secrecy regulators every citizen is a suspect.''

Both Singleton and Nojeim say ''Under the Eagle's Eye'' unfairly targets the poor, minorities and immigrants—people outside of the traditional banking system. ''A large proportion of the reports will be immigrants sending money back home,'' Nojeim says. Singleton adds, ''It lends itself to discrimination against people who are sort of marginally part of the ordinary banking system or who may not trust things like checks and credit cards.''

There's also the question of what happens with the information once it's collected. Gillum says that innocent customers should feel secure because the information reported about ''suspicious'' customers is not automatically sent to the Treasury Department's Financial Crimes Enforcement Network (FinCEN) to be shared with law enforcement agencies worldwide. Although he says FinCEN wants the postal service to send all reports along to it, the postal authorities only will send the clerks' reports if they fit ''known parameters'' for suspicious activity. ''We are very sensitive to the private citizenry and their rights,'' Gillum insists. ''For what it's worth, we have every comfort level that, if we make a report, there are all kinds of reasons to believe that there is something going on there beyond just a legitimate purchase of money orders.''

But Gillum would not discuss any of the ''parameters'' the postal service uses to test for suspicious activity, saying that's a secret held among U.S. law-enforcement agencies. And if a clerk's report isn't sent to the Treasury Department, it still lingers for some time in the postal-service database. Gillum says that by law the postal service will not be able to destroy suspicious-activity reports for five years.

Gillum says the postal service is very strict that the reports only can be seen by law-enforcement officials and not used for other purposes such as marketing. A spokeswoman for the consulting company Information Builders stated in an e-mail to Insight, ''Information Builders personnel do not have access to this system.''

Observers say problems with ''Under the Eagle's Eye'' underscore the contradiction that despite the fact that the postal service advertises like a private business and largely is self-supporting, it still is a government agency with law-enforcement functions.

Gibson says his agency must set an example for private businesses on tracking money orders. ''Being a government agency, we feel it's our responsibility that we should set the tone,'' he said. The Treasury Department ''basically challenged us in the mid-nineties to step up to the plate as a government entity,'' Gillum adds.

In fact, Gillum thinks Treasury may mandate that the private sector follow some aspects of the postal-service's program. He adds, however, that the postal service is not arguing for this to be imposed on its competitors.

In the meantime, the private sector is getting ready to comply with the Treasury regulations before they go into effect next January. But if 7-Eleven Inc., which through its franchises and company-owned stores is one of the largest sellers of money orders, is any guide, private vendors of money orders probably will not issue nearly as many suspicious-activity reports as the postal service. '''Our philosophy is to follow what the regulations require, and if they don't require us to fill out an SAR [suspicious-activity report] . . . then we wouldn't necessarily do it,'' 7-Eleven spokeswoman Margaret Chabris tells Insight. Asked specifically about customers who cancel or change a transaction when asked to fill out a form, Chabris said, ''We are not required to fill out an SAR if that happens.'' So why does the U.S. Postal Service?

That's one of the major issues raised by critics such as Postal Watch's Merritt. He says that lawmakers and the new postmaster general, Jack Potter, need to examine any undermining of customer trust by programs such as ''Under the Eagle's Eye'' before the postal service is allowed to go into new businesses such as providing e-mail addresses. ''Let's hope that this is not a trend for the postal service, because I don't think the American people are quite ready to be fully under the eagle's eye,'' he says.

TRIBUTE TO LLOYD OYSTER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Lloyd Oyster, a decorated soldier from World War II. I would like to acknowledge his bravery as a servicemen fighting on the front lines in Europe at the Battle of the Bulge. His many medals and awards demonstrate his bravery and patriotism. I am proud to stand and honor this outstanding citizen of the United States and would like to call his admirable actions to the attention of my colleagues in the House of Representatives.

I have attached for the record an article printed in the Ogemaw County Herald by Deanna Cahill about Mr. Oyster's experience as a World War II soldier.

Six decades ago, at the end of World War II, Lloyd Oyster was given a choice. The Lupton man had to decide whether or not to spend an extra few months in Europe and receive the medals he was entitled to, or return home to his wife and baby daughter.

Critically wounded in the Battle of the Bulge, Oyster didn't hesitate. He wanted to go home. He didn't regret that decision until recently, when he remarked to his youngest son, Joe, that he wished he would have stayed and received his medals.

Without letting his father know, Joe went on a mission to grant his father's wish.

On Monday, June 4, that wish was granted when Rep. Dave Camp presented Oyster, one by one, with the Good Conduct Medal, Purple Heart, European-African-Middle Eastern Campaign Medal with four Bronze Stars, the World War II Victory Medal, the American Campaign Ribbon, Combat Infantryman Badge and the Honorable Service Lapel Button WW II.

An honored but humble Oyster graciously accepted his medals from Camp, but said many others were far more deserving.

''I didn't do any more than anybody else did,'' he said.

Lloyd Oyster was born at home Jan. 19, 1922, to parents Joseph and Verna Mae Oyster in Lupton. The youngest of six boys, Oyster lost his mother when he was only 5 years old. She died giving birth to her seventh son. The baby died as well.

''I remember burying her,'' said Oyster somberly. ''(After his mother died) we stayed together and Dad raised us on the farm.''

Eventually two of his older brothers enlisted in the service. One went off to fight in Europe, the other in the Pacific. At the age of 21, Oyster was working at Borden's Dairy in West Branch and met 17-year-old Marge.

Oyster worked with Marge's sister's husband, and Marge and her sister would often visit at the dairy. He would walk Marge home after he was finished with work because she was frightened to walk alone.

''That started it,'' Oyster said. ''That is how we got acquainted, and from there she tried to rope me in, and she did.''

In late 1942 Oyster was drafted into the Army. He could have been deferred because Borden made products for the government, but Oyster opted against deferment.

''I was no worse or better than anyone else,'' he said. Thirty days before he was shipped overseas, he received word that his brother had been killed in Europe.

His brother's death made him a bit uneasy about the future, but he still wanted to serve his country.

''I wanted to go over and finish the job,'' he said.

On Dec. 7, 1942, Oyster embarked on the first leg of his journey. He attended basic training at Camp Claibourne, La., and went on to Camp House, Texas, where he was trained as a machine gunner.

On his first furlough from the service, Oyster married Marge on April 21, 1942.

He was then shipped to New York. Three days later he boarded the U.S.S. Montacella for the long trip across the Atlantic.

''I went over to France on my honeymoon,'' Oyster said. His young bride stayed with her parents in West Branch while he set off to fight for his country.

''(The journey) was kind of hairy,'' Oyster remembered. ''We would run into a storm and have to change course. One time we had to change course for an enemy submarine.''

''There were close living conditions,'' he said, adding that he volunteered for duty with the Navy sailors in the PX to get out from below decks. ''You can't realize—(below decks) it was three bunks high by six to eight bunks wide. Let me just say this—you didn't want to be on the bottom bunk.''

The soldiers finally arrived in France and went directly across into Germany. For six months Oyster, assigned to Company E of the 103rd Infantry Division, served on the front lines as a machine gunner.

''The Germans didn't like machine gunners,'' he said, adding that the gunners were the first targets of the enemy. The battles were fierce and Oyster witnessed the deaths of many of his fellow soldiers and friends.

''When your buddies got killed right alongside of you, it makes you want to finish it,'' he said. ''You really didn't have time to think. You do what you have to do, and that was it.''

Oyster added that fear was always present.

''Anyone who says they weren't afraid, they're nuts,'' he said. ''You have got guns and artillery aimed at you.''

In December 1944 as Allied forces were pushing their way into Germany, the Germans made a surprise counterattack and the Battle of the Bulge ensued.

During an artillery barrage, Oyster was showered with shrapnel. He was hit in the leg and a small piece of shrapnel struck him in the back.

He was taken to a field hospital for treatment. The hospital was located in the woods and consisted only of some tents. Oyster underwent surgery and lay there for several days. The battle was still being waged and he couldn't be moved.

By the time Oyster got to a hospital in England, gangrene had set in.

''They said they were going to take my leg,'' Oyster said. ''I said no. At this time penicillin was just being introduced.''

Doctors administered penicillin to Oyster.

''The infection cleared up and I got to save my leg,'' he said.

On Dec. 31, 1944, as Oyster lay in a hospital in England, Marie gave birth to their first child, Nancy. Oyster was then put into limited service and transferred to the Air Force.

''I wanted to be in the Air Force in the first place,'' he said. ''It (the Air Force) is the best place you can be, as far as I'm concerned. It was almost like sending me home, putting me in there.''

For the remainder of the war, Oyster was stationed at the 8th Army Headquarters, located about 30 miles from London, taking care of three generals' vehicles.

''They were going to send our division to Japan,'' he said. ''But before we got shipped out, the war was over.''

Oyster sailed home, this time on the Queen Mary. Upon arrival back into the United States, Oyster was given a choice.

''They told me that I could go in the hospital for two to three months and get my disability. I wanted to go home,'' he said, looking at his wife of 59 years.

Oyster returned home to claim his bride, and the couple settled back into the Lupton area.

Two more daughters, Joyce and Susan, followed in 1946 and 1948. Oyster yearned for a son.

''You take them as they come,'' he said. ''But I wanted a boy.''

In 1950, Marge delivered their first son, Larry. Another daughter, Jean, arrived in 1951, followed by Russell in 1954, Linda in 1956, and finally Joe was born in 1957.

''I kept trying to have a good one,'' said Oyster teasingly. ''If I couldn't do better than that, I thought I better stop.''

The Oysters now have 23 grandchildren and 11 great-grandchildren.

Years later Oyster traveled to the veterans' hospital to receive his medical benefits. He didn't realize that when he was discharged from the hospital in England, he was listed as a amputee.

''Veterans records showed that I had a wooden leg,'' he said, chuckling. ''They wanted to know where my wooden leg was.''

For many years, Oyster worked construction for Strand Steel Construction and also worked for himself for a time. At age 65, he retired on Social Security, but never stopped working.

In fact, at 79, Oyster still works full-time as a park ranger at the Rifle River Recreation Area in Lupton. He is expecting to finally retire later this summer after 20 years at the park.

In addition to working full-time, he also takes care of Marge, who is now confined to a wheelchair.

''My day starts at 5 a.m. and ends at 9 p.m., seven days a week,'' he said. ''I just do it.''

A couple of years ago, Oyster was reading a VFW magazine and remarked that he wished that he would have stayed in the service and received his medals.

His son, Joe, went home and told his wife. They contacted the Veteran's Affairs office in West Branch to determine how they would go about acquiring his medals.

They filled out a medal request form and mailed it to St. Louis, Mo. After six months, they heard nothing. Joe then mailed in a second request and still received no satisfaction.

A representative at Veteran's Affairs suggested they contact Camp, and within just a matter of a few months the medals were in Camps possession.

Camp hand-delivered those medals to a surprised Oyster at Joe's home on June 4.

Joe had invited his father to his home on the pretense of having a pizza party. Oyster patiently waited for the pizza to arrive. He was getting hungry and also a bit suspicious.

''You don't very often surprise me,'' Oyster said. ''But they did surprise me. It felt good.''

''I didn't expect to get them. There are a lot of soldiers who deserve the same thing,'' he added. ''I was just defending my country. I didn't do any more than anybody else did.''

''I would do it again before I would send my grandsons to do it,'' he added.

KNOEBELS AMUSEMENT PARK CELEBRATES 75TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the 75h anniversary of the formal beginning of one of Northeastern Pennsylvania's primary tourist destinations, the Knoebels Amusement Park near Elysburg, which is also Pennsylvania's largest free admission amusement park.

In those 75 years, Knoebels has grown from a small local park to hosting more than a million guests each year. At the same time, the Knoebel family maintains a strong sense of tradition and family.

The land has been owned by the Knoebel family since 1828, when it was purchased by the Reverend Henry Hartman Knoebel. His grandson and namesake was the one who first envisioned the land's recreational potential. The younger Henry, better known as H.H. or ''Ole Hen,'' farmed the land and pursued a lumbering business operating saw mills at several locations on the property.

Around the start of the 20th century, the Knoebel farm began to be visited by ''tally-hos,'' Sunday afternoon rides with a destination, in this case people who came to sit by the creek banks, picnic in the woods and jump from the covered bridge to the swimming hole below.

As the site became more popular, the family installed picnic tables and benches, hired a lifeguard to protect the swimmers, and began selling food and soft drinks. The formal beginning of the amusement park was July 4, 1926, the opening of a concrete swimming pool. That same year, the family opened the first ride, a steam-powered merry-go-round, and the first restaurant.

Since that time, Knoebels has grown tremendously. Today, in addition to 50 rides and great food, the park offers the award-winning Alamo Restaurant, unique gift shops, numerous games, a miniature golf course, two campgrounds, picnic pavilions and the large Crystal Pool with its 900,000 gallons of mountain spring water. Knoebels is a major contributor to the economy of the region, employing 1,400 seasonal workers.

Voted ''America's Best Park for Families'' two years in a row by the National Amusement Park Historical Association, Knoebels is also known as ''Pennsylvania's Hometown Park.'' The park is managed by the third generation of the Knoebel family, and members of the fourth generation are coming on board and taking their places. Brothers Dick and Ron Knoebel serve as co-general managers of the park.

Mr. Speaker, the Knoebel family continues to do a fine job of carrying on their trademark tradition of ''fun, food and fantasy,'' and I wish them all the best.

IN HONOR OF ROBERT I. WEHLING, UPON ANNOUNCING HIS RETIREMENT FROM THE PROCTER & GAMBLE COMPANY

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. PORTMAN. Mr. Speaker, I rise today in tribute to Robert L. Wehling, a good friend and community leader, who will retire on August 10, 2001 from the Procter & Gamble Company in Cincinnati. Bob started with P & G on June 27, 1960 exactly 41 years ago today.

Bob Wehling currently serves as Procter & Gamble's global marketing and government relations officer. He joined the company as a brand assistant, and during his long and distinguished career, held various positions including brand manager, advertising manager, and vice president of public affairs. Bob has been a true leader and innovator, developing new approaches to marketing and responsible advertising.

A long-time advocate for quality family entertainent, he co-founded the Family Friendly Programming Forum in 1999, a consortium of major advertisers dedicated to increasing family oriented shows on network television. Bob believed it was possible to have positive programming choices for multigenerations to watch together—and for all to be entertained. In 2000, he was named the most powerful person in marketing by the trade journal Advertising Age. He was recognized for his work in making advertising more efficient as audiences become more fragmented.

His volunteer involvement in the Cincinnati community is legendary. He is particularly well known for his advocacy on behalf of children and his passion for education. His public service has taken him from president of the Wyoming, Ohio School Board in 1986 to more recent positions as Co-Chair of the Ohio Education Improvement Council and membership on the National Commission on Teaching and America's Future. Bob has capably led numerous local organizations, including the Greater Cincinnati March of Dimes, the Greater Cincinnati Chamber of Commerce, the National Advertising Council Board, and Beech Acres For the Love of Kids Parenting Conference.

All of us in Cincinnati congratulate Bob on his outstanding career with Procter & Gamble, thank him for his many years of dedicated community service, and wish him well in the new challenges to come.

TRIBUTE TO JOHN AND MARY KOLIMAS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to John and Mary Kolimas who recently celebrated their fiftieth wedding anniversary on June 16, 2001.

John and Mary represent the epitome of married life and family values. They have raised six wonderful children—Mamie, Chris, Bob, Barb, Rich, and Paul. I can attest firsthand to their ability as parents; their son Paul is a former employee of mine and a man I have great respect for. John and Mary have also been blessed with nine beautiful grandchildren: Nicole, Jordan, Kelly, Amie, Cathy, Samantha, Alexandria, Jesenia, and Michael. They also have one deceased grandchild, Elizabeth.

Friends of the couple fondly recall their meeting at a dance in 1948 at St. Stanislaus Bishop and Martyr Catholic Church. They were married at that same church three years later in 1951 by Mary's brother, Father Edwin Karlowiczier. Their outstanding devotion to the Catholic Church has continued throughout their marriage.

Both John and Mary attended St. Stanislaus Bishop and Martyr Catholic Grammar School. John graduated from Foreman High School, where he was class president. He served in the Navy for two years, and then attended Loyola University in Chicago under the GI Bill. Mary graduated from Holy Academy High School.

The couple was surrounded by seventy-five relatives and friends for mass and a joyous reception at the Rosewood West Restaurant on Saturday, June 16. Mary's brother, Father Edwin Karlowiczier, presided over the mass along with Father John Sayaya. In attendance for the celebration were Mary's four sisters: Therese, Kay, Janet, and Jean; and John's sisters: Helen, Bernice, and Emily. The group enjoyed a video presentation of pictures and music from the couple's fifty years together.

I have the highest level of respect for devoted couples like John and Mary. Their ability to love and raise children serves as a model for all of us to follow. I encourage my colleagues to join me in celebrating the fiftieth wedding anniversary of John and Mary and the strong family values they represent.

ARE PRODUCTION CONTROLS DESIRABLE FOR AGRICULTURE?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. BEREUTER. Mr. Speaker, as the House prepares to consider the next Farm Bill, this Member commends to his colleagues the following analysis by Roy Frederick, a highly respected public policy specialist in the Department of Agricultural Economics at the University of Nebraska-Lincoln. Dr. Frederick's analysis examines the pros and cons of production controls for agriculture and provides helpful insights on this difficult issue.

[From the Nebraska State Paper]

ARE PRODUCTION CONTROLS DESIRABLE FOR AGRICULTURE?

(By Roy Frederick)

LINCOLN—You can count on it. One of the more contentious items in the upcoming farm bill debate will be whether we should return to production controls in a new law.

Set-asides and other land-idling schemes were a part of most every farm bill from 1933 through 1990. But passage of the Federal Agriculture Improvement and Reform Act in 1996 broke the mold. Under current law, farmers are not required to take land out of production as a precondition to receiving supports from the federal government.

Critics say that the lack of a supply-adjustment mechanism in the 1996 act is a serious flaw. Prices for all the major crops grown in Nebraska have been lackluster since mid-1998. Why not spur prices higher by restricting bushels offered to the marketplace? It seems like a logical question that deserves an answer.

Supporters of the current system respond that commodities are produced and marketed around the world. Any attempt to reduce U.S. production might be met by increased production elsewhere. Some livestock feeders also wouldn't be happy with the prospect of higher feed costs. Then there's the matter of how agribusinesses feel about it. Many survive on the basis of volume; the more acres in production, the better it is for farm-related businesses.

Recently, formal studies by agricultural economists at the University of Maryland and Iowa State University examined the land-idling question in greater depth.

In the first study, the focus was on inefficiencies caused by taking land out of production. That is, not only may land be taken out of its highest and best use, but other inputs, such as machinery and equipment, may be underused as well. The estimated cost to producers and consumers of a modest land retirement scheme is $2 billion to $4 billion a year, the study found.

The Iowa State study assumed that land planted to all major crops in the United States was reduced by 10 percent. Moreover, that reduction remained in place for eight years. At the end of the period, prices for corn and soybeans would be 13 percent higher and 6 percent higher, respectively, than if the idling had not occurred. So far, so good.

However, the authors of the latter study point out two big caveats. First, with 10 percent fewer acres, total revenue declines by whatever the revenue would have been on acres taken out of production. More importantly, if producers do what they've done in the past, they will attempt to increase production on the remaining 90 percent of land left in production. To the extent they are successful, price increases of the magnitude suggested above may not be realized. The authors conclude that the price impact of a 10 percent reduction in planted acreage is probably overstated.

A TRIBUTE TO REVEREND LUIS CENTENO

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to recognize Luis Centeno, the founder of Proclaimers of Hope Ministries, a faith-based recovery and addiction prevention program in West Kensington, Philadelphia.

Reverend Centeno, who also is the pastor at Bethel Temple Church, was recently chosen to receive the nation's highest honor for community health leadership—a 2001 Community Health Leader award from The Robert Wood Johnson Foundation. The distinction, conferred annually on only 10 people nationwide, includes a $100,000 award to continue his work.

Reverend Centeno saw first hand the ravaging effects of addiction on individuals and

families in West Kensington—known as the ''Badlands'' because of its reputation as one of the worst drug centers in the United States. He was once a gang member himself and spent time in juvenile detention before turning his life around. In 1988, he created Proclaimers of Hope Ministries to take his message of change directly to the neighborhood's worst drug corners and create a local rehabilitation center.

The Proclaimers of Hope Ministries now has 200 volunteers donating 5,000 hours annually to serve the youth of the community and provide counseling and support to addicts. Its staff of 14 raises funds through personal donors and other churches throughout the country.

With Reverend Centeno's leadership, Proclaimers of Hope and Bethel Temple Church have a created a diverse approach to prevention and recovery, using programs in the martial arts, music, drama, and tutoring, to help prevent crises in the lives of the community's young men and women. As one of his nominators explained, ''part of the reason Luis has been so effective is that he has not set himself apart from the people he serves. His brand of healing requires hard work and discipline as well as grace and forgiveness, and he freely dispenses them all.''

Mr. Speaker, Reverend Luis Centeno has demonstrated tremendous leadership in the fight against drug addiction in his community and is clearly well deserving of this prestigious community health award. I urge my colleagues to join me in congratulating Reverend Centeno on this wonderful achievement.

CONNIE BREMNER, RECIPIENT OF ROBERT WOOD JOHNSON COMMUNITY HEALTH LEADERSHIP AWARD

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. REHBERG. Mr. Speaker, Connie Bremner, lifelong resident of Browning, Montana, is of the age when retirement is an option, but it's the last thing on her mind. Connie doesn't have the time nor inclination for anything but selfless service to the elderly and disabled in her community.

Connie, director of the Eagle Shield Senior Citizens Center, on the Blackfeet Indian Reservation, is the recipient of the prestigious Robert Wood Johnson Community Health Leadership award of $100,000. The award gives $95,000 to the center and $5,000 to Connie. This award is one of only ten given nationwide. Most of the award money will go to fund short-term care for terminally ill people who are unable to get help elsewhere. Some of it will be used as startup money for a proposed Blackfeet home health care program.

Browning is in a lonely community on the windswept plains down the eastern slopes of the Montana Rockies. It's the heart of the Blackfeet Indian Reservation, a place where things have never been easy. When Connie became director of the Eagle Shield Senior Citizens Center in Glacier County, the nation's 95th poorest, she found the center and the seniors in distressed conditions. Connie made it her objective to transform the facility into a model health and wellness center. She took the barest of bare-bones facilities and breathed life into it—and not just life, but spirit. Eagle Shield now serves over 600 elders with a wide range of programs, from nutrition education and meal delivery to home personal assistance and social activities. Connie's efforts to expand, improve and modernize health care for the impoverished, the elderly and the disabled has not only met physical needs, but has lifted spirits and provided hope.

Connie began with a loan of $70,000 from the tribal government, which has already been repaid. The Robert Wood Johnson Community Health Leadership Program's press release states that Connie's ''hard work has yielded great success for Eagle Shield, including the creation of an Alzheimer's screening and treatment program and a licensed, Medicaid reimbursed personal care attendant program for over 100 people with a disability unable to care for themselves.''

Connie expanded the personal care attendant program until now is serves over 100 people, ranging from age 4—94. In addition, the center ''has trained 300 younger tribal members to become certified personal care attendants. Of those, 95 are currently employed on the reservation, an important contribution to a community who whose unemployment rate is over 70 percent.'' Through Connie's leadership, the Eagle Shield Senior Citizens Center provides breakfasts and lunches to 200 seniors every day.

People like Connie have far greater influence than government programs. Government can oversee public health and public safety, but only people can give love and compassion. Connie has shown us that the most vital thing we do in life is look after each other by reaching out in kindness to the oldest and youngest and weakest among us. It is known in Browning that nothing will keep her from taking care of her elders. The elders count on Connie. Montana counts on Connie.

It is an honor to read Connie Bremner's accomplishments into the Congressional Record, although it should be recognized that this woman's deeds of love and kindness will leave a record much more enduring and significant in the community of Browning than this RECORD of ink and paper in the Halls of Congress. Connie Bremner has shown that the true treasures in Montana—The Treasure State—are people, the old and the young, the weak and the strong. Connie is a treasure to the Blackfeet Nation, to the state of Montana, and to the United States of America.

A TRIBUTE TO LESTER C. PHILLIPS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor a great North Carolinian and son of Harnett County, Mr. Lester C. Phillips who recently received the Distinguished Service Award of the Occoneechee Council of the Boy Scouts of America.

Lester Phillips was born on August 25, 1930 in Sampson County, North Carolina to Floyd and Erma Phillips and spent the majority of his early years working on the family farm. He married Winifred Naylor in 1950 and together they raised two sons Ray and Robert. In 1959, Lester moved his young family just up the road to Harnett County, and the town of Dunn, to seek employment opportunities and a better life for his family.

Upon his arrival in Dunn, Lester landed a job with the H.P. Johnson Oil Company, where he quickly became Mr. H.P. Johnson's most trusted employee. In fact, Mr. Johnson was often over heard saying that ''when he wanted something done right, he always looked to Leck.'' After several years of working for Mr. Johnson, Lester began his career in the trucking business, which would later lead to his ownership of a small gas station on Highway 301 South in Harnett County and later the development of a waste management enterprise. From these humble beginnings Lester built a nationally recognized business that served locations all the way from Florida to Alaska.

Not only is Lester an outstanding success in the business world, but he is also a remarkable family man and community leader. He is also an active member at Spring Branch Baptist Church in Dunn.

But today we are here to pay tribute to Lester's contributions to the young people of Harnett County and to celebrate his recent accomplishment, receiving the Distinguished Service Award from the Boy Scouts of America. As the father of an Eagle Scout and a recipient of the Boys Scouts' Silver Beaver Award, I know first hand the importance that the organization plays in the lives of our nation's young people. With the help of men like Lester, the Boy Scouts mold young men to be active and productive citizens. I want to honor Lester today for helping to strengthen our nation's social fabric.

Mr. Speaker, Lester Phillips is a remarkable example of a citizen servant. He selflessly uses his time and energy to better the lives of the young men in Harnett County. He touches so many lives in so many public ways, but Lester's most important contributions to others are the ones only he knows about. And that is the way he wants it to be. That is a true testament to his unique and special character and the reason we honor him in this House today.

INTRODUCTION OF THE INDIAN AND ALASKA NATIVE FOSTER CARE AND ADOPTION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. CAMP. Mr. Speaker, today, I am pleased to be joined by Representatives HAYWORTH, KILDEE and BONIOR to introduce legislation to correct an inequity in the laws affecting many Native American children. This effort is also supported by the National Indian Child Welfare Association, American Public Human Services Association, and National Congress of American Indians.

Every year, for a variety of often tragic reasons, thousands of children across the country are placed in foster care. To assist with the cost of food, shelter, clothing, daily supervision and school supplies, foster parents of children who have come to their homes through state court placement receive money through Title

IV–E of the Social Security Act. Additionally, states receive funding for administrative training and data collection to support this program. Unfortunately, because of a legislative oversight, many Native American children who are placed in foster care by tribal courts do not receive foster care and adoptive services to which all other income-eligible children are entitled.

Not only are otherwise eligible Native children denied foster care maintenance payments, but this inequity also extends to children who are adopted through tribal placements. Currently, the IV–E program offers limited assistance for expenses associated with adoption and the training of professional staff and parents involved in the adoption. These circumstances, sadly, have meant that many Indian children receive little Federal support in attaining the permanency they need and deserve.

In many instances, these children face insurmountable odds. Many come from abusive homes. Foster parents who open their doors to care for these special children deserve our help. These generous people who take these children into their homes should not have sleepless nights worrying about whether they have the resources to provide nounishing food or a warm coat, or even adequate shelter for these children. This legislation will go a long way to ease their concerns.

Currently, some tribes and states have entered into IV–E agreements, but these arrangements are the exception. They also, by and large, do not include funds to train tribal social workers and foster and adoptive parents. This bill would make it clear that tribes would be treated like States when they run their own programs under the IV–E program. The bill would make funding fair and equitable for all children, Native and non-Native.

This companion legislation to S. 550 would do the following: extend the Title IV–E entitlement programs to tribal placements in foster and adoptive homes; authorize tribal governments to receive direct funding from the Department of Health and Human Services for administration of IV–E programs (tribes must have HHS-approved programs); allow the Secretary flexibility to modify the requirements of the IV–E law for tribes if those requirements are not in the best interest of Native children; and allow continuation of tribal-State IV–E agreements.

In a 1994 report, HHS found that the best way to serve this underfunded group is to provide direct assistance to tribal governments and qualified tribal families. I want to emphasize that this bill would not result in reduced funding for the States, as they would continue to be reimbursed for their expenses under the law. I strongly believe Congress should address this oversight and provide equitable benefits to Native American children who are under the jurisdiction of their tribal governments, and I hope my colleagues will join me in supporting this bipartisan and bicameral proposal.

LEONARD CARLIN HONORED ON RETIREMENT FROM EDCNP

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my friend Leonard Carlin, who is retiring after 28 years with the Economic Development Council of Northeastern Pennsylvania. Len will be honored with a retirement dinner on June 27.

Len is a graduate of Coughlin High School and attended Wilkes College, Penn State University and the Scranton branch of Temple University. In addition to his work at EDCNP, his varied and broad experience includes service with the U.S. Geological Survey, the Army Corps of Engineers and the Lackawanna County Regional Planning Commission.

Since joining EDCNP, Len has worked in many capacities, including regional planner and cartographic supervisor and duties including environmental planning and programs, land use planning, comprehensive planning, flood mitigation, assistance to local governments, and other duties too numerous to list here.

He is a member of several community and professional organizations, including the Pennsylvania Planning Association, the Sierra Club, Pennsylvania Environmental Council and Rails-to-Trails. For his dedicated work, he was named the Pennsylvania Planning Association's Planner of the Year in 2000.

Mr. Speaker, I am particularly pleased to call to the attention of the House of Representatives Len's distinguished career because his hard work was very helpful in securing the American Heritage River designation for the Upper Susquehanna-Lackawanna Watershed in 1998. Working closely with my office, Len was an invaluable assistant in compiling a great deal of information and working with local elected officials and other interested parties. I wish him all the best.

HONORING DR. JERRY SASSON, PRINCIPAL OF TERRACE PARK ELEMENTARY SCHOOL UPON HIS RETIREMENT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Jerry Sasson, a friend and constituent, who is retiring after 11 years as principal of Terrace Park Elementary School (TPES) in the Second District of Ohio.

Jerry is a special kind of principal because he is a special kind of person. He has been called a one-of-a-kind educator, who spends time in the classroom every day, knows the name and face of every one of his 300 students, writes a personal, handwritten birthday card to each student every year, and sends students notes at home to recognize personal accomplishments. He encourages kindness and respect among students, teachers and parents, and is aware of each student's specific challenges and talents.

An Ohio native, Jerry received his Doctor of Education in Educational Leadership from the University of Cincinnati in 1992. He graduated with a Master of Education in Guidance and Counseling and a Bachelor of Science in Education from the University of Dayton. Jerry received his school psychology certificate from Xavier University in 1972. Jerry began his career as a high school English teacher at Fenwick High School in Middletown, Ohio, and went on to become Fenwick's Director of Guidance and Counseling. From 1972 through 1979, he served the Hamilton County Office of Educational Services as a school psychologist and, in 1979, he joined the Mariemont, Ohio City School District as Director of Special Services, a position he retained while serving as principal. In 1990, he became the principal of TPES, a school within the Mariemont School District.

Jerry is well known for his regular column on parenting, Parent Pride, which appears in the publication of the Mariemont City School District. He tackles tough subjects such as tolerance, assertiveness, morals and responsibility. He's not afraid to tell us as parents that the best way to raise happy, productive children is to create and maintain home, school and community environments that focus on nurturing and support for all. Jerry believes that most difficult school-related issues—such as bullying, behavior problems, or violence—are not just school issues, but family and community issues, too. And he's right: schools can create zero tolerance policies, but it all comes back to the attitudes and relationships at home.

All of us in the Greater Cincinnati area are grateful for Jerry's many years of dedicated and caring service. We appreciate his outstanding leadership and friendship, and wish him well in many new challenges and opportunities to come.

TRIBUTE TO BERNARD SIMS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to one of the most respected citizens in my district, Bernard Sims. Bernard Sims died on June 3rd at the age of 97.

Bernard was well known throughout his hometown of LaGrange, Illinois as a leader, counselor, and teacher. During his ninety-seven years, Bernard fought for equal rights for all citizens. Bernard refused to tolerate discrimination in any form. His promotion of mutual respect has forever made the city of LaGrange a better place.

One of the most respectable traits of Bernard's character was his ability to get things done. He led through action. His friends respectfully recall when Bernard led a sit-in at the Walgreen's lunch counter until the establishment agreed to serve African Americans. His nonviolent approach and his positive attitude shaped the LaGrange civil rights movement. Bernard was wholly diplomatic in his actions and respect for him crosses all racial and ethnic lines.

Bernard was a well-known football and baseball star at Lyons Township High School. He worked as an auto mechanic, a handyman, and a real estate entrepreneur. He was born to the first African American family in LaGrange and Bernard met his wife, Helen, in

1923 at a LaGrange diner. The couple spent a remarkable seventy five years together until his death. Bernard lived his ideals through membership in the Knights of Columbus, Toastmasters, and the NAACP. His active life and positive attitude helped him make a difference everywhere he went.

Bernard was an asset to our community and will be greatly missed. My thoughts and prayers go out to Bernard's family and the LaGrange community during this time of mourning. I am certain Bernard's legacy will live on in the community for years to come.

His community minded spirit holds a lesson for all of us. I encourage all of my colleagues to join me in remembering Bernard Sims and the contributions he made to his community.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. AKIN. Mr. Speaker, on Monday, June 25, I missed three recorded votes because my flight from St. Louis was canceled. Had my flight not been canceled, I would have voted 'as follows on these three Resolutions:

''Yea'' on H. Res 160, calling on Communist China to release Li Shaomin and all other American scholars of Chinese ancestry;

''Yea'' on H. Res. 99, expressing the sense of the House that Lebanon, Syria and Iran should call upon the Hezbollah to allow Red Cross representatives to visit four abducted Israelis presently held by Hezbollah forces in Lebanon; and

''Yea'' on H. Con. Res. 161, honoring the 19 U.S. servicemen who died in the terrorist bombing of Khobar Towers in Saudi Arabia on June 25, 1996.

HIGH-SPEED RAIL INVESTMENT ACT OF 2001

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my friend, Mr. OBERSTAR, and 123 of our colleagues, in introducing the bipartisan ''High-Speed Rail Investment Act of 2001.'' We believe this bill is critical to getting high-speed rail projects started across the country and liberating our Nation's highways and airways from increasingly serious congestion. This legislation, a companion to S. 250 in the other body, is designed to put into place a federal program to support States in the development of high-speed rail. The House passed a similar bill in the 106th Congress.

Congestion on our highways and in our skies is at a crisis point. The cost to our nation in terms of lost productivity and wasted fuel could be as high as $ 100 billion a year. This will only get worse as road and air travel continue to increase. We cannot resolve this problem simply by building new roads and new airports, the costs are enormous and in many places we simply do not have the space. Our rail system has fallen far below the standards of systems in most other developed industrial countries. We have scarce fiscal and land resources and we must make more efficient use of our existing infrastructure. The rail lines are there already.

Our bill would build on the current rail infrastructure. The bill would authorize Amtrak to issue $12 billion in bonds over the next 10 years for high-speed rail projects in up to 12 regional corridors identified by the Department of Transportation. The bond proceeds could be invested in high-speed rail rights-of-way, rolling stock and other capital improvements. Bonds could also be issued by Amtrak on behalf of any other qualified intercity passenger rail carrier with the approval of the Secretary of Transportation. The bondholders would receive federal tax credits in lieu of interest payments and the credits would be included in taxable income. States would provide at least a 20 percent match which would be deposited in a trust account to redeem the bonds, but Amtrak would remain ultimately responsible for repaying the principal. The state match would help ensure that only high priority projects are funded.

The bill provides that not more than $1.2 billion in bonds could be issued in each fiscal year from 2002 to 2011. Also, not more than $3 billion could be designated for qualified projects on the northeast rail corridor between Washington, DC and Boston, Massachusetts. In addition, not more than $3 billion could be designated for any individual state for qualified projects.

We believe this proposed legislation is forward looking, cost-effective, and absolutely necessary if we are to ensure that our nation's transportation system can handle the expected growth in travel without being overwhelmed by congestion and gridlock. We encourage our colleagues to join us in cosponsoring this legislation.

COMMENDING LOUNSBERRY HOLLOW MIDDLE SCHOOL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mrs. ROUKEMA. Mr. Speaker, each and every day Americans are exposed to a deluge of negative images of our younger citizens. Television, radio and newspaper reports are replete with stories of the misdeeds of young Americans. Frankly, coverage of ringing alarm bells and scandal sells.

However, this kind of coverage does not tell the entire story. Nor it is fair to the millions of younger Americans who are doing good, helping their friends and neighbors and volunteering to improve their communities.

Therefore, Mr. Speaker, I rise this today to draw the attention of my Colleagues to the efforts of just one group of young people—the students at the Lounsberry Hollow Middle School. This weekend I was pleased and gratified to participate as the Vernon Township Fireman's Association honored this group of community-minded, energetic youngsters. Under the guidance of the Director of the School's ''enrichment program'', their outstanding teacher, Vernoy Paolini, the students at Lounsberry Hollow Middle School worked for over 2½ years to raise $36,000 to help fire fighters do their lifesaving work.

These students in Vernon Township have set a record and a high standard for all of us to recognize.

Nearly three years ago, the students became interested in an emerging firefighting technology—thermal imaging cameras. The students embarked on an effort to raise the funds to provide Vernon's firefighters with these cameras. They organized a range of creative activities. They sponsored Tupperware Bingo, sold pens and pencils, sponsored games, collected cans, gathered food, sold 15,000 lollipops, established the ''Change Makes a Difference'' program, etc. With this dedication and commitment, they raised over $36,000.

In the meantime, State Senator Bob Littell (R-Franklin) stepped in and through his leadership on the Senate Appropriations Committee, provided communities all across the state assistance to purchase the thermal cameras.

Undaunted, the young people rededicated themselves to helping reduce fire dangers. They changed their focus and purchased a ''Safety House Trailer'' for the various area fire departments to use in their fire prevention and training activities.

Clearly, these students had help—assistance from their teachers, community leaders, elected officials, and parents. All of them deserve our heartfelt thanks for their role in this project.

Mr. Speaker, I rise to commend and congratulate Lounsberry Middle School, its faculty and staff. But I also rise to offer, on behalf of the Sussex County community, my heartfelt thanks to its students. They are great Americans and their actions typify the kind of community dedication that has made America strong.

INTRODUCTION OF THE FAIR BALANCE PRESCRIPTION DRUG ADVERTISEMENT ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. STARK. Mr. Speaker, I rise today to introduce the Fair Balance Prescription Drug Advertisement Act, a bill to deny tax deductions for unbalanced direct to consumer (DTC) pharmaceutical advertising placing more emphasis on product benefits rather than risks or failing to meet Federal Food, Drug and Cosmetic Act Requirements.

The bill will ensure that DTC advertisements are presented in a fair manner, balancing risks and consequences. Print ads would be required to display pros and cons in equal typeface and space, and on the same or facing pages. If the advertisements ran onto additional pages, those pages would have to be consecutive with the first pages. In television and radio ads, risk and benefit descriptions would be allotted equal airtime and volume level. Pharmaceutical companies who do not follow these guidelines will not be eligible for an advertising tax deduction.

Since the FDA relaxed restrictions on television advertising in 1997, DTC advertising has soared. Drug companies' advertising expenditure doubled between 1998 and 2000.

Last year, Merk-Medco cited a report that projected that by 2005, DTC advertising expenditure will reach seven billion dollars annually.

This increased spending correlates with increased prices of prescription drugs. Like any other commodity, greater product recognition leads to increased demand, and higher prices.

Large-scale advertising may also lead consumers to demand drugs that may not be medically necessary or appropriate for the patient's condition. According to the National Institute for Health Care Management, 86% of patients who request a prescription for Claritin from their doctor receive one.

Doctors often find that patients are difficult to dissuade when they have heard the promises of a new drug. Physicians who acquiesce, however, can put their patients' health at risk. Before the FDA had published clinical trial results of the arthritis drug Celebrex, physicians had prescribed $1 billion worth of the drug in response to patient demands. The doctors had done this without realizing that Celebrex contains an ingredient to which many patients are allergic. In another example, between its release in October of 1999, and the summer of 2000, 22 patients taking the flu drug Relenza had died. The FDA later determined that in the majority of these cases, the drug should never have been prescribed.

Physicians are beginning to recognize dangers of DTC as well. This month, the American Medical Association in their annual convention decided to ask the FDA to require pharmaceutical companies to include a disclaimer in all ads that physicians may suggest other alternative, medically appropriate treatments.

In addition to health dangers, physician's responses to pressure from ''informed'' patients can have economic consequences. According to the Blue Cross and Blue Shield Association, a one year dosage of the arthritis medicine Celebrex costs $900, while the same dosage of ibuprofen, which may be adequate to treat many patients' pain, costs only $24.

Just yesterday, the Wall Street Journal raised concerns about the power of DTC advertising. Due to an intensive new campaign by the Genzyme corporation, many dialysis patients who used to use the over-the-counter medication Tums as a calcium supplement are switching to Renagel, a prescription medication that costs up to $12 a day.

DTC advertisements may also prevent patients from requesting, and physicians from prescribing generic brand drugs. According to a Merk-Medco 2000 study, increasing a health care plan's dispensing rate of generic drugs by 1% can reduce drug spending by 12%.

Although prescription drug advertisements are purportedly intended to educate consumers, a University of California study determined that drug companies frequently fall short of this goal. In a survey of 320 print ads, only 9% included information on the drug's success rate, and the same number attempted to clarify misconceptions about the condition the drug is prescribed to treat. Clearly, something must be done to make these ads more honest.

According to a May 2000 Business Week article, some drug companies claim that the increased advertising can alert hospital physicians to new medications that may reduce a patient's length of stay, and thus reduce overall costs. However, most of the money spent on DTC drug advertisements goes to heartburn, allergy medications, and vanity drugs like those that prevent hair loss. These advertisements promote consumers to seek expensive treatment for conditions that they might not have felt the need for treatment in the past.

This bill I am introducing today would decrease the economic incentives for DTC advertising by taking away the tax deduction for ads that are not fairly balanced. Why should taxpayer funds go to drug companies' questionable advertising techniques that endanger lives and ultimately raise overall health expenditures? By denying tax deductions for unbalanced prescription drug ads, we may be able to change pharmaceutical company behavior to ensure that that their advertising includes clear, life saving information that will better inform the American public, reduce health care costs, and save lives. I urge my colleagues to join me in support of this legislation, and look forward to working with them to make fair, balanced drug advertising a reality.

IN HONOR OF ''THE HOMECOMING''

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. INSLEE. Mr. Speaker, I would like to take this opportunity to recognize and commemorate the dedication of a great Navy Memorial Statue in my congressional district. ''The Homecoming'' will be dedicated on July 4, 2001, in Kirkland, Washington. This bronze statue is the third of its kind in the nation and will be dedicated ''for those families that also served,''—the families that kept the home fires burning while their loved ones fought for their country. We often overlook these unsung ''veterans'' of the battles the United States has fought and this sculpture dramatically calls attention to the families' sacrifices. I cannot help but feel indebted to those who have paid a great individual expense to preserve and strengthen the freedom that we enjoy, and future generations will cherish.

The statue is a 7-foot high, 36-inch platform bronze depiction of a returning serviceman embracing his wife and child. It will be installed at Marina Park near the water's edge of Lake Washington at a ceremony on the 4th of July.

Kirkland resident Edward L. Kilwein, Sr. is on the Board of Directors of the US Navy Memorial Foundation and, along with the Lake Washington Navy League, spearheaded the push to have ''The Homecoming'' permanently grace the City of Kirkland. Kirkland Mayor Larry Springer, along with a unanimous motion from the Kirkland City Council, assured the expansion of Kirkland's first-class public art inventory that honors the men and women of the US Armed Services and their families.

I ask my colleagues in the 107th Congress to please join me in commemorating the dedication of ''The Homecoming.''

CONGRATULATING THE PEPSI GIANTS, 2001 GUAM MAJOR LEAGUE BASEBALL CHAMPIONS, AND MVP BENJIE PANGELINAN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. UNDERWOOD. Mr. Speaker, I would like to take this opportunity to congratulate the Pepsi Giants for having recently won the Guam Major League Baseball's championship. Having swept the University of Guam Tritons in four of the best-of-seven series, the Giants became only the fourth team in GML history to win back-to-back championships.

Although they lost the season opener to the Continental Golden Jets, this past season proved to be truly amazing for the Giants. The team went on to win all 15 of their regular season games and later swept the GML's National League division best-of-five series enroute to finishing the season with a 22-game winning streak.

More impressive, however, was the record set by Benjie Pangelinan, this year's series Most Valuable Player (MVP). Scoring 11 runs, 6 RBI's, and 15 hits—including 11 singles, two doubles, one triple, and a homer, this Giant's catcher/right fielder did enough to merit the coveted award. His second year in a row as MVP, Benjie finished the series 15-for-18 for an .833 batting average. A feat that will go down in GML history, Benjie's batting average broke the series record of .556 set in 1993 by Fernando Diaz.

Always a team player, Benjie claims to have derived more satisfaction from the fact that his team won the championship. He recognizes that this is a feat that was not singlehandedly accomplished. Despite his superior performance, he still credits all of his team members for the victory. He notes that although the Giants have lost formidable players in the past, a new crop of athletes has emerged to fill in the void. In addition, he credited the team's family members for their sacrifices and support in giving the players the chance to be out on the field and have such a wonderful season. Benjie is married to Nicole Oulette Pangelinan and they have a three-year-old child, Kianna.

Regional and local competitions such as the Guam Major League baseball games provide entertainment, promote community relations and prepare our athletes for higher levels of competition. Once again, I would like to commend and congratulate the Pepsi Giants and especially the series MVP, Benjie Pangelinan, for their superb performance and efforts which resulted in this year's championship. I am sure that they will stay committed to their winning ways in the years to come.

A BILL TO MAKE PERMANENT THE AUTHORITY TO REDACT FINANCIAL DISCLOSURE STATEMENTS OF JUDICIAL EMPLOYEES AND JUDICIAL OFFICERS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. COBLE. Mr. Speaker, along with the Ranking Member of the Subcommittee on

Courts, the Internet, and Intellectual Property, Representative Berman, I rise to introduce a bill to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers.

Under the Ethics in Government Act, judges and other high-level judicial branch officials must file annual financial disclosure reports. However, due to the nature of the judicial function and the increased security risks it entails, section 7 of the ''Identity Theft and Assumption Deterrence Act of 1998'' allows the Judicial Conference to redact statutorily required information in a financial disclosure report where the release of the information could endanger the filer or his or her family. This provision will sunset on December 31, 2001, in the absence of further legislative action.

The Judicial Conference Committee on Financial Disclosure recently submitted a report on section 7. The Committee monitors the release of financial disclosure reports to ensure compliance with the statute, reviews redaction requests, and approves or disapproves any request for the redaction of statutorily mandated information where the release of the information could endanger a filer. In 2000, the Committee noted that: (1) 13 financial disclosure reports were wholly redacted because the judge was under a specific, active security threat; (2) 140 judges' reports were partially redacted (59 of which were based on specific threats; the other 81 due to general threats and the potential risk of disclosure of a family member's unsecured workplace or a residence of a judge or a judge's family); and (3) a total of 218 financial disclosure reports, which includes reports from previous years, were partially redacted.

The purpose of the annual financial disclosure reports required by the Ethics in Government Act is to increase public confidence in government officials and better enable the public to judge the performance of those officials. However, federal judges should be allowed to redact certain information from financial disclosures when they or a family member is threatened. Importantly, the practice has never interfered with the release of critical information to the public.

This bill will eliminate the sunset in section 7 and permit the Judicial Conference to permanently redact information in financial disclosure reports where the information could endanger the filer or his or her family. This is a good bill, and I urge my colleagues to support it when it is brought to the House Floor for consideration.

REMARKS HONORING FORMER DALLAS COWBOYS QUARTERBACK TROY AIKMAN

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Ms. GRANGER. Mr. Speaker, I want to commend NFL quarterback Troy Aikman on his very successful football career, and extend my gratitude for his steadfast dedication to improving the lives of children. Mr. Aikman has more than equaled his professional career with his personal involvement in the community. His character both on and off the field has been a tremendous asset to the Dallas-Fort Worth area.

Troy Aikman was born in West Covina, California. His family moved to Henryetta, Oklahoma where he graduated from Henryetta High School. Aikman went on to play college football at the University of Oklahoma and the University of California, Los Angeles. He quickly became a star. Upon Mr. Aikman's graduation, he was the third highest rated quarterback in NCAA history. He also won the highest award for college quarterbacks, the Davey O'Brien National Quarterback Award.

When Mr. Aikman was drafted in the first round by the Cowboys, he quickly became the leader of the team and an integral part of the Dallas-Fort Worth community. During his 12 seasons with the Cowboys, Mr. Aikman led them to three Super Bowl Championships and played in six Pro Bowls. He was named Super Bowl XXVII Most Valuable Player for his performance in the Cowboy's first Super Bowl of the 1990's. Mr. Aikman is also the Cowboy's all-time leader in passing yards, touchdown passes, completion percentage, pass attempts and completions. The Cowboys will surely miss his talent and leadership.

Mr. Aikman has devoted himself to helping critically ill children. In 1992, he established The Troy Aikman Foundation to provide financial support for the physical, psychological, social, and educational needs of critically ill children whose needs are not being met by any other viable resource. Through the Foundation, Mr. Aikman created ''Aikman's End Zones'' for children's hospitals. ''Aikman's End Zones'' are interactive playrooms and theaters designed to give critically ill children a place of refuge during their stays in the hospital. Depending on the space available, the facility includes an 8-foot-tall replica of Troy's helmet, a 1,100 gallon saltwater aquarium, a theater, and an interactive computer network. Mr. Aikman established End Zones at The Children's Hospital of Dallas, Texas and at Cook Children's Medical Center in Fort Worth, Texas. His ultimate goal is to have Aikman's End Zones in every NFL city.

Mr. Aikman has also teamed up with the Starbright Foundation, founded by Stephen Spielberg and General H. Norman Schwarzkopf. The Starbright Foundation's mission is to improve the lives of critically ill children through technology and entertainment. Starbright provides the interactive computer network in ''Aikman's End Zones.''

In addition to his foundation activities, Mr. Aikman has served on the board of Stars for Children and has been honorary chairman for numerous charitable fundraisers throughout the Dallas-Fort Worth area. Mr. Aikman sponsors a scholarship at Henryetta High School for students who want to attend college but can't afford it, and has also established a permanently endowed scholarship at the University of California, Los Angeles. In 1994, Aikman was honored for his community service when he received the Byron ''Whizzer'' White Humanitarian Award.

Mr. Aikman has also become a children's book author. In 1995 he published his first book titled Things Change. The message of the book is how to use change to one's advantage and view difficult times as learning experiences rather than as setbacks. In 1998, he published a second book called Aikman: Mind, Body & Soul which is his autobiography.

Troy Aikman continues to give unselfishly to our community, and we are grateful for the work he has done. He is the perfect example of what a terrific role model professional athletes can be if they use the fame and wealth they have been blessed with in a positive way.

Mr. Speaker, I want to once again congratulate Troy Aikman on a wonderful football career and thank him for his unwavering dedication to improving the lives of children.

TRIBUTE TO SERGEANT FIRST CLASS DEBORAH L. THORN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate Sergeant First Class Deborah Thorn, of Fort Leonard Wood, Missouri, who was recently named as the 2001 Army Drill Sergeant of the Year. SFC Thorn was chosen out of 2400 drill sergeants across the active Army. The Army's drill sergeants are responsible for all initial entry training for the Army's 120,000 new recruits annually.

SFC Thorn enlisted in the Army on her birthday, 3 September 1993 and has served in Fort Huachuca, Arizona and Germany before moving to Fort Leonard Wood to become a drill sergeant. She has served as a drill sergeant for the last 25 months in Alpha Company, 795th MP Battalion, 14th MP Brigade. She will attend the Advanced Noncommissioned Officer Course in July. Following her completion of the course, she will then serve a year at Training and Doctrine Command headquarters as an advisor to the commander on drill sergeant and basic training matters.

Mr. Speaker, I know the Members of this body will join me in congratulating SFC Thorn for her outstanding dedication and service to the U.S. Army. She is a tremendous role model for soldiers, not only at Fort Leonard Wood, but across the entire U.S. Army. I join her husband Lee and daughter Samantha in wishing SFC Thorn all the best in the days ahead.

VASSAR POLICE CHIEF JOHN HORWATH: A BADGE OF HONOR

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor Vassar Police Chief John Horwath as he prepares to close the book on a long and venerable career serving and protecting the citizens of Vassar, Michigan. John's faithfulness and dedication in his work has made him an invaluable part of law enforcement in his community and throughout the state during his 36 years on the job, the past 32 years of which he served as Police Chief.

As Chief, John has made great strides in making and keeping Vassar a safe and enviable place to call home. Just last February, John put himself at great personal risk when he chased and apprehended a bank robbery suspect who had fled by car and later took off on foot. John's valor, talent and dedication to duty have been a hallmark of his tenure. He has helped establish the Vassar Police Department as a top-shelf agency that others

should seek to emulate. Moreover, the impact of his hard work and adherence to excellence have undoubtedly made a profound difference in the lives of countless people throughout his career.

John, however, has never been content to limit his contributions to the workplace. He has been an avid and frequent community activist who has touched the lives of friends, neighbors and strangers for many years. During the Persian Gulf War, John made it his mission to garner homefront support and display patriotism for our overseas troops. He also has often gone the extra mile in helping coordinate safety measures for scores of events in the Vassar area. In addition, John was one of the first to respond to the needs of his neighbors during the 1986 flood that devastated the community and he earned a special commendation for providing relief and support to the victims.

Those employed in law enforcement fully understand the important role family plays in supporting such work. John's wife, Katherine, and four children, RaeAnn, Michael, Matt, and John Thomas, have willingly and generously shared John with the community and everyone is the better for it.

Finally, Mr. Speaker, I wish to praise John Horwath's work ethic and steadfast dedication. He has been an outstanding asset to the Vassar Police Department and the entire community. His presence will be sorely missed. I ask my colleagues to join me in congratulating John for his 36 years of service and in wishing him the best in his retirement.

INTRODUCTION OF THE ''THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT''

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. MORAN of Virginia. Mr. Speaker, today I am joined by Representatives. JO ANN DAVIS, RICK BOUCHER, TOM DAVIS, BOBBY SCOTT, and EDWARD SCHROCK in introducing the ''Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act.''

This legislation will grant federal recognition to six Indian tribes in Virginia: the Chickahominy Tribe, Chickahominy Indian Tribe Eastern Division, the Upper Mattaponi, the Rappahannock Tribe, the Monacan Tribe, and the Nansemond Tribe.

As we approach the 400th anniversary of the first permanent European settlement in North America, it seems appropriate that the direct descendants of the native Americans, who met these settlers, should be recognized by the federal government and that we acknowledge these historic tribes and the significance of their heritage. Together, the men and women of these tribes represent a long neglected part of our nation's history.

The Virginia tribes have fought hard to retain their heritage and cultural identity. The legislation we are introducing today describes the history of the tribes and their early treaty rights with the Kings of England and the colonial government. Like much of our early history as a nation, the Virginia tribes were subdued, pushed off their land, and up to the mid 20th Century, denied full rights as U.S. citizens. Despite their devastating losses of land and population, the Virginia Indians successfully overcame the years of racial discrimination that denied them equal opportunities to pursue their education and preserve their cultural identity.

Federal recognition would provide what the government has long denied, legal protections and financial obligations, including certain social services and benefits the federal government provides the 558 recognized tribes. At a time when our nation is trying to remedy past injustices to the Indians, Virginia's Indians are denied these benefits because none are recognized by the federal government. Not one of the 558 tribes recognized by the federal government reside in Virginia.

I know that the gambling issue may be at the forefront of some members' concerns. In response to this concern, we have worked to close any potential legal loopholes in the legislation to ensure that the state could prevent casino-type gaming by the tribes. Having maintained a close relationship with many of the members of these tribes, I believe they are sincere in their claims that gambling is inconsistent with their values. This position is already borne out by the fact that none of the tribes today engage in bingo gambling despite the fact that they have all established nonprofit organizations that are permitted under Virginia law to operate bingo games despite compelling financial needs that revenues from bingo could address.

The real issue for the tribes is one of recognition and the long overdue need for the federal government to affirm their identity as Native Americans. Coupled with this affirmation is an opportunity for the tribes to establish a more equitable relationship with the state and secure federal financial assistance for the tribes' social services, health care and housing needs. Many of their older members face the prospect of retiring without pensions and health benefits that most Americans take for granted.

I urge my colleagues to support this legislation.

INTRODUCTORY COMMENTS: ''MEDICARE RURAL AMBULANCE SERVICE EQUITY ACT OF 2001''

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. MURTHA. Mr. Speaker, from an urban setting to the furthest reaches of rural America, Americans have come to expect and rely on health care that includes emergency ambulance service. Unfortunately, for many of us, our first exposure to medical care is, all too often, the EMS unit that responds to our call for help. Yet, for millions of Americans living in rural America this cornerstone of medical care is in danger of collapse.

Typically, rural EMS is a small one or two unit service, staffed by volunteers, not affiliated with a major medical facility, that responds to 350 to 500 calls per year within a large radius (37 miles average) who's greatest danger to its existence comes from Medicare.

From the Pacific Northwest to the Florida panhandle to the rural setting of Pennsylvania, an unrealistic and unresponsive Medicare fee schedule has done more to erode emergency medical service in rural America than any other threat to medical care in this country. Because Medicare fees fail to accurately reflect the rural medical environment, rural EMS is facing grave danger of being put out of business by a fee schedule that fails to recognize the actual costs confronting rural ambulance/EMS service.

Therefore, I am introducing the ''Medicare Rural Ambulance Service Equity Act of 2001,'' to increase by 20 percent the payment under the Medicare program for ambulance services furnished to Medicare beneficiaries in rural areas.

For rural ambulance/EMS, the majority of their revenue (60 to 70 percent) comes via Medicare reimbursements. Unfortunately, existing reimbursement fee schedules do not accurately reflect real-world circumstances confronting rural service. New Center for Medicaid and Medicare Services (CMS) (previously referred to as HCFA) fee schedules, anticipated to go into effect by early fall, will not adequately correct the problem. Rural ambulance/EMS providers in every State will remain the hardest hit under the new fee schedule due to their low-volume of calls and transfers each year.

Timely and accurate reimbursement schedules for ambulance/EMS services that accurately reflects real-world costs and expenses are critical to the rural providers' ability to continue to operate. Passage of the ''Medicare Rural Ambulance Service Equity Act of 2001'' will level the playing field for rural emergency medical service.

All too often we are seeing rural EMS providers go out of business—citing financial loss. The primary contributing factor they cite for their loss—an unrealistic and unresponsive Medicare reimbursement fee schedule.

Recently the town council in Avonmore, Pennsylvania voted to close their ambulance/EMS after 27 years. Their reason, they couldn't afford to remain in business. Why, because with nearly 68 percent of their revenues from Medicare reimbursements they couldn't afford any longer to maintain the service for the community—A sad but all too true reality confronting rural medical care in America.

The ''Medical Rural Ambulance Service Equity Act of 2001'' is not the panacea for the growing shortcomings of health care in American, but its 20 percent increase in reimbursement will stop the hemorrhaging that we are experiencing in rural emergency medical service.

We all have something to lose by not putting a halt to the erosion of rural EMS. Therefore, I call on all Members of Congress to immediately pass this important piece of health legislation.

A TRIBUTE TO SISTER SHARON BECKER, A HEALTH CARE COMMUNITY LEADER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. LEWIS of California. Mr. Speaker, I would like today to congratulate Sister Sharon Becker of St. Mary Medical Center in Apple Valley, California, who has been elected to the

leadership council of the Sisters of St. Joseph of Orange. In that position, she will be one of five Sisters who are responsible for giving direction to this health care community.

Since she joined St. Mary Medical Center in 1993, Sister Sharon's vision and leadership has helped make the hospital one of the most highly-regarded in the High Desert and recognized throughout San Bernardino County for its quality of care. Her dedication to serving the poor and disadvantaged has made St. Mary's a leader in services to the needy in the area. She has been forceful in convincing other community leaders to also ensure that a safety net remains in place for the truly needy.

While in Apple Valley, Sister Sharon developed a program for at-risk pregnant women that is now a full-fledged outreach center. She opened a High Desert office for Catholic Charities, making its disaster relief and services to the poor available for the first time. She established a Food Resource Center that provides a range of counseling services for families receiving government food assistance. She started an annual ''Share the Warmth'' drive to acquire shoes and coats for needy children. And she started an annual Thanksgiving food drive for needy families. She was one of the original members of the San Bernardino County Children and Families Commission.

As a member of the leadership council, Sister Sharon will help direct the ministries of the Sisters of St. Joseph of Orange. Through the St. Joseph Health Care System, the council oversees the operation of 15 acute health care facilities, as well as an array of clinics, home-health-care services and hospices in California, Texas and Arizona. The sisters have been ministering to the sick since 1912 in California, and their hospitals served 143,000 inpatients and 2.3 million outpatients in 2000.

Mr. Speaker, the patients who receive top-notch care at St. Mary's Medical Center will enthusiastically endorse Sister Sharon as a good choice to help run the ministries health care system. We will miss her direct leadership in the High Desert, but have no doubt that she will ensure that the entire system improves over her five-year term. Please join me in congratulating her and wishing her well in this important new role.

INTRODUCING THE RENTERS RELIEF ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. ENGEL. Mr. Speaker, I rise today to introduce legislation that addressing a crisis in our country. My bill, the Renters Relief Act, provides a refundable tax credit of up to $2,500 for people paying more than 30 percent of their income toward housing costs.

Throughout our nation, millions of working families are struggling to make ends meet. Housing costs are often the greatest drain on a family's economic resources.

I would like to call to my colleagues' attention some disturbing facts from around the country: In Atlanta, Georgia there are 11,907 families waiting for housing assistance from HUD; In the Los Angeles Metro region more than 400,000 renters have incomes less than 50 percent of the area median income, and pay over half of their income for rent or are living in severely substandard housing, the ''worst'' case scenario; In Boston, the average monthly fair market rent for a two-bedroom apartment in the metro area is $874, that means a family must earn at least $35,000 or else they will be spending more than 30 percent of their income on housing.

We have heard the statistics over and over. The fact is we are not producing enough housing that is guaranteed for low and moderate-income people. We are not building nearly enough public housing to accommodate our needs. Incomes are not keeping up with housing costs. I have been frustrated at not being able to help more of my constituents.

In fact, three years ago Secretary Cuomo said that ''Not even families working full-time at minimum wage can afford decent quality housing in the private rental market. This is not just a big city problem but affects America's growing suburbs as well.''

HUD's own research indicates that a wide variety of market forces have contributed to this crisis of housing affordability through the 1990s. Among these are ''continued suburbanization of population and employment, regulatory barriers to development of multifamily housing, underinvestment in affordable housing by local communities, continuing discriminatory barriers, and the simple economics of supply and demand in which rising incomes for higher income families drive up rents faster than the poorest families can afford. Also, the growth in the crisis during the 1990s can also be attributed to the elimination of Federal appropriations for additional rental vouchers between 1995 and 1998.''

I urge my colleagues to turn the tide. Join me in moving the Renters Relief Act forward!

HONORING DR. BOBBY JONES OF NASHVILLE, TENNESSEE FOR TWENTY-FIVE YEARS OF SERVICE TO THE GOSPEL MUSIC INDUSTRY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. CLEMENT. Mr. Speaker, I rise today to honor Dr. Bobby Jones of Nashville, Tennessee. For more than twenty-five years, he has promoted and performed gospel music during his ''Bobby Jones Gospel'' shows worldwide. In fact, I have known him for a number of years and consider him to be a personal friend.

Bobby Jones is truly a pioneer in taking gospel music to a wider audience via television programming beginning with his local television show on WSMV–Channel 4 in Nashville, and over the past twenty years as a personality on Black Entertainment Television (BET). His programs have inspired, informed, and entertained a generation of Americans. In fact, ''Bobby Jones Gospel'' is credited with being the first and only nationally syndicated black gospel television show.

Jones has also introduced a wealth of new musical talent to the world through his television shows. Artists such as Yolanda Adams, Kirk Franklin, and Hezekiah Walker first came to the attention of the public after being showcased on ''Bobby Jones Gospel.'' Additionally, his video program on BET, is the only national black gospel video program to date. He also hosts a weekly syndicated gospel countdown show heard on radio stations across the nation.

Bobby Jones has always aspired to great things. The Henry County, Tennessee, native dreamed of a musical career at an early age, which drove him to graduate from high school at the age of 15 and to earn a bachelor's degree from Tennessee State University (TSU) at the age of 19. An education major, he went on to earn a master's degree from TSU, and doctorate from Vanderbilt University. Upon graduation, Jones successfully taught in both the Tennessee and Missouri school systems.

He is also credited with forming the now familiar ''Black Expo,''—fair like events, which take place across then nation and celebrate the many contributions of African Americans to the community in which they take place.

Bobby Jones has been honored numerous times by his peers. In 1980, he received The Gabriel Award and an International Film Festival Award for writing and performing Make A Joyful Noise. In 1982, he was nominated for a Grammy Award, along with his group, New Life. The Gospel Music Association (GMA) honored him in 1984, with a Dove Award for Black Contemporary Album of the Year. That same year he picked up a Grammy Award for ''Best Vocal Duo for a Soul/Gospel Performance'' for the single he recorded with Barbara Mandrell, ''I'm So Glad I'm Standing Here Today.'' He also won an NAACP Image Award in 1984. The GMA honored him with the ''Commonwealth Award for Outstanding Contribution to Gospel Music'' in 1990. In 1994, Jones was nominated for a Cable ACE Award.

His autobiography, ''My 25 Years in Gospel Music: Make a Joyful Noise'' was recently released by Double Day Books. Another recent venture is his new television program ''Bobby Jones Presents . . .'' for the Word Network. This show contains classic performances from ''Bobby Jones Gospel.''

Jones is to be commended and honored for twenty-five years of outstanding service to the gospel music industry. He is a beloved figure who no doubt will continue to enlighten audiences for many years to come.

TWENTY-FIVE YEARS OF THE HELSINKI COMMISSION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. HOYER. Mr. Speaker, twenty-five years ago this month, on June 3, 1976, a law was enacted creating the Commission on Security and Cooperation in Europe. We know it as ''the Helsinki Commission.'' One of the smallest and most unique bodies in the U.S. Government, it perhaps ranks among the most effective for its size. I have been proud to be a member of the Commission for the past 16 years.

When President Gerald Ford signed, in Helsinki in 1975, the Final Act of the Conference on Security and Cooperation in Europe, he said that ''history will judge this Conference not by what we say here today, but by what we do tomorrow—not only by the promises we make, but by the promises we keep.'' That

piece of rhetoric has not only been repeated in various forms by every United States President since; it has continually served as a basis for U.S. policy toward Europe.

Credit for this fact, and for the Commission's establishment, first goes to our late colleague here in the House, Millicent Fenwick, and the late-Senator Clifford Case, both of New Jersey. Observing the foundation of human rights groups in the Soviet Union and Eastern Europe to monitor and, it was hoped, to encourage their governments to keep the promises made in Helsinki, she and other Members of Congress felt it would be good to give them some signs of support. Keep in mind, Mr. Speaker, that this was in the midst of detente with Moscow, a polite dance of otherwise antagonistic great powers. It was a time when the nuclear warhead was thought to be more powerful than the human spirit, and the pursuit of human rights in the communist world was not considered sufficiently realistic, except perhaps as a propaganda tool with which to woo a divided European continent and polarized world.

The philosophy of the Commission was otherwise. Respect for human rights and fundamental freedoms is, as the Helsinki Final Act indicates, a prerequisite for true peace and true security. As such, it is also a principle guiding relations between states, a legitimate matter for discussion among them. This philosophy, broadened today to include democratic norms such as free and fair elections and respect for the rule of law, remains the basis for the Commission's work.

Of course, the Commission was not meant to be a place for mere debate on approaches to foreign policy; it had actually to insert itself into the policy-making process. The Commission Chairman for the first decade, the late Dante Fascell of Florida, fought hard to do just that. It was, I would say, a bipartisan fight, with several different Congresses taking on several different Administrations. Moreover, it was not just a fight for influence in policy-making; it was a much tougher fight for better policies. The Commission staff, led during those early years by R. Spencer Oliver, was superb in this respect. It knew the Soviet Union and Eastern Europe. It worked with non-governmental organizations to increase public diplomacy and, subsequently, public support for human rights advocacy. The staff developed the ability to insert principle into policy at the negotiating table. Over time, as State Department and other Executive-branch officials would come and go, the Commission staff developed the institutional memory to recall what works and what doesn't, allowing human right as an element of East-West relations consistently to strengthen. With the Commission staff represented on U.S. delegations to follow-up and experts meetings which emerged from the Final Act—collectively called the Helsinki process—our country addressed issues at the heart of Cold War, forthrightly confronting the Soviets and their allies in the presence of our European allies, neutral and non-aligned states and the more reluctant Warsaw Pact members. The Commission was viewed as unique in the role it played to ''co-determine'' with the Executive branch U.S. human rights policy toward the Soviet Union and East-Central Europe.

In 15 years at the East-West divide, the Commission also championed policies, like the Jackson-Vanik amendment, linking human rights to trade and other aspects of U.S. bilateral relationships. The concept of linkage has often been chastised by the foreign policy establishment, but it comes from the passion of our own country's democratic heritage and nature. With persistence and care, it ultimately proved successful for the United States and the countries concerned.

The Helsinki Commission also became the champion of engagement. Commission members did not simply speak out on human rights abuses; they also traveled to the Soviet Union and the communist countries of East-Central Europe, meeting dissidents and ''refuseniks'' and seeking to gain access to those in the prisons and prison camps. At first, the Commission was viewed as such a threat to the communist system that its existence would not be officially acknowledged, but Commissioners went anyway, in other congressional capacities until such time that barriers to the Commission were broken down. The Commission focus was on helping those who had first inspired the Commission's creation, namely the Helsinki and human rights monitors, who had soon been severely persecuted for assuming in the mid-1970s that they could act upon their rights. Ethnic rights, religious rights, movement, association and expression rights, all were under attack, and the Commission refused to give up its dedication to their defense.

Eventually, the hard work paid off, and the beginning of my tenure with the Commission coincided with the first signs under Gorbachev that East-West divisions were finally coming to an end. Sharing the chairmanship with my Senate counterparts—first Alfonse D'Amato of New York and then Dennis DeConcini of Arizona—the Commission argued against easing the pressure at the time it was beginning to produce results. We argued for the human rights counterpart of President Reagan's ''zero option'' for arms control, in which not only the thousands of dissenters and prospective emigrants saw benefits. They were joined by millions of everyday people—workers, farmers, students—suddenly feeling more openness, real freedom, and an opportunity with democracy. Dissidents on whose behalf the Commission fought—while so many others were labeling them insignificant fringe elements in society—were now being released and becoming government leaders, people like Polish Foreign Minister Bronislaw Geremek and Czech President Vaclav Havel. The independence of the Baltic States, whose forced incorporation into the USSR was never officially recognized by the United States, was actually reestablished, followed by others wishing to act upon the Helsinki right to self-determination. The Commission was among the first to suggest not as rhetoric but as a real possibility the holding of free and fair elections, tearing down the Berlin Wall, and beginning a new world order in Europe.

Of course, Mr. Speaker, those of us on the Commission knew that the fall of communism would give rise to new problems, namely the extreme nationalism which communism swept under the rug of repression rather than neutralized with democratic antiseptic. Still, none of us fully anticipated what was to come in the 1990s. It was a decade of democratic achievement, but it nevertheless witnessed the worst violations of Helsinki principles and provisions, including genocide in Bosnia-Herzegovina and brutal conflicts elsewhere in the Balkans as well as in Chechnya, the Caucuses and Central Asia, with hundreds of thousands innocent civilians killed and millions displaced. Again, it was the Commission which helped keep these tragedies on the U.S. foreign policy agenda, holding hearings, visiting war zones and advocating an appropriately active and decisive U.S. response. In the face of such serious matters, too many sought to blame history and even democracy, equated victim with aggressor and fecklessly abandoned the principles upon which Helsinki was based. Again the Commission, on a bipartisan basis in dialogue with different Administrations, took strong issue with such an approach. Moreover, with our distinguished colleague, CHRISTOPHER SMITH of New Jersey, taking his turn as Chairman during these tragic times, the Commission took on a new emphasis in seeking justice for victims, providing much needed humanitarian relief and supporting democratic movements in places like Serbia for the sake of long-term stability and the future of the people living there.

In this new decade, Mr. Speaker, the Commission has remained actively engaged on the issues of the time. Corruption and organized crime, trafficking of women and children into sexual slavery, new attacks on religious liberty and discrimination in society, particularly against Romani populations in Europe, present new challenges. Senator BEN NIGHTHORSE CAMPBELL of Colorado, the latest Commission Chairman, has kept the Commission current and relevant. In addition, there continue to be serious problem areas or widespread or systemic violations of OSCE standards in countries of the Balkans, Central Asia and the Caucuses, or reversals of the democratization process as in Belarus. The Commission was born in the Cold War, but its true mission—the struggle for human rights, democratic government and the rule of law—remains as important now as it was then. It remains an essential element for true security and stability in the world, as well as, to paraphrase Helsinki, for the free and full development of the individual person, from whose inherent dignity human rights ultimately derive.

To conclude, Mr. Speaker, I wish to erase any illusion I have given in my praise for the Helsinki Commission on its first quarter of a century that it had single-handedly vanquished the Soviet empire or stopped the genocidal policies of Slobodan Milosevic. No, this did not occur, and our own efforts pale in comparison to the courage and risk-taking of human rights activists in the countries concerned. But I would assert, Mr. Speaker, that the wheels of progress turn through the interaction of numerous cogs, and the Commission has been one of those cogs, maybe with some extra grease. The Commission certainly was the vehicle through which the United States Government was able to bring the will of the American people for morality and human rights into European diplomacy.

To those who were in the Soviet gulag, or in Ceausescu's Romania as a recent acquaintance there relayed to me with much emotion, the fact that some Americans and others were out there, speaking on their behalf, gave them the will to survive those dark days, and to continue the struggle for freedom. Many of those voices were emanating in the non-governmental community, groups like Amnesty International, Freedom House and Human Rights Watch. Through the Helsinki Commission, the

voice of the United States Congress was heard as well, and I know that all of my colleagues who have been on the Commission or worked with it are enormously proud of that fact.

IN MEMORY OF MR. JAMES V. PSENICKA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a very fine man, Mr. James V. Psenicka, for his dedicated years of service and countless contributions to the community.

Mr. Psenicka was born in Maple Heights to Czech immigrants who met and married in the United States. The family then moved to Streetsboro to purchase land. Mr. Psenicka graduated from Kent State High School in 1950 and immediately joined the staff of ''The Neighborhood News'' where he served as a reporter and advertising salesman. He soon earned his bachelors degree in journalism from Kent State University in 1955.

Mr. Psenicka assumed the role of owner and publisher of ''The Neighborhood News'' in 1961 after serving in the U.S. Navy Air force in Guam. As publisher, Mr. Psenicka campaigned for cleaner air and strict anti-pollution regulation. He fought for countless causes to make life better for hard-working Czech and Polish-American readers. Under his leadership, the newspaper was named Best Weekly Newspaper by the Neighborhood and Community Press Association of Greater Cleveland in 1999.

Although his commitment to ''The Neighborhood News'' earned the newspaper countless awards and honors, Mr. Psenicka kept family and friends first. He enjoyed traveling with his wife and three sons to Canada, Greece, Europe, and many other places. He relished boating and gardening. You would often see Mr. Psenicka off the coast of Lake Erie fishing.

Mr. Psensicka also had an incredible dedication to his local community. He served as a member of Karlin Hall on Fleet Avenue and the Small Business Advisory Council to the U.S. Congress. In addition, Mr. Psenicka served as a dedicated member to the Kiwanis Club of South East Cleveland, the world's largest service organization.

Mr. Speaker, please join me in honoring the memory of Mr. James V. Psenicka, a man that has touched the Cleveland and world community in many ways. His love, dedication, and honor will be greatly missed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT OF 2002

SPEECH OF

HON. WES WATKINS

OF OKLAHOMA

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. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Mr. WATKINS. Mr. Speaker, I rise today in support of H.R. 2217, the Interior Appropriations Act for Fiscal Year 2002. Among the components of that act is funding for the Department of Energy's Office of Fossil Energy and its program of oil and natural gas research and development. Few among us understand what an important role oil and natural gas research and development plays in our nation's ability to produce critical quantities of those resources for our domestic consumption.

I would like to introduce into the RECORD today one of the recommendations contained in a report of the Interstate Oil and Gas Compact Commission (IOGCC) entitled A Dependent Nation: How Federal Oil and Natural Gas Policy is Eroding America's Economic Independence. This report contains the IOGCC governors' own set of recommendations for a national oil and natural gas policy. It is my hope that this information will help explain why federally funded oil and natural gas research and development is so vitally important to this country.

RECOMMENDATION 2: PROMOTE THE EXPANSION OF RESEARCH TO RECOVER DOMESTIC OIL AND GAS RESOURCES

This far-reaching recommendation encompasses a number of initiatives designed to ensure the nation's reserves are fully developed. First, to make informed decisions regarding the nation's energy future, the public must have definitive information on the actual domestic petroleum resource.

For example, there are vast known reserves of oil in the United States. The IOGCC estimates that 351 billion barrels will remain in the ground after conventional recovery technologies have been applied.

In addition, there are oil and natural gas reserves located on private and public lands and offshore that have not been analyzed or catalogued. Some of these reserves may exist in environmentally sensitive areas or in difficult-to-access locations that would require extraordinary exploration and production measures or advanced research to develop. Therefore, in addition to identifying the entire oil and gas resource base of the country, research should include estimates of the time required to bring these resources into production.

Defining these resources is only a first step. As an advocate-for oil and natural gas research, the IOGCC also strongly supports programs that create technology to improve recovery rates and lower finding and production costs. Such research and development (R&D) is an investment in the country's future and its energy security. Technological advance might be the most important factor in ensuring America's nonrenewable resources are fully developed.

As noted by the Task Force on Strategic Energy Research and Development, ''There is growing evidence of a brewing 'R&D crisis' in the United States—the result of cutbacks and refocusing in private-sector R&D and reductions in federal R&D. Support for research and development is indeed being simultaneously reduced in the private and public sectors. R&D cannot be turned on and off like a water tap. The acquisition of new knowledge and the embodiment of new knowledge in new products and services for the economy is a cumulative process that requires continuous effort to sustain. The accumulation of cutbacks in public and private R&D could be setting the stage for a major shortfall and setbacks in R&D in the United States—characterized by the lack of consistent attention to longer-term needs and problems, a shrinking population of scientists and engineers available to perform high-quality R&D, and a loss of incentives and opportunities for new generations of technologists.''

A 1997 report commissioned by the IOGCC confirmed the declining trend in oil and gas research and development. ''When private R&D is compared to federal expenditures, the outlook is more bleak. Private spending is substantiated . . . but federal spending remains disproportionately small compared to the relative importance of oil and gas to U.S. energy requirements.''

Enrollment in petroleum-related majors at America's colleges and universities has shrunk as well. At the University of Texas at Austin, home of one of the largest petroleum engineering programs in the nation, undergraduate enrollment in the Department of Petroleum and Geosystems Engineering has plummeted more than 80 percent from a high of 1,200 in 1982 to 222 in 1999. About 1,300 students currently are enrolled in undergraduate petroleum engineering programs in the U.S., down sharply from more than 11,000 in 1983.

A 1997 study published by the IOGCC expressed alarm at the loss of experienced and entry-level technical personnel, noting ''there is a 5- to 7-year gap between decisions to increase exploration budgets and resulting new oil production, even when experienced technical staff are available. However, few have considered the long-term effects of the 1986 petroleum jobs massacre (in which 500,000 jobs were lost) and how the events of 10 years ago will influence future energy policy and supplies . . . Any crisis in oil supply causing increases in domestic activity will be constrained by lack of qualified staff.''

The federal government could fulfill a vital leadership role in reversing the trend. The country's network of national laboratories, for example, seems ideally suited for the mission of energy research.

In addition, the lOGCC supports a reallocation of U.S. Department of Energy resources to provide additional research and development funding for oil and natural gas. The DOE's budget request totals $18.9 billion for fiscal year 2001. For fossil energy research and development, DOE is requesting $376 million, less than 2 percent of the budget. About $160 million is requested for oil and natural gas research. This represents slightly more than one-half of one percent of the DOE budget request—for fuels that deliver more than 85 percent of the country's energy.

The DOE's Office of Fossil Energy highlights the importance of R&D. ''Looking forward, the domestic oil and gas industry will be challenged to continue extending the frontiers of technology. Ongoing advances in E&P productivity are essential if producers are to keep pace with steadily growing demand for oil and gas, both in the United States and world wide.''

The NPC notes ''producers are turning to the service sectors to develop new technology for specific applications. Industry consortia have been formed to address critical technology challenges such as deep water development. While many of these changes improve the efficiency with which research and development dollars are spent, concerns have been widely expressed that basic and long-term research are not being adequately addressed.''

Meanwhile, solar and renewables technologies, which provide less than 10 percent of U.S. energy, would receive more than $457 million. The 28 percent increase in funding ($99 million) for 2001 represents more than the total request for oil and natural gas research.

Reality dictates that additional funding for oil and natural gas research and development is unlikely. However, the IOGCC supports a drastic shift in how available tax dollars are spent. In the early years of the DOE, large and expensive demonstration projects dominated R&D spending. ''That early emphasis on demonstration projects, reflecting the turmoil of the late 1970s, was, in retrospect, misplaced.''

Despite billions of dollars spent on renewable energy R&D during the period of 1990–1999, there has been little impact by renewables on the nation's total energy consumption pattern (Figure 6). In fact, in 1999, renewables supplied a nearly identical percentage of the nation's total energy consumption as in 1990.

According to Hodel and Deitz, ''however important alternative sources eventually may be, our best estimate is that we will continue to meet our energy needs with oil and gas for at least the remainder of this and the next generation of Americans, and very possibly several succeeding ones as well. Without some kind of energy breakthrough or aggressive government mandates, oil and gas appear certain to be our predominant fuels for the next 40 to 100 years.''

A broad range of parties assembled by the National Petroleum Council to assess the future of the oil and gas industry expressed ''. . . surprisingly broad agreement . . . '' on the outlook for the next 25 years, including, ''The United States and the world will still be using large amounts of oil and gas in 2020, not significantly different from the more than 60 percent share of world energy consumption these fuels represent today.''

The case for redirecting R&D dollars to where they would prove more effective is especially important as government considers budget freezes and cutbacks. Past successes, including three-dimensional seismic, polycrystalline diamond drill bits and horizontal drilling, which have helped lower costs and improve recovery, should be built upon.

To ensure that these limited resources are spent wisely, the IOGCC recommends the budgets for energy research and development be considered by the same congressional subcommittees. Current congressional structure requires fossil fuel and renewables research budgets to be evaluated in separate budget bills handled by separate subcommittees of the House and Senate Appropriations Committees. As a result, side-by-side comparisons of expenditures and impacts are difficult, and there is a lack of flexibility in allocating finite resources.

The NPC notes ''in the past three decades, the petroleum business has transformed itself into a high-technology industry ... Looking forward, the domestic oil and gas industry will be challenged to continue extending the frontiers of technology. Ongoing advances in E&P productivity are essential if producers are to keep pace with steadily growing demand for oil and gas, both in the United States and world wide. Continuing innovation will also be needed to sustain the industry's leadership in the intensely competitive international arena, and to retain high-paying oil and gas industry jobs at home.''

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. JAMES V. HANSEN

OF UTAH

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. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes;

Mr. HANSEN. Mr. Chairman, H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, contained language under the National Park Service/Land Acquisition and State Assistance section regarding federal grants to the State of Florida for acquisition of lands or waters within the Everglades watershed, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area. This language begins on page 29, line 15 of the House engrossed bill and continues until page 30, line 11.

This language does not constitute any new authority to acquire land or to obligate funds beyond existing law under Public Law 101–229, the Everglades National Park Protection and Expansion Act of 1989. The Committee on Resources has primary jurisdiction over this statute. The authority of the federal government to acquire land, directly or indirectly by eminent domain, must be specific. If I felt that this language in the Interior appropriations bill authorized new acquisition authority, I would have exercised my prerogative under the rules of the House of Representatives to have the language struck on a point of order.

Similarly, nothing in this language from the Interior appropriations bill provides any new project authorization beyond that contained in the Everglades National Park Protection and Expansion Act. Again, I would have raised a point of order against the text if I believed that it constituted new or amended project authority.

I hope this clarifies any questions or concerns that my colleagues or the public might have regarding these provisions.

HONORING REVEREND JOHN L. FREESEMANN'S 25TH ANNIVERSARY OF ORDINATION

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Ms. LOFGREN. Mr. Speaker, I rise to congratulate Reverend John L. Freesemann of the Holy Redeemer Lutheran Church in San Jose, California, on the 25th Anniversary of his Ordination. On the 27h day of June, 1976, Reverend John L. Freesemann was ordained in the Lutheran Church. For 25 years he has served both his parish community and the people of Santa Clara County faithfully and devotedly.

Reverend John Freesemann has been a tireless advocate of ecumenism in San Jose and the surrounding communities; he has provided a decade of responsible leadership as a board member and past president of the California Council of Churches, and is a founding member and the current president of California Church Impact. Reverend Freesemann has also served for eight terms as president of the Santa Clara County Council of Churches. Reverend John Freesemann gives tirelessly of his time and talents to support children and families as a founding member, two-term vice president, and current president of Resources for Families and Communities in Santa Clara County.

As the pastor of Holy Redeemer Lutheran Church for 11 years, Reverend Freesemann has established his San Jose parish as a place of safety, of compassion and of hope. Under his loving guidance, Holy Redeemer has expanded its ministries to the community at large.

I wish to congratulate Reverend John L. Freesemann on this, the 25th Anniversary of his Ordination, and to thank him for his many years of service to the people of San Jose. Our community is the richer for his faithful service.

INTRODUCTION OF THE BIOTECHNOLOGY AND AGRICULTURE IN THE DEVELOPING WORLD ACT OF 2001

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I am introducing a bill to establish a grant program under the Secretary of Agriculture to support research and development programs in agricultural biotechnology to address the food and economic needs of the developing world.

My bill recognizes the great potential of agricultural biotechnology to combat hunger, malnutrition, and sickness in the developing world and provides the mechanism to encourage the pursuit of this exciting technology.

Portions of the developing world are facing a pandemic of malnutrition and disease; 200 million people on the African continent alone are chronically malnourished. Traditional farming practices cannot meet the growing needs of the developing world. Africa's crop production is the lowest in the world and even with about two-thirds of its labor force engaged in agriculture, Africa currently imports more than 25 percent of its grain for food and feed.

Biotechnology offers great promise for agriculture and nutrition in the developing world. Vitamin-enhanced foods, foods higher in protein, and fruits and vegetables with longer shelf-lives have been developed using biotechnology. Biotechnology can promote sustainable agriculture, leading to food and economic security in developing nations. Biotechnology can help developing countries produce higher crop yields while using fewer pesticides and herbicides. My bill does not encourage the development of pesticide-resistant crops.

An added benefit of increased yields through biotechnology is that increased productivity on existing crop land reduces the amount of land that needs to be farmed as

well as the need for new crop acreage, which can greatly slow the rate of habitat destruction. Since most food production and farming in the developing world is done by women, such an increase in productivity also enables women to spend their time on other productive activities and better care for their families.

Biotechnology can also improve the health of citizens of developing countries by combating illness. Substantial progress has been made in the developed world on vaccines against life-threatening illnesses, but, unfortunately, infrastructure limitations often hinder the effectiveness of traditional vaccination methods in some parts of the developing world. For example, many vaccines must be kept refrigerated until they are injected. Even if a health clinic has electricity and is able to deliver effective vaccines, the cost of multiple needles can hinder vaccination efforts. Additionally, the improper use of hypodermic needles can spread HIV, the virus that causes AIDS. Biotechnology offers the prospect of orally delivering vaccines to immunize against life-threatening illnesses through agricultural products in a safe and effective manner.

My bill establishes a grant program under the Foreign Agricultural Service in the Department of Agriculture to encourage research in agricultural biotechnology. Eligible grant recipients include historically black colleges and universities, land-grant colleges, Hispanic serving institutions, and tribal colleges or universities. Non-profit organizations and consortia of for-profit and in-country agricultural research centers are also eligible.

I encourage my colleagues to support this important piece of legislation.

30TH ANNIVERSARY OF THE INTERNATIONAL ARTS FESTIVAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. TOWNS. Mr. Speaker, I rise on the occasion of the 30th anniversary of the International African Arts Festival which annually contributes to the Brooklyn community through weekend long cultural events.

For the past thirty years, the International African Arts Festival has brought together those who wish to enjoy the music, dance, art, craft, flavors, colors, laughter, and love of the African Diasporan family as well as visitors from across the globe. Born on a stage, the festival grew into a block party. However, soon thereafter the location changed once again to the Boys and Girls High field.

In an effort to give back to the community, the International African Arts Festival holds an annual talent search, in which cash prizes and performance contracts are awarded to young people. The talent search has helped to launch the careers of several young stars. In addition, the Festival has awarded over $23,000 in annual scholarships to graduating high school seniors over the past eleven years. The International African Arts Festival is also responsible for the success of the Living Legends Award as well as the Ankh Award, both bestowed upon leaders and inspirational figures in the community.

The International African Arts Festival is committed to maintaining a connection with African tradition itself. A traditional African libation ceremony officially opens the Festival each year in salute to the spirit of the African ancestors. Over the course of its thirty years, the International African Arts Festival has brought a wealth of world-class entertainment to Brooklyn stages. The Festival maintains a deep connection with the residents of Brooklyn, employing over 300 people every year.

Mr. Speaker, for the past thirty years the International African Arts Festival has been an integral part of the community. As such, the Festival is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable event.

U.S. POSTAL SERVICE LINKS ACROSS AMERICA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. SHAW. Mr. Speaker, the U.S. Postal Service links together cities and towns, large and small, across America through delivery of the mail. Since our nation's founding, mail delivery has been especially important to rural America, places that were at first a long walk away, then a long horse ride, and even for years a long automobile ride from the nearest downtown of a major city. The Internet today has helped reduce the distance between cities, and even countries, but mail delivery continues to be an important function for all Americans.

Most Americans, probably, are unaware that for decades rural letter carriers have used their own transportation to deliver the mail. This includes rural letter carriers who today drive their own vehicles in good weather and bad, in all seasons, in locations that can range from a canyon bottom to mountain top, ocean view to bayou. Rural letter carriers drive over 3 million miles daily and serve 24 million American families on over 66,000 rural and suburban routes. The mission of rural letter carriers has changed little over the years, but the type of mail they deliver has changed substantially—increasing to over 200 billion pieces a year. And although everyone seems to be communicating by email these days, the Postal Service is delivering more letters than at any time in our nation's history. During the next decade, however, we know that will change.

Electronic communication is expected to accelerate even faster than it has in the last five years. Some of what Americans send by mail today will be sent online. According to the General Accounting Office (GAO), that will include many bills and payments. In its study, U.S. Postal Service: Challenges to Sustaining Performance Improvements Remain Formidable on the Brink of the 21st Century, dated October 21, 1999, the GAO reports that the Postal Service's core business—letter mail—will decline substantially. As a result, the revenue the Postal Service collects from delivering First-Class letters also will decline.

While the Internet will eventually reduce the amount of letter mail rural letter carriers deliver, the Internet will present some new opportunities for delivering parcels. Rural letter carriers have for decades delivered the packages we order from catalogs, and now they deliver dozens of parcels every week that were ordered online. For some rural and suburban Americans the Postal Service still remains the only delivery service of choice. Today, the Postal Service has about 33 percent of the parcel business. However, if the Postal Service is as successful as it hopes in attracting more parcels, that could create a problem for rural carriers. Most items ordered by mail are shipped in boxes that, once filled with packing materials, can be bulky—so bulky, in fact, that many rural letter carriers already see the need for larger delivery vehicles.

In exchange for using their own vehicles, rural letter carriers are reimbursed for their vehicle expense by the Postal Service through the Equipment Maintenance Allowance (EMA). Congress recognized this unique situation in tax legislation as far back as 1988. That year Congress intended to exempt EMA from taxation through a specific provision for rural letter carriers in the Technical and Miscellaneous Revenue Act of 1988 (TAMRA). This provision allowed rural mail carriers to compute their vehicle expense deduction based on 150 percent of the standard mileage rate for their business mileage use. Congress passed this law because using a personal vehicle to deliver the U.S. Mail is not typical vehicle use. Also, these vehicles have little resale value because of their high mileage and most are outfitted for right-handed driving.

As an alternative, rural letter carrier taxpayers could elect to use the actual expense method (business portion of actual operation and maintenance of the vehicle, plus depreciation). If the EMA exceeded the actual vehicle expense deductions, the excess was subject to tax. If EMA fell short of the actual vehicle expenses, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer's adjusted gross income.

The Taxpayers Relief Act (TRA) of 1997 further simplified the taxation of rural letter carriers. TRA provides that the EMA reimbursement is not reported as taxable income. That simplified taxes for approximately 120,000 taxpayers, but the provision eliminated the option of filing the actual expense method for employee business vehicle expenses. The lack of this option, combined with the effect the Internet will have on mail delivery, specifically on rural letter carriers and their vehicles, is a problem we must address.

Expecting its carriers to deliver more packages because of the Internet, the Postal Service already is encouraging rural letter carriers to purchase larger right-hand drive vehicles, such as sports utility vehicles (SUV). Large SUVs can carry more parcels, but also are much more expensive to operate than traditional vehicles—especially with today's higher gasoline prices. So without the ability to use the actual expense method and depreciation, rural carriers must use their pay to cover vehicle expenses. Additionally, the Postal Service has placed 11,000 postal vehicles on rural routes, which means those carriers receive no EMA.

All these changes combined have created a situation contrary to the historical Congressional intent of using reimbursement to fund the government service of delivering mail, and

also has created an inequitable tax situation for rural letter carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. I believe we must correct this inequity, and so I am introducing a bill that would reinstate the deduction for a rural letter carrier to claim the actual cost of the business use of a vehicle in excess of the EMA reimbursement as a miscellaneous itemized deduction.

In the next few years, more and more Americans will use the Internet to get their news and information, as well as receive and pay their bills. But mail and parcel delivery by the United States Postal Service will remain a necessity for all Americans—especially those in rural and suburban parts of the nation. Therefore, I encourage my colleagues to support this bill and ensure fair taxation for rural letter carriers.

INTRODUCTION OF THE CLASS ACTION FAIRNESS ACT OF 2001

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friends from Virginia, Mr. BOUCHER and Mr. MORAN, and the Chairman of the Judiciary Committee, Mr. SENSENBRENNER, the Class Action Fairness Act of 2001.

This much-needed bipartisan legislation corrects a serious flaw in our federal jurisdiction statutes. At present, those statutes forbid our federal courts from hearing most interstate class actions—the lawsuits that involve more money and touch more Americans than virtually any other litigation pending in our legal system.

The class action device is a necessary and important part of our legal system. It promotes efficiency by allowing plaintiffs with similar claims to adjudicate their cases in one proceeding. It also allows claims to be heard in cases where there are small harms to a large number of people, which would otherwise go unaddressed because the cost to the individuals suing could far exceed the benefit to the individual. However, class actions have been used with an increasing frequency and in ways that do not promote the interests they were intended to serve.

In recent years, state courts have been flooded with class actions. As a result of the adoption of different class action certification standards in the various states, the same class might be certifiable in one state and not another, or certifiable in state court but not in federal court. This creates the potential for abuse of the class action device, particularly when the case involves parties from multiple states or requires the application of the laws of many states.

For example, some state courts routinely certify classes before the defendant is even served with a complaint and given a chance to defend itself. Other state courts employ very lax class certification criteria, rendering virtually any controversy subject to class action treatment. There are instances where a state court, in order to certify a class, has determined that the law of that state applies to all claims, including those of purported class members who live in other jurisdictions. This has the effect of making the law of that state applicable nationwide.

The existence of state courts which broadly apply class certification rules encourages plaintiffs to forum shop for the court which is most likely to certify a purported class. In addition to forum-shopping, parties frequently exploit major loopholes in federal jurisdiction statutes to block the removal of class actions that belong in federal court. For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive federal law claims or shave the amount of damages claimed to ensure that the action will remain in state court.

Another problem created by the ability of state courts to certify class actions which adjudicate the rights of citizens of many states is that often times more than one case involving the same class is certified at the same time. In the federal court system, those cases involving common questions of fact may be transferred to one district for coordinated or consolidated pretrial proceedings.

When these class actions are pending in state courts, however, there is no corresponding mechanism for consolidating the competing suits. Instead, a settlement or judgment in any of the cases makes the other class actions moot. This creates an incentive for each class counsel to obtain a quick settlement of the case, and an opportunity for the defendant to play the various class counsel against each other and drive the settlement value down. The loser in this system is the class member whose claim is extinguished by the settlement, at the expense of counsel seeking to be the one entitled to recovery of fees.

Our bill is designed to prevent these abuses by allowing large interstate class action cases to be heard in federal court. It would expand the statutory diversity jurisdiction of the federal courts to allow class action cases involving minimal diversity—that is, when any plaintiff and any defendant are citizens of different states—to be brought in or removed to federal court.

Article III of the Constitution empowers Congress to establish federal jurisdiction over diversity cases—cases ''between citizens of different States.'' The grant of federal diversity jurisdiction was premised on concerns that state courts might discriminate against out of state defendants. In a class action, only the citizenship of the named plaintiffs is considered for determining diversity, which means that federal diversity jurisdiction will not exist if the named plaintiff is a citizen of the same state as the defendant, regardless of the citizenship of the rest of the class. Congress also imposes a monetary threshold—now $75,000—for federal diversity claims. However, the amount in controversy requirement is satisfied in a class action only if all of the class members are seeking damages in excess of the statutory minimum.

These jurisdictional statutes were originally enacted years ago, well before the modern class action arose, and they now lead to perverse results. For example, under current law, a citizen of one state may bring in federal court a simple $75,001 slip-and-fall claim against a party from another state. But if a class of 25 million product owners living in all 50 states brings claims collectively worth $15 billion against the manufacturer, the lawsuit usually must be heard in state court.

This result is certainly not what the framers had in mind when they established federal diversity jurisdiction. Our bill offers a solution by making it easier for plaintiff class members and defendants to remove class actions to federal court, where cases involving multiple state laws are more appropriately heard. Under our bill, if a removed class action is found not to meet the requirements for proceeding on a class basis, the federal court would dismiss the action without prejudice and the action could be refiled in state court.

In addition, the bill provides a number of new protections for plaintiff class members including a requirement that notices sent to class members be written in ''plain English'' and provide essential information that is easily understood. Furthermore, the bill provides judicial scrutiny for settlements that provide class members only coupons as relief for their injuries, and bars approval of settlements in which class members suffer a net loss. The bill also includes provisions that protect consumers from being disadvantaged by living far away from the courthouse. These additional consumer protections will ensure that class action lawsuits benefit the consumers they are intended to compensate.

This legislation does not limit the ability of anyone to file a class action lawsuit. It does not change anybody's rights to recovery. Our bill specifically provides that it will not alter the substantive law governing any claims as to which jurisdiction is conferred. Our legislation merely closes the loophole, allowing federal courts to hear big lawsuits involving truly interstate issues, while ensuring that purely local controversies remain in state courts. This is exactly what the framers of the Constitution had in mind when they established federal diversity jurisdiction.

I urge each of my colleagues to support this very important bipartisan legislation.

HONORING HUGH LEE GRUNDY FOR HIS DEDICATED SERVICE TO THE UNITED STATES OF AMERICA

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. FLETCHER. Mr. Speaker, today I rise to recognize Hugh Lee Grundy, a man who has devoted a lifetime of hard work and dedication to America's Armed Forces in Southeast Asia. Mr. Grundy is the retired President of Air America, an organization that served a special and undercover purpose for our nation's Central Intelligence Agency and allied countries in Asia and throughout the world. Hugh Grundy of Crab Orchard, Kentucky spent 50 to 60 years in the active world of aviation, and I am truly proud to stand here today and honor him here in the U.S. House of Representatives.

Mr. Grundy was born at Valley Hill, Kentucky on the Grundy family farm, which he now owns and operates. Mr. Grundy raised and showed saddle horses at state and county fairs while growing up. Throughout his schooling, he worked at a local Ford dealership, rising to the position of assistant General Manager. He learned to fly light planes in Central

Kentucky in his teenage years. Mr. Grundy attended Aeronautical School in California and eventually became a teacher there. He then worked for Pan American Airlines.

Mr. Grundy faithfully served his country in various capacities for more than 30 years. During World War II, Mr. Grundy served his country as an Engineering Officer and Air Crew Member. He reached the rank of Major in the United States Army in 1946. At the close of World War II, Mr. Grundy exchanged active duty for the reserves and returned to Pan American. Later he was transferred to Shanghai, China to work for the China National Aviation Corporation.

Mr. Grundy served concurrently as President of Air America, Air Asia, and Civil Air Transport from 1954 to 1976. As President of Air America, Mr. Grundy commanded over 10,000 men and women serving in Vietnam, Cambodia, Laos, and Thailand. Mr. Grundy came out of retirement twice in order to return to preside over Southern Air Transport, a company based in Miami, Florida.

In June of 2001, the CIA presented Mr. Grundy with two citations, one in his capacity as President of Civil Air Transport and Air America, and one to him personally. This was the second time Mr. Grundy was given recognition by the CIA, the first being a medal for Honorable Service upon the occasion of his retirement from Air America.

Today I rise, Mr. Speaker, to salute Mr. Grundy for his commitment to aviation, his service to our country, and his patriotic leadership throughout the years.

INTRODUCTION OF ENERGY MARKETING MONITORING ACT—H.R. 2331

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. HORN. Mr. Speaker, for the past year, the energy markets in California have been in a state of turmoil that has produced periodic blackouts, soaring prices for electricity and natural gas and a deep uncertainty about energy supplies for the future. In addition to those serious concerns, there have been a wide range of charges that energy suppliers are engaging in illegal collusion to fix market prices and gouge consumers.

Earlier this year, on January 22nd, I asked the General Accounting Office, our nonpartisan and highly professional source for detailed information on many subjects, to investigate what was happening in California and to provide an overview of information on prices and impacts on consumers, producers and electricity providers. I also requested information on the causes of price increases and problems with the reliability of energy supplies. Finally, I requested evaluation of actions taken by the Federal Energy Regulatory Commission, the state of California, and other parties involved.

Although GAO has been able to provide preliminary information regarding California's supply, demand, and market problems, there has been a significant problem in obtaining the detailed market information necessary for comprehensive analyses or evaluation. GAO interviews with these market participants have yielded only general information and it is unclear at this time whether FERC has in its possession comprehensive market data.

In short, Mr. Speaker, at a time when Congress is wrestling with the complex and highly technical issues involved in both the California market and national energy supply, our own expert agency has limited access to the information it needs to provide analysis of what is happening and recommendations on what should be done to change federal laws and regulations.

In creating the Federal Energy Regulatory Commission (FERC) in 1977 under the Department of Energy Organization Act, Congress did not explicitly address the Comptroller General's (GAO's) authority to request and subpoena information from any body subject to FERC jurisdiction. Today, I am introducing legislation to correct this problem by making clear that the GAO and the Comptroller General have the authority to request and subpoena information from energy companies or other participants subject to the jurisdiction of the Federal Energy Regulatory Commission.

This legislation clarifies the functions of the Comptroller General to include:

Monitoring and evaluating the functions and activities of FERC.

Access to market information from those subject to FERC jurisdiction including energy prices, costs, demand, supply, industry and market structure, auction processes, and environmental impacts.

Authority to issue subpoenas, and compliance with any issued subpoena, to those subject to FERC jurisdiction to carry out the responsibilities of this Act including any audit, investigation, examination, analysis, review or evaluation.

It is essential that Congress and the American people have access to detailed and unbiased information on what is happening in our energy markets. The General Accounting Office is the right source for such information and I urge my colleagues to support this legislation to make certain that GAO has the tools it needs to perform its job in monitoring our energy markets.

The text of H.R. 2331 is below:

H.R. 2331

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 ''Energy Market Monitoring Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) When Congress created the Federal Energy Regulatory Commission in 1977 under the Department of Energy Organization Act, it did not explicitly address the Comptroller General's authority to request and subpoena information from facilities or businesses engaged in energy matters related to the Federal Energy Regulatory Commission's activities. Clarification of the scope of the Comptroller General's access to such information would facilitate the Comptroller General's monitoring of the Nation's energy programs.

(2) For markets to function properly to provide consumers with goods at a competitive price, and to protect consumers from unjust prices or price manipulation, the markets must be transparent in their transactions. Although the Federal Energy Regulatory Commission is responsible for market monitoring, it is unclear whether the Federal Energy Regulatory Commission has in its possession or has requested from market participants comprehensive market data.

(3) To ensure transparency of energy markets, and to help protect both consumers and suppliers, the General Accounting Office, as the investigative arm of Congress, must have full authority to examine all markets and market participants' activities.

SEC. 3. FUNCTIONS OF COMPTROLLER GENERAL.

(a) AMENDMENT.—Title IV of the Department of Energy Organization Act (42 U.S.C. 7171–7177) is amended by adding at the end the following new section:

''FUNCTIONS OF COMPTROLLER GENERAL

''SEC. 408. (a) SCOPE OF ACTIVITIES.—The Comptroller General shall monitor and evaluate the functions and activities of the Federal Energy Regulatory Commission.

''(b) ACCESS TO INFORMATION.—Any person owning or operating facilities or business premises subject to the jurisdiction of the Federal Energy Regulatory Commission shall provide the Comptroller General with access, including the right to make copies, of any books, documents, papers, statistics, data, records, and information where such material relates to the jurisdiction of the Federal Energy Regulatory Commission, including materials related to energy prices, costs, demand, supply, industry and market structure, auction processes, and environmental impacts.

''(c) SUBPOENAS.—To assist in carrying out the Comptroller General's responsibilities under this section, including any audit, investigation, examination, analysis, review, or evaluation, the Comptroller General may issue subpoenas to any person described in subsection (b) requiring the production of any books, documents, papers, statistics, data, records, and information.

''(d) SECURING COMPLIANCE WITH SUBPOENA.—Upon petition by the Comptroller General or the Attorney General (upon request of the Comptroller General), any United States district court within the jurisdiction of which an inquiry under this section is carried out may, in the case of refusal to obey a subpoena of the Comptroller General issued under this section, issue an order requiring compliance therewith, and any failure to obey the order of the court may be treated by the court as a contempt thereof.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of title IV of the Department of Energy Organization Act is amended by adding after the item relating to section 407 the following new item:

''Sec. 408. Functions of Comptroller General.''.

INDIAN GOVERNMENT FOUND RESPONSIBLE FOR BURNING SIKH HOMES AND TEMPLE IN KASHMIR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. TOWNS. Mr. Speaker, in March 2000 when President Clinton was visiting India, 35 Sikhs were murdered in cold blood in the village of Chithi Singhpora in Kashmir. Although the Indian government continues to blame alleged ''Pakistani militants,'' two independent investigations, by the Movement Against State Repression and Punjab Human Rights Organization and the International Human Rights Organization based at Ludhiana, have proven that the Indian government was responsible for this atrocity.

Now it is clear that this was part of a pattern designed to pit Sikhs and Kashmiri Muslims against each other with the ultimate aim of destroying both the Sikh and Kashmiri freedom movements. The Kashmir Media Service reported on May 28 that five Indian soldiers were caught in Srinagar trying to set fire to a Sikh temple and some Sikh homes. Sikh and Muslim villagers overpowered the troops as they were about to sprinkle gunpowder on Sikh houses and the temple. The Border Security Forces rescued several other troops. The villagers even seized a military vehicle, which the army later had to come and reclaim.

At a subsequent protest rally, local leaders said that this incident was part of an Indian government plan to create communal riots. As such, it fits perfectly with the Chithi Singhpora massacre.

Mr. Speaker, India has been trying to commit atrocities in order to promote violence by minorities against each other. Now that the massive numbers of minorities, that the Indian government has murdered, have been exposed, the government is trying to get these same minority groups to kill each other. The plan to create more bloodshed is backfiring on the Indian government. Fortunately, the groups have joined together to oppose the government's plan.

Such a plan is an unacceptable abuse of power. As the leader for democracy in the world, we should take a stand against this government's actions, which target minority groups for violence and abuse.

Given these kinds of actions it makes it very difficult to advocate that this Administration should lift the sanctions against India. To ensure the survival and success of freedom in South Asia, our government should go on record strongly supporting self-determination for all the peoples and nations of South Asia in the form of a free and fair, internationally-monitored plebiscite. This is the best way to support democracy in all of South Asia and to create strong allies for America in that troubled region.

LOSS OF A TRUE HEROINE, MRS. SUSAN WADHAMS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. SCHAFFER. Mr. Speaker, Tuesday, Colorado lost one of its true heroines, Mrs. Susan Wadhams, of Littleton. Many of us on Capitol Hill also mourn the loss of Susan. She was my Chief of Staff and played an integral part in making many of our most celebrated legislative victories possible.

For most, Susan will be remembered for her boundless passion for America. She was an authentic patriot through and through. She enjoyed her work in the Congress and counted the opportunity a rare privilege. She utilized her station to advance the cause of freedom, liberty and human life every day she was here.

How tragic and ironic it is that her life with us has ended too soon. But Susan firmly persuaded all those around her to eventually share in her unwavering faith in God, and to take comfort in the promise of Heaven. From that standpoint, Mr. Speaker, we know that Susan's life has not ended. It is only different. She has surely joined the Community of Saints, and this I say with confidence, predicated upon what I learned about Susan as our friendship deepened.

First and foremost, Susan was a pious Christian whose devotion to the Lord was established in the ancient traditions of the Roman Catholic Church. She was a wife, a mother, and a grandmother. She lived her life within this context. Her professional accomplishments were all achieved through a consistent ethic wherein the magnanimous goal of improving the American environment for family, faith, and children became the exclusive measure of merit.

For me personally, I am deeply inspired by Susan's valor. She left Washington two years ago, returning to Colorado in order to spend more time with her husband, her family, and the community she loved. Leaving the arena of public leadership, however, was not an option for Susan.

You see, Mr. Speaker, Susan understood America from the perspective of our Nation's Founders. She went to her grave convinced that God has richly blessed the United States of America and that His design for our country was of glorious expectation and hope. She believes that each American shares a burden of honor and loyalty to the Almighty and that the essence of American citizenship entails a spiritual duty to lead through love. Susan's love for her family, friends, neighbors, and acquaintances was omnipresent though sometimes subtle or complex; yet when fully appreciated was embraced and profound, certainly invigorating, but more often, infectious. That was especially the case in our office.

Susan was a splendid woman—elegant in every way. Trivial pursuits were of no interest to her. She would not be distracted. She was focused and disciplined. She lived life the way she engaged politics—no nonsense,nothing to excess, just win. Mr. Speaker, there are dozens of elected officials whose election victories were engineered by Susan Wadhams. I'm only one among them all.

Of course, that means there have been nearly as many whose public goals were thwarted by Susan's political prowess. It's simple, Mr. Speaker, if Susan Wadhams was on your side, your chances of winning were quite good. If she was against you, you best think of another line of work. Her opponents respected her, too.

Susan's passion for America was her advantage, and her faith was her power. This was a woman who knew herself and knew the times she was in; whose confidence exuded leadership and whose leadership caused action.

Susan's battle with cancer was no less heroic. If she was ever in fear, it was well concealed. She was a model of courage, even before her affliction. Though too short, her life was complete and her legacy is unmistakable. I thank God for my acquaintance with Susan. Our friendship is one I genuinely regard as a gift of Providence. I miss Susan Wadhams, and I will never forget her.

Mr. Speaker, others have shared with me their sentiments on the passing of Susan. I am deeply grateful for the outpouring of condolence by so many, and I pledge to pass along these comments to her survivors. Their appreciation, I assure the House, will be great, too.

Mr. Speaker, at this point, I hereby submit for the RECORD the comments I've so far received, along with two press accounts of Susan's life.

For Susan, being tough as nails was second nature when dealing with politics, earning her a reputation I truly admired. However, what impressed me most about Susan was her willingness to aid women in entering the political arena. Not only was she a mentor for me, but for many other women who have crossed the Schaffer office threshold.

Susan loved life, the west, her family and friends. She once told me she loved daisies. Since then, I have not looked at a daisy, nor will I ever without remembering her. I have lost a friend.—Brandi Graham

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Susan Wadhams hired me for my first job on Capitol Hill. In my interview she said, 'Not many young women have the courage to move 2,000 miles away from their friends and family to pursue their ambitions. I think it's great that you are working to follow your dreams and I would like to be a part of helping young women like you in politics.' She opened a door for me and I will never forget that. I would not be where I am today without her. Susan left an indelible mark on all who knew her, she will be greatly missed.—Melissa Carlson, former staff member for Congressman Bob Schaffer and current Deputy Press Secretary for Governor George E. Pataki, (R–NY).

The best memory Susan ever shared with me was from her childhood in Colorado. She had a pet lamb which stayed in a pen just outside her bedroom window. When Susan went to bed at night, she would open the window and pull the lamb inside. When the lamb became too big to pull through the window, it would cry outside, unable to understand that it could no longer come in. I love this story. I'm going to miss Susan.—Kriste Kafer, the Heritage Foundation.

I'd like to add that Susan was very, very happy to be back here in Colorado with her family during this last year. We'll miss her dearly.—Kent Holsinger

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I think these sums up Susan pretty well:

Strong: Susan was perhaps one of the strongest individuals I have ever had the privilege of knowing.

Undeterred: She accomplished much through shear will and force of personality.

Smart: She possessed a lightning quick wit and a firm grasp of the issues.

Activist: Her activist nature was contagious.

Nationalist: A true patriot if there ever was one.—Rob Nanfelt

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When Susan first interviewed me for a Legislative position with Bob, something just clicked. We spent most of it talking about our lives and how much we missed Colorado. She had accomplished so much in her life. As a young staffer striving to make it in the competitive Capitol Hill environment, I was impressed by her. I wanted to learn from her success. Once I started working with Bob, I saw her as a mentor. We talked freely about God, family and the importance of focusing on the right priorities in life. She discussed her previous bout with cancer and how important it was to have access to quality health care. I am sorry she didn't make it through this time. My thoughts and prayers go out to her family. We will miss her.—Stacy Brooks

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Right up to the very end, May 15 to be exact, Susan was still thinking of others—

her son's birthday was coming up and she needed a flag flown over the Capitol, and she needed it by June 17 to present to him for his birthday. To me it really showed the love she had for her family, as well as other people.—Gwen Schwartz

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I think that she was a deep down good woman who love politics and loved to be involved. She will definitely be missed in CO and here in DC.—Eric Price

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Susan was a terrific Chief in that she possessed the management skills necessary for the position but legislatively, she was as green as the rest of us. Bob's first staff, his freshman staff, had two people with prior legislative experience and the rest of his were fresh from Colorado. We knew tons about the way Colorado's government worked, but were unfamiliar with the whole process of introducing legislation, Whip meetings, who to call if we needed a picture hung—all the little things that make an office hum. The flow of information was always two ways and we never felt as if Susan was above us, rather she was with us, learning together.

Under her guidance, our service to Coloradans was crafted to be responsive and diligent. Always steady in her convictions, Susan approached the challenges of managing the boss, and his staff, with a common sense approach. Never acting on her own self interests, she skillfully advocated the staff and their needs but maintained here authority with a ''buck stops here'' mentality. She was the best Chief a staffer could ask for. Having worked for her, I am a better person.—Marcus Dunn

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I admired her very much—she was a great mentor to me!—Marge Klein

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[From the Rocky Mountain News, June 26, 2001]

GOP Activist Susan Wadhams Dies at Age 55

CAMPAIGNER KNOWN FOR ASTUTE JUDGMENT AND LOVE OF POLITICS

(By Lynn Bartels and Michele Ames)

Susan Wadhams, who campaigned on the ground for Republican candidates while her state patrolman father flew three Colorado governors around the state, was known as a strong-willed woman who stood by her convictions.

Wadhams, the former chief of staff for U.S. Rep. Bob Schaffer and the spokeswoman for the Colorado Department of Natural Resources, died of cancer Monday.

She was 55.

''She is going to leave a terrible hole in the political fabric of Colorado,'' said Walt Kleim, a former campaign manger who hired Wadhams.

Several friends say they knew of only one other person whose interest in politics rivaled hers: her husband, Dick Wadhams, spokesman for Gov. Bill Owens.

''They were perfect for each other,'' said Roy Palmer, Owens' chief of staff. ''We've lost a great woman.''

Funeral services are pending.

Susan Marie McBreen was born May 4, 1946, in Birmingham, Ala., to Lucille and Donald McBreen, while her father was a military pilot.

After his stint in the service, Donald McBreen returned to Colorado and Elbert County and joined the Colorado State Patrol.

Donald McBreen flew three governors: John Love, John Vanderhoof and Dick Lamm.

Susan McBreen got her political start helping former U.S. Sen. Bill Armstrong in his first congressional run in 1972.

''She was a very astute judge of people and of issues,'' Armstrong said.

Susan and Dick Wadhams met in 1980 while working on former Colorado Republican Party chairman Bo Callaway's U.S. Senate race.

Klein begged Susan to leave her bank job and work for him.

''As it turned out it's one of those things you do that makes you look really smart afterward,'' said Klein, who runs a Denver marketing and advertising firm.

Susan McBreen married Dick Wadhams April 17, 1982, in Denver.

She worked as government affairs director at StorageTek in Broomfield from 1987 to 1996 before going to Washington to manage Rep. Bob Schaffer's five congressional offices.

She came home to Colorado in 1999. The next year, Greg Walcher, director of the Department of Natural Resources, hired her as communications director.

She is survived by her husband; her father; her brother; Craig, an officer with the Aurora Fire Department; two children; Khristie Barker, 33, and Gregory Farrell, 31; and two grandsons.

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[From the Denver Post, June 26, 2001]

State Figure Susan Wadhams Dies

DNR SPOKESWOMAN LOSES CANCER FIGHT

(By Fred Brown and Theo Stein)

Susan Wadhams, chief spokeswoman for the Colorado Department of Natural Resources, died Monday evening after a long struggle with cancer. She was 55.

Wadhams, the wife of Gov. Bill Owens' press secretary Dick Wadhams, had worked for the state since January 1999.

''Susan was a close personal friend,'' Owens said. ''Colorado has lost a very special person.''

As the main public information officer for the Department of Natural Resources, Wadhams had to stay current on some of the state's stickiest land management debates.

In the past year, she wrote press releases abut the state's support for the Animas-La Plata dam project, a challenge to federal population data on black-tailed prairie dogs and a controversial predator control study.

Susan Wadhams also served as head of the interdepartmental information team, which is responsible for coordinating information on oil and gas exploration, the state land board, forestry and parks.

She also was a member of the Judicial Nominating Commission for the Jefferson County district.

''She was a good person, a hard worker, and she had a pretty good understanding of how wildlife worked in the metro area,'' said Dale Lashnitz, the chief of public affairs at the Division of Wildlife, an agency within Natural Resources Department. ''She had a good understanding of how natural resources worked overall.''

Before joining the department, Wadhams had worked for three years in Washington, D.C., as chief of staff for U.S. Rep. Bob Schaffer, R-Colo.

From 1988 to 1997, she was director of government affairs for Storage Technology Corp. of Louisville and had served as the finance director for the Colorado Republican Party for three years before that.

Born May 4, 1946, in Birmingham, Ala., Wadhams moved to Colorado with her family at a young age, as her father was ending his World War II military service.

She married Dick Wadhams on April 17, 1982, in Denver.

In addition to her husband, she is also survived by their two children, Khristie Barker of Omaha and Gregory Farrell of Parker; and two grandchildren.

Mr. Speaker, Susan Wadhams was a worthy Christian, a good wife, devoted mother, and a proud grandmother. She was a great American.

In conclusion, I beg the attention of the House, that we may lift Susan up in prayer, and petition the Almighty for the Heavenly repose of her soul. May her soul and all the souls of the faithfully departed, through the Mercy of God, rest in peace. Amen.

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 Thursday, June 28, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

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 establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services.
SD–342

JULY 12

10 a.m.
Appropriations
Transportation Subcommittee
Business meeting to markup proposed legislation making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002.
SD–116

Daily Digest

HIGHLIGHTS

House Committees ordered reported 12 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S6937–S7009

Measures Introduced: Eleven bills were introduced, as follows: S. 1107–1117. **Page S6991**

Measures Reported:

Special Report entitled "Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 2002". (S. Rept. No. 107–35) **Page S6991**

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 S6937–83**

Adopted:

By a unanimous vote of 100 yeas (Vote No. 201), McCain Amendment No. 820, to clarify that nothing in the bill permits independent medical reviewers to require that plans or issuers cover specifically excluded items or services. **Pages S6963–68, S6971–72**

Rejected:

By 45 yeas to 53 nays (Vote No. 199) Allard Amendment No. 817, to exempt small employers from certain causes of action. **Pages S6937–44**

Kyl Amendment No. 818, to clarify that independent medical reviewers may not require coverage for excluded benefits and to clarify provisions relating to the independent determinations of the reviewer. (By 54 yeas to 45 nays (Vote No. 200), Senate tabled the amendment.) **Pages S6937, S6947–59, S6963**

Pending:

Thompson Amendment No. 819, to require the exhaustion of administrative remedies before a claimant goes to court. **Pages S6959–63**

Collins Amendment No. 826, to modify provisions relating to preemption and State flexibility. **Pages S6968–71**

Breaux Amendment No. 830, to modify provisions relating to the standard with respect to the continued applicability of State law. **Pages S6972–83**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 9:15 a.m., on Thursday, June 28, 2001, with votes to occur on Collins Amendment No. 826 and Breaux Amendment No. 830 (both listed above), beginning at approximately 9:45 a.m. Further, that upon the disposition of those amendments, Senator Gregg, or his designee, be recognized to offer an amendment relative to liability with 1 hour for debate equally divided prior to a vote in relation to that amendment; following which, Senators Snowe and Frist each be recognized to offer a first degree liability amendment with 4 hours for debate equally divided, and that at the conclusion or yielding back of time the Senate vote in relation to the Snowe amendment followed by a vote in relation to the Frist amendment, and that no second degree amendments be in order to any of the amendments listed in this agreement prior to a vote in relation to the amendment. **Pages S6967–68**

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report on blocking property of persons who threaten international stabilization efforts in the Western Balkans; to the Committee on Banking, Housing, and Urban Affairs. (PM–30) **Pages S6989–90**

Transmitting, pursuant to law, the Report of the Federal Labor Relations Authority for Fiscal Year 2000; to the Committee on Governmental Affairs. (PM–31) **Page S6990**

Nominations Received: Senate received the following nominations:

John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2002.

Claude M. Kicklighter, of Georgia, to be an Assistant Secretary of Veterans Affairs (Policy and Planning). Page S7009

Executive Communications: Pages S6990–91

Messages From the House: Page S6990

Measures Referred: Page S6990

Statements on Introduced Bills: Pages S6992–S7002

Additional Cosponsors: Pages S6991–92

Amendments Submitted: Pages S7002–08

Additional Statements: Pages S6986–89

Authority for Committees: Page S7008

Record Votes: Three record votes were taken today. (Total—201) Pages S6944, S6963, S6971–72

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:18 p.m., until 9:15 a.m., on Thursday, June 28, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S7008–09.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of Dionel M. Aviles, of Maryland, to be Assistant Secretary of the Navy for Financial Management and Comptroller, Reginald Jude Brown, of Virginia, to be Assistant Secretary of the Army for Manpower and Reserve Affairs, Stephen A. Cambone, of Virginia, to be Deputy Under Secretary for Policy, Michael Montelongo, of Georgia, to be Assistant Secretary of the Air Force for Financial Management and Comptroller, and John J. Young, Jr., of Virginia, to be Assistant Secretary of the Navy for Research, Development and Acquisition, all of the Department of Defense, after the nominees testified and answered questions in their own behalf. Mr. Brown was introduced by Senator Warner, Mr. Montelongo was introduced by Representative Reyes, and Mr. Young was introduced by Senators Stevens and Inouye.

DEFENSE PRODUCTION ACT

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy held hearings on proposed legislation authorizing funds for fiscal years 2002–2004 for the Defense Production Act, receiving testimony from Kenneth I. Juster, Under Secretary of Commerce for Export Administration; Michael D. Brown, General Counsel, Federal Emergency Management Agency; Eric J. Fygi, Deputy General Counsel, Department of Energy; and Delores M. Etter, Acting Director, Defense Research and Engineering, Department of Defense.

Hearings recessed subject to call.

ECONOMIC OUTLOOK

Committee on the Budget: Committee held hearings to examine the economic slowdown and its impact on productivity, the federal budget, and the outlook of the United States economy, receiving testimony from Martin N. Baily, Institute for International Economics, Washington, D.C., former Chairman of the Council of Economic Advisers; William C. Dudley, Goldman, Sachs, and Company, New York, New York; and Brian S. Wesbury, Griffin, Kubik, Stephens and Thompson, Inc., Chicago, Illinois, former Chief Economist for the Joint Economic Committee.

Hearings continue tomorrow.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded hearings on the nominations of Vicky A. Bailey, of Indiana, to be Assistant Secretary of Energy for International Affairs and Domestic Policy, and John W. Keys III, of Utah, to be Commissioner of Reclamation, and Frances P. Mainella, of Florida, to be Director of the National Park Service, both of the Department of the Interior, after the nominees testified and answered questions in their own behalf. Ms. Baily was introduced by Senator Bayh, Mr. Keys was introduced by Senator Bennett, and Ms. Mainella was introduced by Senators Graham and Bill Nelson.

PRESCRIPTION FRAUD

Committee on Finance: Committee held hearings to examine prescription fraud, focusing on the General Accounting Office report into consultants who advise health care providers how to take unfair advantage of the Medicare system, improperly bill the government, and circumvent compliance regulations, causing the loss of millions in taxpayers' dollars and inadequate treatment for the elderly, receiving testimony from Robert H. Hast, Managing Director, and William D. Hamel, Assistant Director of Investigations, both of the Office of Special Investigations, General Accounting Office; Marjorie Kanof, Deputy Director for Payment Policy, Center for Medicare Management, Centers for Medicare and Medicaid Services, and Lewis Morris, Assistant Inspector General for Legal Affairs, Office of Inspector General, both of the Department of Health and Human Services; and Kathryn Locatell, Sacramento, California.

Hearings recessed subject to call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Clark T. Randt, Jr.,

of Connecticut, to be Ambassador to the People's Republic of China, Douglas Alan Hartwick, of Washington, to be Ambassador to the Lao People's Democratic Republic, Charles J. Swindells, of Oregon, to be Ambassador to New Zealand, and to serve concurrently and without additional compensation as Ambassador to Samoa, Pierre-Richard Prosper, of California, to be Ambassador at Large for War Crimes Issues, William A. Eaton, of Virginia, to be Assistant Secretary for Administration, Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, and Clark Kent Ervin, of Texas, to be Inspector General, all of the Department of State, after the nominees testified and answered questions in their own behalf. Mr. Swindells was introduced by Senators Gordon Smith and Wyden, Mr. Taylor was introduced by Senator Sarbanes, and Mr. Ervin was introduced by Senators Gramm and Hutchison.

NURSING SHORTAGE

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded 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, after receiving testimony from Rachael Weinstein, Director, Clinical Standards Group, Office of Clinical Standards and Quality, Centers for Medicare and Medicaid Services, and Denise H. Geolot, Director, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, both of the Department of Health and Human Services; Rear Adm. Kathleen L. Martin, USN, Director, Navy Nurse Corps; Janet Heinrich, Director, Health Care-Public Health Issues, General Accounting Office; Ann O'Sullivan, Illinois Nursing Association, Springfield, on behalf of the American Nurses Association; Gary A. Mecklenburg, Northwestern Memorial Healthcare, on behalf of the American Hospital Association, and Lynn Martin and Mary Jo Snyder, both of the University of Illinois Nursing Institute, all of Chicago, Illinois; Carol Anne Bragg, Professional Staff Nurses Association, Washington, D.C., on behalf of the Service Employees International Union (AFL–CIO); and J. David Cox, Veterans Affairs Medical Center, Salisbury, North Carolina, on behalf of the American Federation of Government Employees (AFL–CIO).

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

DEATH PENALTY

Committee on the Judiciary: Committee concluded hearings to examine the protection of the innocent, focusing on competent counsel in death penalty cases, and related provisions of S. 486, the Innocence Protection Act of 2001, after receiving testimony from Senators Gordon Smith and Collins; Representatives Delahunt and LaHood; Alabama Attorney General William H. Pryor, Jr., Montgomery; Texas State Senator Rodney G. Ellis, Austin; Ronald Eisenberg, Deputy District Attorney, Philadelphia, Pennsylvania; Kevin Brackett, Deputy Solicitor General of the 16th Circuit, York, South Carolina; Stephen B. Bright, Southern Center for Human Rights, Atlanta, Georgia; Beth A. Wilkinson, Latham and Watkins, Washington, D.C., on behalf of the Constitution Project's Death Penalty Initiative; and Michael R. Graham, Roanoke, Virginia.

ELECTION REFORM

Committee on Rules and Administration: Committee held hearings to examine a report from the U.S. Commission on Civil Rights regarding the November 2000 election and election reform in general, receiving testimony from Mary Frances Berry, Chairperson, and Abigail M. Thernstrom, Commissioner, both of the U.S. Commission on Civil Rights; Ohio Secretary of State J. Kenneth Blackwell, Columbus; Hilary Shelton, National Association for the Advancement of Colored People, Baltimore, Maryland; Raul Yzaguirre, National Council of La Raza, Carolyn Jefferson-Jenkins, League of Women Voters of the United States, and James C. Dickson, American Association of People with Disabilities, all of Washington, D.C.; and Larry J. Sabato, University of Virginia Center for Governmental Studies, Charlottesville.

Hearings recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 29 public bills, H.R. 2325–2353; and 6 resolutions, H. Con. Res. 175–177, and H. Res. 181–183, were introduced. **Pages H3711–13**

Reports Filed: Reports were filed as follows:

H.J. Res. 36, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (H. Rept. 107–115);

H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002 (H. Rept. 107–116);

H. Res. 182, providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period (H. Rept. 107–117); and

H. Res. 183, providing for consideration of H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002 (H. Rept. 107–118). **Page H3711**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Shaw to act as Speaker pro tempore for today. **Page H3621**

Guest Chaplain: The prayer was offered by the guest Chaplain, Bishop Michael Tyrone Cushman, General Overseer, National Association of the Church of God of West Middlesex, Pennsylvania. **Page H3621**

Journal: The House agreed to the Speaker's approval of the Journal of Tuesday, June 26 by a yea-and-nay vote of 368 yeas to 49 nays with 1 voting "present," Roll No. 195. **Pages H3621, H3627–28**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Honoring the Sacrifice and Heroism of the Late Firefighters John J. Downing, Brian Fahey, and Harry Ford: H. Res. 172, honoring John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters (agreed to by a yea-and-nay vote of 424 yeas with none voting "nay", Roll No. 197); **Pages H3628–35, H3645**

Brown v. Board of Education 50th Anniversary Commemoration Commission: H.R. 2133, amended, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education (agreed to by a yea-and-nay vote of 414 yeas to 2 nays, Roll No. 198); and **Pages H3635–41, H3645–46**

Child Passenger Protection Education Grants: H.R. 691, to extend the authorization of funding for child passenger protection education grants through fiscal year 2003. **Pages H3686–88**

Energy and Water Development Appropriations Act for Fiscal Year 2002: The House completed general debate and began considering amendments to H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002. Consideration of the bill will resume on June 27. **Pages H3646–84**

Pursuant to the rule, the amendment printed in H. Rept. 107–114 that strikes Title I section 103 dealing with an alternative analysis of Auburn Dam as a part of the Sacramento district's current American River watershed long-term study was considered as adopted. **Page H3657**

Amendment Proceedings Postponed:

Further proceedings on the following amendments that were offered and debated were postponed until Thursday, June 28:

Tancredo amendment that seeks to increase funding for renewable alternative energy programs by $8.9 million with offsets of $9.9 million from the Corps of Engineer funding for general investigations; **Pages H3657–58**

Tancredo amendment No. 4 printed in the Congressional Record of June 26 that seeks to strike Title 1 section 105 that deals with the 65% Federal to 35% local cost sharing formula for coastal shore protection and beach replenishment programs; **Pages H3662–68**

Hinchey amendment that seeks to increase funding for renewable alternative energy programs by $50 million with offsets of $60 million from the National Nuclear Security Administration Stockpile Stewardship program; **Pages H3669–71**

Kucinich amendment No. 2 printed in the Congressional Record of June 26 that seeks to decrease funding for the National Ignition Facility by $122.5 million and increase funding for nuclear nonproliferation activities by $66 million; and **Pages H3672–76**

Bonior amendment that seeks to prohibit oil or gas drilling in any of the Great Lakes, Lake Saint Clair, or the Saint Mary's, Saint Clair, Detroit, Niagara, or Saint Lawrence Rivers. **Pages H3676–84**

Earlier, the House agreed to H. Res. 180, the rule that is providing for consideration of the bill by a

yea-and-nay vote of 425 yeas to 1 nay, Roll No. 196. Pages H3641–44

Further Consideration of Energy and Water Development Appropriations: Agreed that during further consideration of H.R. 2311, Energy and Water Development Appropriations, no further amendments shall be in order except: Amendments offered by Representative Traficant (drilling) and Representative Berkeley (nuclear waste), each debatable for 20 minutes; Amendments offered by Representative Traficant (Buy American), Representative Eddie Bernice Johnson of Texas (bio/environmental research) and Representative Kelly (Nuclear Regulatory Commission Inspector General salaries and expenses), each debatable for 10 minutes; and an amendment offered by Representative Davis of Florida (gulfstream natural gas pipeline), debatable for 60 minutes. Pages H3684–85

Fourth of July District Work Period: The House agreed to H. Con. Res. 176, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. Page H3684

Meeting Hour—Thursday, June 28: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. on Thursday, June 28. Page H3685

Presidential Messages: Read the following messages from the President:

Federal Labor Relations Authority: Message wherein he transmitted the Twenty-second Annual Report of the Federal Labor Relations Authority for Fiscal Year 2000—referred to the Committee on Government Reform; and Page H3685

National Emergency Declared Re Macedonia, Serbia, Federal Republic of Yugoslavia and Elsewhere in the Western Balkans: Message wherein he reported the declaration of a national emergency in response to the threat posed to the national security and foreign policy of the United States by actions of persons engaged in or supporting extremist violence in the former Yugoslav Republic of Macedonia, southern Serbia, the Federal Republic of Yugoslavia, and elsewhere in the Western Balkans region referred to the Committee on International Relations and ordered printed (H. Doc. 107–91). Pages H3685–86

Commission on International Religious Freedom: The Chair announced the Speaker's appointment, upon the Recommendation of the Minority Leader, of Ms. Leila Sadat of St. Louis, Missouri and Ms. Felice Gaer of Paramus, New Jersey to the Commission on International Religious Freedom. Page H3688

Discharge Petition: Pursuant to Clause 2 of Rule XV, Representative Inslee presented to the Clerk a motion to discharge the Committee on Rules from the consideration of H. Res. 165, providing for consideration of H.R. 1468, to stabilize the dysfunctional wholesale power market in the Western United States (Discharge Petition No. 2).

Amendments: Amendments ordered printed pursuant to the rule appear on pages H3714–15.

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of the House today and appear on pages H3627–28, H3644, H3645, and H3645–46. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:10 p.m.

Committee Meetings

AGRICULTURAL RESEARCH REVIEW

Committee on Agriculture: Subcommittee on Conservation, Credit, Rural Development and Research held a hearing to review agricultural research. Testimony was heard from the following officials of the USDA: Colien Hefferan, Administrator, Cooperative State Research, Extension, Education Service; and Floyd Horn, Administrator, Agriculture Research Service; and public witnesses.

FOOD STAMP PROGRAM REVIEW

Committee on Agriculture: Subcommittee on Department Operations, Oversight, Nutrition and Forestry held a hearing to review the food stamp program. Testimony was heard from Representative Levin; Eric M. Bost, Under Secretary, Food, Nutrition, and Consumer Services, USDA; Robert E. Robertson, Director, Education, Workforce and Income Security Issues, GAO; Roger C. Viadero, Inspector General, USDA; Sonia Rivero, Commissioner, Department of Social Services, State of Virginia; Bruce Wagstaff, Deputy Director, Welfare Work Divisions, Department of Social Services, State of California; Douglas E. Howard, Director, Family Independence Agency, State of Michigan; Jennifer Reinert, Secretary, Department of Workforce Development, State of Wisconsin; Jerry W. Friedman, Executive Deputy Commissioner, Department of Human Services, State of Texas; and public witnesses.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary, approved for full Committee action the Commerce, Justice, State and Judiciary appropriations for fiscal year 2002.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs approved for full Committee action the Foreign Operations, Export Financing and Related Programs appropriations for fiscal year 2002.

QUALITY OF LIFE IN KOREA

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Quality of Life in Korea. Testimony was heard from the following officials of the Department of Defense: Adm. Dennis C. Blair, USN, Commander in Chief, U.S. Pacific Command; Gen. Thomas A. Schwartz, USA, Commander, U.S. Forces Korea, Commander in Chief, United Nations Command/Combined Forces Command; Raymond F. DeBois, Jr., Deputy Under Secretary, Installations and Environment; Chief Master Sgt. Steve Sullens, USAF, and Sgt. Dwayne Dozier, USA; and a public witness.

VIEQUES—MILITARY TRAINING

Committee on Armed Services: Held a hearing on military training on the island of Vieques. Testimony was heard from the following officials of the Department of Defense: Paul Wolfowitz, Deputy Secretary; Gordon R. England, Secretary of the Navy; Adm. Vern Clark, USN, Chief of Naval Operations; and Gen. Michael J. Williams, USMC, Assistant Commandant, U.S. Marine Corps.

ATOMIC ENERGY DEFENSE ACTIVITIES

Committee on Armed Services: Subcommittee on Military Procurement held a hearing on the budget for atomic energy defense activities of the Department of Energy. Testimony was heard from the following officials of the Department of Energy: Gen. John A. Gordon, USAF (Ret.), Administrator, National Nuclear Security Administration; and Carolyn L. Huntoon, Acting Assistant Secretary, Environmental Management.

BUDGET ENFORCEMENT ACT—FORTHCOMING EXTENSION/MODIFICATION

Committee on the Budget: Held a hearing on Forthcoming Extension/Modification of the Budget Enforcement Act (Spending Caps and PAYGO). Testimony was heard from Representative Sabo; Mitchell E. Daniels, Jr., Director, OMB; Dan L. Crippen, Director, CBO; former Representative Leon Panetta of California; and public witnesses.

SALES INCENTIVE COMPENSATION ACT

Committee on Education and the Workforce: Subcommittee on Workforce Protections approved for full Committee action H.R. 2070, Sales Incentive Compensation Act.

HYDROELECTRIC RELICENSING AND NUCLEAR ENERGY

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing on Hydroelectric relicensing and nuclear energy. Testimony was heard from Richard A. Meserve, Chairman, NRC; the following officials of the Department of Energy: William D. Magwood, Director, Office of Nuclear Energy, Science and Technology; and Curtis T. Hebert, Jr., Chairman, Federal Energy Regulatory Commission; Barry T. Hill, Director, Natural Resources and Environment, GAO; and pubic witnesses.

PUBLIC HEALTH NEEDS

Committee on Energy and Commerce: Subcommittee on Health held a hearing on Advancing the Health of the American People: Addressing Various Public Health Needs, focusing on the following measurers: H.R. 293, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary of Indian Health; H.R. 632, Men's Health Act of 2001; H.R. 717, Duchenne Muscular Dystrophy Childhood Assistance, Research and Education Amendments of 2001; H.R. 943, Flu Vaccine Availability Act of 2001; H.R. 1340, Biomedical Research Assistance Voluntary Option Act; H. Con. Res. 25, expressing the sense of the Congress regarding tuberous sclerosis; H. Con. Res. 36, urging increased Federal funding for Juvenile (Type1) diabetes research; H. Con. Res. 61, expressing support for a National Reflex Sympathetic Dystrophy (RSA) Awareness Month; and H. Con. Res. 84, supporting the goals of Red Ribbon Week in promoting drug-free communities. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported the following: as amended, the Financial Services Antifraud Network Act of 2001; and H.R. 1850, Senior Housing Commission Extension Act of 2001.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported the following measures: H.R. 2069, as amended, Global Access to HIV/AIDs Prevention, Awareness, Education and Treatment Act of 2001; and H. Con. Res. 158, expressing the sense of Congress in support of victims of torture.

ORGANS FOR SALE

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Organs For Sale: China's Growing Trade and Ultimate Violations of Prisoners' Rights. Testimony was heard from Michael E. Parmly, Principal Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor, Department of State; and public witnesses.

TECHNOLOGY, EDUCATION, AND COPYRIGHT HARMONIZATION ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on S. 487, Technology, Education, and Copyright Harmonization Act of 2001. Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action the following bills: H.R. 2278, to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States; H.R. 2277, to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors; H.R. 2276, to amend the illegal Immigration and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien; and H.R. 1840, as amended, to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported 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, for use as a senior center; H.R. 434, amended, to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California; H.R. 451, amended, Mount Nebo Wilderness Boundary Adjustment Act; H.R. 695, amended, Oil Region National Heritage Area Act; H.R. 1628, El Camino Real de los Tejas National Historic Trail Act of 2001; H.R. 427, to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon; H.R. 1937, amended, Pacific Northwest Feasibility Studies Act of 2001; and H.R. 2187, amended, 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.

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2002. The rule waives all points of order against the bill. The rule provides that the bill shall be considered for amendment by paragraph. The rule provides that the amendment printed in the report of the Committee on Rules accompanying the rule shall be considered as adopted. The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI (prohibiting unauthorized or legislative provision in a general appropriations bill). The rule allows the Chairman of the Committee of the Whole 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 Bonilla, Smith of Michigan; Kaptur, DeLauro, Clayton and Thompson of Mississippi.

INDEPENDENCE DAY DISTRICT WORK PERIOD—ADJOURNMENT RESOLUTION

Committee on Rules: Granted, by voice vote, a resolution providing for the consideration of a concurrent resolution providing for the adjournment of the House and Senate for the Independence Day district work period. All points of order against consideration of the resolution are waived. The resolution lays H. Res. 179 on the table.

VOTING TECHNOLOGY STANDARDS ACT

Committee on Science: Subcommittee on Environment, Technology, and Standards approved for full Committee action, as amended, H.R. 2275, Voting Technology Standards Act of 2001.

BRIEFING—COUNTERTERRORISM ISSUES

Select Committee on Intelligence: Working Group on Terrorism and Homeland Security and the Subcommittee on Intelligence Policy and National Security met in executive session to receive a joint briefing on Counterterrorism Issues. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 28, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Special Committee on Aging: to hold hearings to examine long term care, focusing on preparation for the aging baby boom generation, 10 a.m., SD–226.

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the new Federal Farm Bill, 9 a.m., SD–106.

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Communications Commission and Securities and Exchange Commission, 10 a.m., SD–192.

Subcommittee on Interior, business meeting to mark up proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, 10 a.m., S–128, Capitol.

Subcommittee on Transportation, to hold hearings to examine the status of intercity transportation, focusing on airways and railways, 10:30 a.m., SD–138.

Full Committee, business meeting to mark up proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, 2 p.m., S–128, Capitol.

Committee on 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, 2:30 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings on proposed legislation authorizing funds for the Iran and Libya Sanctions Act, 10:30 a.m., SD–538.

Committee on the Budget: to hold hearings to examine the status of the budget surplus, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine the Surface Transportation Board rail merger rules, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the National Research Council report on climate change issues, focusing on science and technology studies, 9:30 a.m., SD–366.

Committee on Foreign Relations: Subcommittee on African Affairs, to hold hearings to examine Zimbabwe's political and economic crisis, 2 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine the impact of electric industries restructuring on system reliability, 9:30 a.m., SD–342.

Committee on 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, 10 a.m., SR–485.

Committee on Rules and Administration: to hold hearings to examine election reform issues, 10 a.m., SR–301.

Committee on Veterans' Affairs: to hold hearings on proposals providing for certain Veteran's benefits, including S. 131; S. 228; S. 409; S. 457; S. 662; S. 781; S. 912; S. 937; S. 1063; S. 1088; S. 1089; S. 1090; S. 1091; and S. 1093, 10 a.m., SR–418.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition and Forestry, hearing to review forestry programs, 10 a.m., 1300 Longworth.

Subcommittee on Specialty Crops and Foreign Agriculture Programs, hearing to review foreign trade programs, 10 a.m., 1302 Longworth.

Committee on Armed Services, hearing on the fiscal year 2002 National Defense Authorization budget request, 9 a.m., 2118 Rayburn.

Special Oversight Panel on Terrorism, hearing on force protection at U.S. military installations, 1 p.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, to mark up H.R. 1992, Internet and Education Equity Act of 2001, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials, hearing on the following brownfields measures: S. 350, Brownfields Revitalization and Environmental Restoration Act of 2001; the Gillmor Discussion Draft; and the Democratic Discussion Draft, 10 a.m., 2322 Rayburn.

Subcommittee on Health and the Subcommittee on Oversight and Investigations, joint hearing on Patients First: A 21st Century Promise to Ensure Quality and Affordable Health Coverage, 10:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth, hearing entitled "ESIGN-Encouraging the Use of Electronic Signatures in the Financial Services Industry," 9:30 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on the Reauthorization of the Drug Free Communities Act, 10 a.m., 2154 Rayburn.

Subcommittee on Technology and Procurement Policy, hearing on the Best Services at the Lowest Price: Moving Beyond a Black-and-White Discussion of Outsourcing, 2 p.m., 2154 Rayburn.

Committee on House Administration, hearing and mark up Campaign Finance Reform legislation. 1:15 p.m., 1310 Longworth.

Committee on International Relations, Subcommittee on the Western Hemisphere, to mark up H. Res. 181, congratulating President-elect Alejandro Toedo on his election to the Presidency of Peru, congratulating the people of Peru for the return of democracy to Peru, and expressing sympathy for the victims of the devastating earthquake that struck Peru on June 23, 2001; followed by a hearing on A Review of the Andean Initiative, 11 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following measures: H.Con.Res. 16, expressing the sense of Congress that the George Washington letter to Tuoro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American Constitutional guarantee of religious freedom; and H.R. 7, Charitable Choice Act of 2001, 10 a.m., 2141 Rayburn.

Committee on Science, Subcommittee on Environment, Technology, and Standards, hearing on Standards-Setting and United States Competitiveness, 2 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up the Fiscal year 2002 Capital Investment Program, 11 a.m., 2253 Rayburn.

Subcommittee on Water Resources and Environment, hearing on the National Academy of Science's National Research Council Report on Assessing the Scientific Basis of the Total Maximum Daily Load Approach to Water Pollution Reduction, 9:30 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on Child Support and Fatherhood Proposals, 2 p.m., 1100 Longworth.

Subcommittee on Social Security, hearing on Social Security Disability Programs' Challenges and Opportunities, 2 p.m., B–318 Rayburn.

Select Committee on Intelligence, Subcommittee on Technical and Tactical Intelligence, executive, hearing on NIMA, 10 a.m., H–405 Capitol.

Next Meeting of the **SENATE**

9:15 a.m., Thursday, June 28

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1052, Patients' Bill of Rights, with votes to occur on Collins Amendment No. 826 and Breaux Amendment No. 830, beginning at approximately 9:45 a.m. Further, that upon the disposition of those amendments , Senator Gregg, or his designee, be recognized to offer an amendment relative to liability with 1 hour for debate equally divided prior to a vote in relation to that amendment; following which, Senators Snowe and Frist each be recognized to offer a first degree liability amendment with 4 hours for debate equally divided, and that at the conclusion or yielding back of time, the Senate vote in relation to the Snowe amendment followed by a vote in relation to the Frist amendment.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Thursday, June 28

House Chamber

Program for Thursday: Consideration of H.R. 2311, Energy and Water Development Appropriations (completed consideration); and

Consideration of H.R. 2330, Agriculture, Rural Development, FDA, and Related Agencies Appropriations (open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Akin, W. Todd, Mo., E1225
Barcia, James A., Mich., E1227
Bereuter, Doug, Nebr., E1222
Brady, Robert A., Pa., E1222
Camp, Dave, Mich., E1220, E1223
Clement, Bob, Tenn., E1229
Coble, Howard, N.C., E1226
Engel, Eliot L., N.Y., E1229
Etheridge, Bob, N.C., E1223
Fletcher, Ernie, Ky., E1234
Goodlatte, Bob, Va., E1234
Granger, Kay, Tex., E1227
Hansen, James V., Utah, E1232
Horn, Stephen, Calif., E1235
Houghton, Amo, N.Y., E1225
Hoyer, Steny H., Md., E1229
Inslee, Jay, Wash., E1226
Johnson, Eddie Bernice, Tex., E1232
Kanjorski, Paul E., Pa., E1221, E1224
Kucinich, Dennis J., Ohio, E1231
Lewis, Jerry, Calif., E1228
Lipinski, William O., Ill., E1222, E1224
Lofgren, Zoe, Calif., E1232
Moran, James P., Va., E1228
Murtha, John P., Pa., E1228
Paul, Ron, Tex., E1219
Portman, Rob, Ohio, E1222, E1224
Rehberg, Dennis R., Mont., E1223
Roukema, Marge, N.J., E1225
Schaffer, Bob, Colo., E1236
Shaw, E. Clay, Jr., Fla., E1233
Skelton, Ike, Mo., E1227
Stark, Fortney Pete, Calif., E1225
Towns, Edolphus, N.Y., E1233, E1235
Underwood, Robert A., Guam, E1226
Watkins, Wes, Okla., E1231

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